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Agenda item 25

- (a) QUESTION OF THE 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 THE USE OF THEIR RESOURCES IN THE INTERESTS OF MANKIND
- (b) MARINE POLLUTION AND OTHER HAZARDOUS AND HARMFUL EFFECTS WHICH MIGHT ARISE FROM THE EXPLORATION AND EXPLOITATION OF THE SEA-BED AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, BEYOND THE LIMITS OF NATIONAL JURISDICTION
- (c) VIEWS OF MEMBER STATES ON THE DESIRABILITY OF CONVENING AT AN EARLY DATE A CONFERENCE ON THE LAW OF THE SEA
- (d) QUESTION OF THE BREADTH OF THE TERRITORIAL SEA AND RELATED MATTERS

Report of the First Committee

Rapporteur: Mr. Zdeněk ČERNÍK (Czechoslovakia)

1. An item entitled "Question of the 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 the use of their resources in the interests of mankind: (a) Report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction; (b) Marine pollution and other hazardous and harmful effects which might arise from the exploration of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction: report of the Secretary-General; (c) Views of Member States on the desirability of convening at an early date a conference on the law of the sea: report of the

Secretary-General" was included by the Secretary-General in the provisional agenda of the twenty-fifth session on the basis of General Assembly resolutions 2467 B (XXIII) of 21 December 1968 and 2574 A, B and C (XXIV) of 15 December 1969.

2. At the request of Bulgaria, Syria and the Union of Soviet Socialist Republics in a letter dated 15 August 1970 (A/8047), subsequently joined by Hungary (A/8047/Add.1), Poland (A/8047/Add.2/Rev.1), Iraq (A/8047/Add.3) and Czechoslovakia (A/8047/Add.4), an item entitled "Question of the breadth of the territorial sea and related matters" was included in the supplementary list of items (A/8050/Rev.1).

3. At its 188th meeting, on 17 September 1970, the General Committee recommended the inclusion of both items in the agenda and, by 13 votes to 4, with 5 abstentions, it decided to recommend that the two items should be combined and worded as four sub-items:

- (a) Question of the 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 the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction;
- (b) Marine pollution and other hazardous and harmful effects which might arise from the exploration and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction: report of the Secretary-General;
- (c) Views of Member States on the desirability of convening at an early date a conference on the law of the sea: report of the Secretary-General;
- (d) Question of the breadth of the territorial sea and related matters.

After rejecting by 13 votes to 6, with 5 abstentions, a proposal of the USSR to allocate sub-items (c) and (d) to the Sixth Committee, the General Committee recommended by a vote of 15 to none, with 9 abstentions, that the item as a whole, in its amended form, should be allocated to the First Committee.

4. The General Assembly, at its 1843rd plenary meeting, on 18 September, rejected, by 69 votes to 18, with 23 abstentions, a proposal by the Soviet Union that sub-items (c) and (d) be allocated to the Sixth Committee, and adopted the recommendation of the General Committee that the item as reworded should be allocated to the First Committee.

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5. The First Committee considered the item at its 1773rd to 1789th meetings, from 25 November to 8 December, and at its 1794th to 1796th meetings, from 11 to 14 December and its 1798th to 1801st meetings on 15 and 16 December. Following introductory statements by the Secretary-General, and by the Rapporteur and the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, the First Committee held a general debate on all four sub-items concurrently from the 1773rd to the 1789th meetings. A general debate on the draft resolutions and amendments thereto took place at the 1794th to 1796th and 1799th and 1800th meetings, held between 11 and 16 December. The Committee voted on the draft resolutions and amendments at the 1798th to 1800th meetings on 15 and 16 December.

6. The First Committee had before it the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction;<sup>1/</sup> the report of the Secretary-General entitled "Marine pollution and other hazardous and harmful effects which might arise from the exploration and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction" (A/7924); and the report of the Secretary-General on the views of Member States on the desirability of convening at an early date a conference on the law of the sea (A/7925 and Add.1-3).

7. The First Committee also had before it a letter dated 24 November from the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction addressed to the Chairman of the First Committee, transmitting the text of a draft declaration of principles governing the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (A/C.1/L.542).

8. Seven draft resolutions with revisions and amendments were submitted to the First Committee.

9. A draft resolution was submitted on 18 November by the United States (A/C.1/L.536), subsequently co-sponsored by the Dominican Republic. A revised text was submitted on 12 December (A/C.1/L.536/Rev.1) and introduced by the representative of the United States at the 1795th meeting, on 12 December. It read as follows:

"The General Assembly,

"Recalling its resolutions 798 (VIII) of 7 December 1953, 1105 (XI) of 21 February 1957 and 2574 A (XXIV) of 15 December 1969,

"Recalling further its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969,

"Taking into account the results of the consultations undertaken by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV) which indicate widespread support for the holding of a comprehensive conference on the law of the sea,

"Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

"Noting that the political, economic, scientific and technological realities of the last decade have accentuated the need for progressive development of the law of the sea,

"Having regard to the fact that many of the present States Members of the United Nations did not take part in the United Nations conferences on the law of the sea held at Geneva in 1958 and 1960,

"Recognizing that scientific development and rapidly expanding technological capabilities underscore the importance of prompt action by the international community, particularly with regard to resources of the marine environment,

"Convinced that international co-operation and the conclusion of new treaty arrangements with respect to questions concerning the law of the sea would assist in promoting the principles and purposes of the Charter of the United Nations,

"Affirming that such treaty arrangements must seek to accommodate the interests and needs of all States, whether land-locked or coastal, taking into account the interests and needs of the developing countries, particularly those which are land-locked,

"Having considered the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

"Convinced that a new conference on the law of the sea would have to be carefully prepared to ensure its success and that the preparatory work ought to start as soon as possible after the termination of the twenty-fifth session of the General Assembly, drawing on the experience already accumulated in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

# I

"1. Decides to convene in 1973 an International Conference on the Law of the Sea to deal with a broad range of existing issues relating to the law of the sea, particularly in order to conclude one or more international agreements with respect to an equitable international régime for the area and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, including appropriate international machinery, a precise definition of the area, and related anti-pollution measures, on the basis of the Declaration of Principles contained in resolution \_\_\_\_\_ (XXV), as well as the breadth of the territorial sea and the related matters of international straits and fishing rights of coastal States in adjacent areas of the high seas, the conservation of the living resources of the high seas, the effective regulation of marine activities in order to prevent pollution and such other related matters as the conference may decide upon;

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"2. Decides to determine at its twenty-sixth session the precise date, location and other pertinent details relating to the convening of the conference, taking into account the progress made by that time.

## II

"1. Decides to enlarge the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction by \_\_\_\_\_ additional members, taking into account equitable geographic representation;

"2. Instructs the enlarged Sea-Bed Committee in the capacity of the Preparatory Committee for the new International Conference on the Law of the Sea to hold two meetings at Geneva in March/April and August 1971, to prepare for the conference draft treaty articles on the international régime and on all other matters referred to in paragraph 1 of Part I of this resolution, and on such other related matters as the Committee may decide to recommend for consideration;

"3. Authorizes the Committee to establish such subsidiary bodies as it deems necessary for the carrying out of its mandate;

"4. Refers to the Committee the relevant records of the General Assembly and the specialized agencies;

"5. Requests the Secretary-General to render the Committee all the assistance it may require to facilitate its preparatory functions, including the submission to it of such documentation pertinent to this item as may be provided by Governments, the specialized agencies, and intergovernmental bodies;

"6. Requests the Committee to prepare, as appropriate, reports on the progress of its work to the General Assembly;

"7. Requests the Secretary-General to circulate those reports to Member States and Observers to the United Nations for their comments and observations;

"8. Decides to invite other Member States which are not appointed to the Committee to participate as observers and be heard on the specific points;

"9. Decides that the enlarged Committee, as well as its subsidiary organs, shall have summary records of their proceedings;

"10. Invites UNESCO and its IOC, FAO and its Committee on Fisheries, IMCO, WMO, IAEA and other intergovernmental bodies and specialized agencies concerned to co-operate with the Committee in the implementation of the present resolution in particular by providing scientific and technical documentation on matters falling within their competence.

## III

"Requests the Secretary-General to ascertain the views of Member States regarding the desirability of holding a preparatory session of the conference in the summer of 1972 open to all participants at which no final decisions would be reached."

10. Amendments to the above revised draft resolution were submitted on 12 December by the United Kingdom (A/C.1/L.561). They provided as follows:

"1. In part I, operative paragraph 1, tenth line, delete all words after 'adjacent areas of the high seas', and replace by the following:

'questions of marine pollution other than those related to the sea-bed régime in the light of the work undertaken and results achieved by the relevant international organizations and conferences, and such other specific measures as the General Assembly may decide upon;'

"2. In part I, operative paragraph 2, after the word 'conference', the words 'as well as the precise agenda and the further organization of preparatory work'.

"3. In part II, operative paragraph 2, fourth line, delete all words after the word 'resolution' and replace by the following:

'and at its discretion, submit to the General Assembly at its twenty-sixth session proposals for further specific matters for inclusion in the agenda of the Conference;'. "

11. A draft resolution was submitted on 19 November by Brazil and Trinidad and Tobago (A/C.1/L.539). It read as follows:

"The General Assembly,

"Recalling its resolutions 798 (VIII) of 7 December 1953, 1105 (XI) of 21 February 1957 and 2574 (XXIV) of 15 December 1969,

"Taking into account the results of the consultations undertaken by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV) which indicate widespread support for the holding of a comprehensive conference on the law of the sea,

"Having regard to the fact that the problems of ocean space are closely interrelated and should be dealt with as a whole,

"Noting that the political, economic and technological realities of the last decade have accentuated the need for progressive development of the law of the sea,

"Convinced that the elaboration of an equitable international régime for the sea-bed and the ocean floor lying beyond the limits of national jurisdiction would facilitate agreement on the questions to be examined at such a conference,

"Convinced further that a new conference on the law of the sea should be carefully and methodically prepared to ensure its success,

"Taking into consideration the view that a new conference should be convened only after studies and consultations reveal that grounds exist for a reasonable expectation of agreement on the issues,

"1. Deems it desirable to convene, in the near future, a conference on the law of the sea which would deal with the broad range of existing issues relating to the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation of the living resources of the high seas, and questions relating to pollution and scientific research, in the light of the international régime to be established for the sea-bed and ocean floor beyond the limits of national jurisdiction;

"2. Establishes an ad hoc committee composed of fifty-four States to be designated by the President of the General Assembly, having due regard to equitable geographical distribution;

"3. Instructs the ad hoc committee to examine, within the terms of paragraph 1 above, the broad range of issues in the field of the law of the sea, with a view to making recommendations as to the agenda and procedures of the proposed conference, taking into account the results of the consultations undertaken by the Secretary-General in accordance with resolution 2574 A (XXIV);

"4. Requests the ad hoc committee:

(a) To work in close co-operation with the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, with the specialized agencies concerned and with the intergovernmental bodies dealing with the problems referred to in the present resolution;

(b) To report to the General Assembly, at its twenty-sixth session, on the questions mentioned in paragraph 3 above;

"5. Invites the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction and other intergovernmental bodies concerned to co-operate fully with the ad hoc committee in the implementation of the present resolution;

"6. Requests the Secretary-General to render the ad hoc committee all the assistance it may require in legal, economic, technical and scientific matters for the efficient discharge of its mandate."

12. A draft resolution was submitted on 2 December by Chile, Kuwait, Libya and Peru (A/C.1/L.543) and subsequently co-sponsored by Algeria, the Democratic Republic of the Congo, Indonesia, Madagascar, Yugoslavia and Zambia. It was introduced by the representative of Kuwait at the 1780th meeting, on 2 December. A revised text was submitted on 11 December by the same co-sponsors (A/C.1/L.543/Rev.1 and Corr.1) with the addition of El Salvador, Iraq and Liberia, subsequently co-sponsored by Brazil, the Ivory Coast, Lebanon and Pakistan. The revised text was introduced by the representative of Kuwait at the 1796th meeting, on 14 December. For the text, see paragraph 35 below, draft resolution II A).

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13. A draft resolution was submitted on 2 December by Argentina, Australia, Brazil, Cameroon, Canada, Ceylon, Chile, Cyprus, Ecuador, El Salvador, Ethiopia, Iceland, India, Indonesia, Iran, the Ivory Coast, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Malta, Mexico, Nigeria, Norway, Pakistan, Peru, Singapore, the Sudan, Thailand, the United Arab Republic, Yemen and Yugoslavia (A/C.1/L.544), subsequently co-sponsored by Austria, Belgium, Colombia, Ghana, Guyana, Iraq, Sierra Leone, Somalia, Trinidad and Tobago and the United Republic of Tanzania. In introducing the draft resolution on behalf of the sponsors at the 1786th meeting, on 7 December, the representative of Malta requested priority for that draft. A formal proposal to this effect was made by the representative of Chile and seconded by the representative of Malta at the 1799th meeting on 8 December. The draft resolution embodied the draft declaration of principles transmitted by the Chairman of the Committee on the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/C.1/L.542) (see paragraph 7 above) (for the text see paragraph 35 below, draft resolution I).

14. A draft resolution was submitted on 7 December by Guyana, Indonesia, Jamaica, Kenya and Peru (A/C.1/L.545). A revised version of this draft resolution (A/C.1/L.545/Rev.1), with the addition of Ecuador as a co-sponsor was submitted on 9 December and was subsequently co-sponsored by Sierra Leone. It was introduced by the representative of Jamaica at the 1794th meeting, on 11 December, and read as follows:

"The General Assembly,

"Recalling its resolutions 798 (VIII) of 7 December 1953, 1105 (XI) of 21 February 1957 and 2574 A (XXIV) of 15 December 1969,

"Recalling further its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969,

"Taking into account the results of the consultations undertaken by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV) which indicate widespread support for the holding of a comprehensive conference on the law of the sea,

"Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

"Noting that the political, economic, scientific and technological realities of the last decade have accentuated the need for progressive development of the law of the sea,

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"Having regard to the fact that many of the present States Members of the United Nations did not take part in former United Nations conferences on the law of the sea,

"Convinced that the elaboration of an equitable international régime for the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction would facilitate agreement on the questions to be examined at such a conference,

"Having considered the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

"Convinced that a new conference on the law of the sea would have to be carefully prepared to ensure its success and that the preparatory work ought to start as soon as possible after the termination of the twenty-fifth session of the General Assembly, drawing on the experience already accumulated in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

"1. Notes with satisfaction the progress made so far towards the elaboration of the international régime to the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction through the Declaration of Principles adopted by the General Assembly on...;

"2. Decides to convene early in 1973, if possible, a conference on the law of the sea which would establish an equitable international régime, including an international machinery, for the area and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, and deal with a precise definition of the area, as well as with the broad range of related issues including those concerning the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation of the living resources of the high seas, the preservation of the marine environment, including inter alia the prevention of pollution, and scientific research;

"3. Reaffirms the mandate of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction set forth in resolution 2467 A (XXIII) of 21 December 1968;

"4. Decides to enlarge the said Committee by twenty-nine members, taking into account equitable geographical representation thereon;

"5. Instructs further the enlarged Committee to hold two meetings in Geneva in March-April and August 1971 in order to prepare as expeditiously as possible:

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(a) The draft of a treaty embodying the international régime including an international machinery for the area and the resources of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, taking into account the equitable sharing by all States in the benefits to be derived therefrom, bearing in mind the special interests and needs of developing countries, be they coastal or land-locked, on the basis of the Declaration of Principles governing the Sea-Bed and the Ocean Floor and the Subsoil thereof beyond the Limits of National Jurisdiction adopted by the General Assembly on...;

(b) A comprehensive list of subjects and issues relating to the law of the sea referred to in operative paragraph 2 which should be dealt with by the conference, and draft articles on such subjects and issues;

"6. Authorizes the Committee to establish such subsidiary organs as it deems necessary for the efficient performance of its functions, bearing in mind the scientific, economic, legal and technical aspects of the issues involved;

"7. Requests the Committee to prepare, as appropriate, reports on the progress of its work to the General Assembly;

"8. Requests the Secretary-General to circulate those reports to Member States and Observers to the United Nations for their comments and observations;

"9. Decides to invite other Member States which are not appointed to the Committee to participate as observers and be heard on the specific points;

"10. Requests the Secretary-General to render the Committee all the assistance it may require in legal, economic, technical and scientific matters for the efficient performance of its functions;

"11. Decides that the enlarged Committee, as well as its subsidiary organs, shall have summary records of its proceedings;

"12. Invites UNESCO and its Intergovernmental Oceanographic Commission, FAO, WHO, IMCO, WMO, IAEA and other intergovernmental bodies and specialized agencies concerned to co-operate fully with the Committee in the implementation of the present resolution, in particular by preparing such scientific and technical documentation as the Committee may request."

15. The following amendments were submitted to the revised seven-Power draft resolution.

(a) Amendments submitted by Norway (A/C.1/L.553) on 11 December reading as follows:

"1. In operative paragraph 2:

(1) In the first line, delete the words 'if possible'.

(2) In the fifth line, delete the words 'and deal' and in the same line, insert the word 'deal' before the words 'with the broad range'.

(3) In the seventh line, after the words 'the territorial sea and contiguous zone,', insert the words 'international straits,'.

"2. In operative paragraph 4, after the words 'the said Committee by', insert the words 'the following'.

"3. Replace sub-paragraph (b) of operative paragraph 5 by the following:

'(b) and draft treaty or treaties on the other issues referred to in operative paragraph 2;','."

(b) Amendments submitted by Australia, Japan, the Netherlands, New Zealand and the United Kingdom (A/C.1/L.554) on 11 December and subsequently co-sponsored by Belgium. They were introduced by the representative of New Zealand at the 1795th meeting, on 12 December, who orally revised amendment 4 (3) (c) and amendment 8. As orally revised, the revised amendment read as follows:

"1. In the fourth preambular paragraph, insert the word 'outstanding' after the word 'the'.

"2. Insert the following new preambular paragraph after the fifth preambular paragraph:

'Commending the Preparatory Committee for the 1972 Conference on the Human Environment and the Inter-governmental Maritime Consultative Organization for their efforts in initiating preparatory work towards a broad-ranging consideration of the problems of marine pollution, and noting the important work also in hand in this field in the Food and Agriculture Organization and other specialized agencies,'.

"3. Delete the seventh preambular paragraph and replace it with the following:

'Convinced that an equitable international régime for the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction should be elaborated at such a conference and that the successful accomplishment of this task would facilitate agreement on the other questions to be resolved at such a conference,'.

"4. In operative paragraph 2:

(1) In the first line, delete the words 'if possible';

(2) In the first and second lines, after 'law of the sea', insert the words 'for the purpose of concluding one or more international conventions - (a)' and in the fifth line delete the words 'deal with'.

(3) Also in the fifth line, delete all the words after 'definition of the area' and replace by the following:

'(b) With respect to the breadth of the territorial sea and the directly related matters of international straits and the interests of coastal States in regard to fisheries in adjacent areas of the high seas;

'(c) With respect to questions of marine pollution other than those covered under (a) in the light of the work undertaken and the results achieved by the relevant international organizations and conferences;

'(d) With respect to such other specific matters as the General Assembly may decide upon;'.

"5. At the end of operative paragraph 3, insert the words 'as modified by the present resolution;'.

"6. In operative paragraph 4, replace the words 'enlarge the said Committee by twenty-nine members' by the following:

'add to the membership of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction a further 39 Member States to be named by the President of the General Assembly after appropriate consultations with regional groups;'.

"7. In operative paragraph 5:

(1) In the first line, delete the word 'enlarged' and after the word 'Committee' insert the words 'in the capacity of preparatory body for the Conference on the Law of the Sea';

(2) In the second line, before the word 'August' insert the word 'July-';

(3) In sub-paragraph (a), after the words 'The draft of a treaty', delete the words 'embodying the international régime... be they coastal or land-locked', and insert the following:

'or treaties on the matters referred to in sub-paragraph (a) of operative paragraph 2 of this resolution'.

(4) Replace sub-paragraph (b) by the following:

'(b) the draft of a treaty or treaties on the matters referred to in sub-paragraph (b) of operative paragraph 2 of this resolution;

'(c) at its discretion, proposals for further specific matters for inclusion in the agenda of the Conference, for submission to the General Assembly at its twenty-sixth session.'

"8. In operative paragraph 6, replace the word 'Authorizes' by the words 'Instructs further' and replace the words 'for the efficient performance of its functions' by the words 'to ensure rapid progress on all the questions enumerated in operative paragraph 5;'.

"9. In operative paragraph 7, second line, replace the word 'to' by the words 'and, in particular, to submit a report to the twenty-sixth session of'.

"10. Insert the following three additional operative paragraphs after operative paragraph 8 and renumber the remaining paragraphs accordingly:

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'9. Decides to place on the provisional agenda of the twenty-sixth session of the General Assembly an item entitled "Question of a conference on the law of the sea";

'10. Requests the Secretary-General to present to the twenty-sixth session of the General Assembly recommendations concerning the method of work and procedures of the conference and related administrative questions;

'11. Declares its intention of determining at its twenty-sixth session the venue, the precise dates and duration and the organization and procedures of the conference, as well as the further organization of preparatory work, in the light of the report of the Committee and of the recommendations submitted by the Secretary-General in accordance with operative paragraph 10;".

(c) Amendments submitted by Malta (A/C.1/L.555) on 12 December, and introduced at the 1796th meeting on 14 December, as follows:

"1. Delete the fifth preambular paragraph..

"2. After the sixth preambular paragraph, insert the following new preambular paragraph:

'Recognizing that rapid scientific and technological advance renders necessary and urgent a further development of the law of the sea to accommodate the needs and interests of all States in a framework of close international co-operation,'.

"3. Delete the seventh preambular paragraph.

"4. Replace operative paragraph 2 by the following:

'Decides to convene early in 1973 an international conference on the law of the sea to conclude one or more international conventions with respect to:

(a) the creation of an equitable international régime for, and the precise delimitation of, the area of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction on the basis of the Declaration of Principles adopted by General Assembly resolution (XXV) on 1970;

(b) a broad range of issues relating to the law of the sea, including those concerning the breadth of the territorial sea, matters concerning international straits, the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and the conservation of the living resources of the high seas, the preservation of the marine environment, the prevention of pollution and scientific research;

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(c) such other matters concerning the law of the sea as the General Assembly may decide.

"5. Delete operative paragraph 3.

"6. In operative paragraph 4, after the word 'Committee', insert the words 'on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction'.

"7. Replace operative paragraph 5 by the following:

'5. Decides further that the Committee shall act as a preparatory body for the Conference on the Law of the Sea.'

"8. After new operative paragraph 5, insert the following new paragraphs:

'Instructs the enlarged Committee to hold two sessions at in and in 1971 to prepare a draft treaty on the matters referred to in paragraph 2 (a) and draft articles and appropriate recommendations on the matters referred to in paragraph 2 (b),

'Authorizes the enlarged Committee to suggest to the General Assembly the inclusion of further specific matters in the agenda of the Conference,

'Instructs further the enlarged Committee to make appropriate recommendations to the General Assembly at its twenty-sixth session on the date, place, duration, agenda and organization of the conference.'

"9. At the end of operative paragraph 7, add the words 'at its twenty-sixth session;'.  
"

"10. After operative paragraph 10, insert the following new paragraph:

'Requests further the Secretary-General to submit recommendations to the enlarged Committee at its second session in 1971 on the methods of work and procedures of the conference and on related administrative and financial questions'."

(d) An amendment submitted by Canada (A/C.1/L.556) on 12 December read as follows:

"In operative paragraph 2, replace the words 'if possible' by the phrase 'subject to the progress of the Committee referred to in paragraph 5 hereof, as reflected in its reports to the General Assembly and of other preparatory work'."

(e) An amendment submitted by Ghana, Norway, Pakistan, Singapore and Sweden (A/C.1/L.557) on 12 December and introduced by the representative of Sweden at the 1795th meeting on 12 December. It read as follows:

"At the end of the last preambular paragraph, add the following: 'and using fully the opportunity provided by the 1972 United Nations Conference on the Human Environment to further its work,'."

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16. A further revision of the draft resolution was submitted by Ecuador, Guyana, Haiti, Indonesia, Jamaica, Kenya, Peru, Sierra Leone and Tunisia (A/C.1/L.545/Rev.2) on 14 December, and read as follows:

"The General Assembly,

"Recalling its resolutions 798 (VIII) of 7 December 1953, 1105 (XI) of 21 February 1957 and 2574 A (XXIV) of 15 December 1969,

"Recalling further its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969,

"Taking into account the results of the consultations undertaken by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV) which indicate widespread support for the holding of a comprehensive conference on the law of the sea,

"Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

"Noting that the political and economic realities, scientific development and rapid technological advances of the last decade have accentuated the need for early and progressive development of the law of the sea,

"Having regard to the fact that many of the present States Members of the United Nations did not take part in former United Nations conferences on the law of the sea,

"Convinced that the elaboration of an equitable international régime for the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction would facilitate agreement on the questions to be examined at such a conference,

"Affirming that agreement on these questions should seek to accommodate the interests and needs of all States, taking into account the special interests and needs of the developing countries, whether land-locked or coastal,

"Having considered the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

"Convinced that a new conference on the law of the sea would have to be carefully prepared to ensure its success and that the preparatory work ought to start as soon as possible after the termination of the twenty-fifth session of the General Assembly, drawing on the experience already accumulated in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and using fully the opportunity provided by the 1972 United Nations Conference on the Human Environment to further its work,

"1. Notes with satisfaction the progress made so far towards the elaboration of the international régime to the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction through the Declaration of Principles adopted by the General Assembly on ...;

/...

"2. Decides to convene in 1973, subject to the progress achieved in the preparatory work by the Committee referred to in operative paragraph 5 of this resolution, a conference on the law of the sea which would establish an equitable international régime, including an international machinery, for the area and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, and arrive at a precise definition of the area, in dealing with the broad range of related issues including those concerning the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, international straits, fishing and conservation of the living resources of the high seas, the preservation of the marine environment, including inter alia the prevention of pollution, and scientific research;

"3. Reaffirms the mandate of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction set forth in resolution 2467 A (XXIII) of 21 December 1968;

"4. Decides to enlarge the said Committee by twenty-nine members, appointed by the Chairman of the First Committee in consultation with regional groups and taking into account equitable geographical representation thereon;

"5. Instructs further the enlarged Committee to hold two meetings in Geneva in March-April and August 1971 in order to prepare as expeditiously as possible:

(a) The draft of a treaty embodying the international régime including an international machinery for the area and the resources of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, taking into account the equitable sharing by all States in the benefits to be derived therefrom, bearing in mind the special interests and needs of developing countries, be they coastal or land-locked, on the basis of the Declaration of Principles, governing the Sea-Bed and the Ocean Floor and the Subsoil thereof beyond the Limits of National Jurisdiction adopted by the General Assembly on ...;

(b) A comprehensive list of subjects and issues relating to the law of the sea referred to in operative paragraph 2 which should be dealt with by the conference, and draft articles on such subjects and issues;

"6. Authorizes the Committee to establish such subsidiary organs as it deems necessary for the efficient performance of its functions, bearing in mind the scientific, economic, legal and technical aspects of the issues involved;

"7. Requests the Committee to prepare, as appropriate, reports on the progress of its work to the General Assembly;

"8. Requests the Secretary-General to circulate those reports to Member States and Observers to the United Nations for their comments and observations;

"9. Decides to invite other Member States which are not appointed to the Committee to participate as observers and be heard on specific points; /...



"10. Requests the Secretary-General to render the Committee all the assistance it may require in legal, economic, technical and scientific matters including the relevant records of the General Assembly and specialized agencies for the efficient performance of its functions;

"11. Decides that the enlarged Committee, as well as its subsidiary organs, shall have summary records of its proceedings;

"12. Invites UNESCO and its Intergovernmental Oceanographic Commission, FAO and its Committee on Fisheries, WHO, IMCO, WMO, IAEA and other intergovernmental bodies and specialized agencies concerned to co-operate fully with the Committee in the implementation of the present resolution, in particular by preparing such scientific and technical documentation as the Committee may request."

17. A draft resolution was submitted by Bolivia (A/C.1/L.551) on 10 December and subsequently co-sponsored by Mali and Zambia. It was introduced by the representative of Bolivia at the 1794th meeting, on 11 December. A revised text, with the addition of Afghanistan, Austria, Burundi, Lesotho, Paraguay and Upper Volta as co-sponsors (A/C.1/L.551/Rev.1) was submitted on 14 December. Chad, Niger and Swaziland subsequently became co-sponsors of this revised draft resolution (for the text see paragraph 35 below, draft resolution II B).

18. A draft resolution was submitted by Canada, Chile, Colombia, the Dominican Republic, Ecuador, El Salvador, Ghana, Guyana, Haiti, Iceland, Indonesia, Jamaica, Kenya, Nigeria, Norway, Peru, Senegal, Sierra Leone, Sweden, Trinidad and Tobago, Tunisia, the United States and Yugoslavia (A/C.1/L.562) and subsequently co-sponsored by the Philippines and the United Republic of Tanzania. It was introduced at the 1799th meeting, on 15 December, by the representatives of Canada, Chile and the United States. It read as follows:

"The General Assembly,

"Recalling its resolutions 798 (VIII) of 7 December 1953, 1105 (XI) of 21 February 1957 and 2574 A (XXIV) of 15 December 1969,

"Recalling further its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969,

"Taking into account the results of the consultations undertaken by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV) which indicate widespread support for the holding of a comprehensive conference on the law of the sea,

"Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

"Noting that the political and economic realities, scientific development and rapid technological advances of the last decade have accentuated the need for early and progressive development of the law of the sea,

/...

"Having regard to the fact that many of the present States Members of the United Nations did not take part in former United Nations conferences on the law of the sea,

"Convinced that the elaboration of an equitable international régime for the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction would facilitate agreement on the questions to be examined at such a conference,

"Affirming that such agreements on these questions should seek to accommodate the interests and needs of all States, whether land-locked or coastal, taking into account the special interests and needs of the developing countries, whether land-locked or coastal,

"Having considered the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

"Convinced that a new conference on the law of the sea would have to be carefully prepared to ensure its success and that the preparatory work ought to start as soon as possible after the termination of the twenty-fifth session of the General Assembly, drawing on the experience already accumulated in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and using fully the opportunity provided by the 1972 United Nations Conference on the Human Environment to further its work,

"1. Notes with satisfaction the progress made so far towards the elaboration of the international régime to the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction through the Declaration of Principles adopted by the General Assembly on...;

"2. Decides to convene in 1973, in accordance with the provisions of operative paragraph 3 hereof, a conference on the law of the sea which would deal with the establishment of an equitable international régime, including an international machinery, for the area and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, a precise definition of the area, and a broad range of related issues including those concerning the régimes of the high seas, the continental shelf, the territorial sea (including its breadth and the question of international straits) and contiguous zone, fishing and conservation of the living resources of the high seas (including the preferential rights of coastal States), the preservation of the marine environment, including inter alia the prevention of pollution, and scientific research;

"3. Decides further to review at the twenty-sixth and twenty-seventh sessions of the General Assembly the reports of the Committee referred to in operative paragraph 6 hereof on the progress of its preparatory work with a view to determining the precise agenda of the Conference, its definitive date, location and duration, and related arrangements. If the twenty-seventh General Assembly determines the progress of the preparatory work of the Committee to be insufficient, it may decide to postpone the Conference;

"4. Reaffirms the mandate of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction set forth in resolution 2467 A (XXIII) of 21 December 1968 as supplemented by the present resolution;

/...

"5. Decides to enlarge the said Committee by thirty-nine members, appointed by the Chairman of the First Committee in consultation with regional groups and taking into account equitable geographical representation thereon;

"6. Instructs further the enlarged Committee to hold two meetings in Geneva in March-April and August 1971 in order to prepare for the Conference draft treaty articles embodying the international régime, including an international machinery, for the area and the resources of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, taking into account the equitable sharing by all States in the benefits to be derived therefrom, bearing in mind the special interests and needs of developing countries, whether coastal or land-locked on the basis of the Declaration of Principles, governing the Sea-Bed and the Ocean Floor and the Subsoil thereof beyond the Limits of National Jurisdiction adopted by the General Assembly on..., and a comprehensive list of subjects and issues relating to the law of the sea referred to in operative paragraph 2 hereof which should be dealt with by the conference, and draft articles on such subjects and issues;

"7. Authorizes the Committee to establish such subsidiary organs as it deems necessary for the efficient performance of its functions, bearing in mind the scientific, economic, legal and technical aspects of the issues involved;

"8. Requests the Committee to prepare, as appropriate, reports on the progress of its work to the General Assembly;

"9. Requests the Secretary-General to circulate those reports to Member States and Observers to the United Nations for their comments and observations;

"10. Decides to invite other Member States which are not appointed to the Committee to participate as observers and be heard on specific points;

"11. Requests the Secretary-General to render the Committee all the assistance it may require in legal, economic, technical and scientific matters including the relevant records of the General Assembly and specialized agencies for the efficient performance of its functions;

"12. Decides that the Enlarged Committee, as well as its subsidiary organs shall have summary records of its proceedings;

"13. Invites UNESCO and its Intergovernmental Oceanographic Commission, FAO and its Committee on Fisheries, WHO, IMCO, WMO, IAEA and other intergovernmental bodies and specialized agencies concerned to co-operate fully with the Committee in the implementation of the present resolution, in particular by preparing such scientific and technical documentation as the Committee may request."

19. The following amendments were submitted to this draft resolution:

(a) Amendments submitted on 15 December by the Netherlands and the United Kingdom (A/C.1/L.563) and introduced by the representative of the United Kingdom at the 1799th meeting, on 15 December, reading as follows:

"1. In operative paragraph 2, delete all wording after 'a conference on the law of the sea' in the second line and replace by the following:

'for the purpose of concluding one or more international conventions with respect to -

(a) an equitable international régime, including an international machinery, for the area and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction and a precise definition of the area;

(b) the breadth of the territorial sea and the directly related matters of international straits and the interests of coastal States in regard to fisheries in adjacent areas of the high seas;

(c) questions of marine pollution other than those covered under (a) in the light of the work undertaken and the results achieved by the relevant international organizations and conferences,

(d) such other specific matters as the General Assembly may decide upon.'

"2. In operative paragraph 6, delete all wording after 'the enlarged committee' and replace with the following:

'In the capacity of preparatory body for the conference on the law of the sea, to hold two meetings in Geneva in March-April and July-August 1971 in order to prepare

(a) draft treaty articles on the matters referred to in subparagraphs (a) and (b) of operative paragraph 2 of this resolution;

(b) proposals for further specific matters for inclusion in the agenda of the conference for submission to the General Assembly at its twenty-sixth session'."

(b) Amendments submitted on 15 December by Malta and Turkey (A/C.1/L.564) and introduced by the representative of Malta at the 1799th meeting, on 15 December. They read as follows:

"1. At the end of the fifth preambular paragraph, add the words 'in a framework of close international co-operation,'

"2. In operative paragraph 3, delete the last sentence.

"3. In operative paragraph 5, place square brackets around the words 'thirty-nine',

/...

"4. In operative paragraph 6:

(1) Third line, after the words 'international régime', insert the words 'and the delimitation of the area to which it applies';

(2) Replace the last three lines after the words 'General Assembly on...;' by the words 'and draft treaty articles on other subjects mentioned in operative paragraph 2 which should be dealt with by the conference;'. "

(c) An amendment submitted on 15 December by Japan (A/C.1/L.565) and introduced by its representative at the 1799th meeting, on 15 December. It read as follows:

"In operative paragraph 2, eighth and tenth lines, delete the two bracketed parts and in the eighth line, after 'territorial sea' insert the words 'international straits'."

20. At the 1798th meeting, on 15 December, the Committee decided without objection to give priority in the voting to the forty-six Power draft resolution (A/C.1/L.544). It was adopted by 90 votes to none, with 11 abstentions (see paragraph 35 below, draft resolution I).

21. At the 1799th meeting, on 15 December, the Committee adopted the seventeen-Power draft resolution (A/C.1/L.543/Rev.1 and Corr.1) by 86 votes to none, with 18 abstentions (see paragraph 35 below, draft resolution II A).

22. The Committee then proceeded to vote on the twelve-Power draft resolution (A/C.1/L.551/Rev.1). At the request of the representative of Cameroon the words in the last preambular paragraph "including the particular needs and problems of those which are land-locked" were voted on separately; they were retained by 74 votes to 2, with 27 abstentions. At the request of the representative of Cameroon a separate vote was also taken on the phrase in paragraph 1 from "and to supplement" to the end of the paragraph; it was retained by 77 votes to 2, with 27 abstentions.

On the understanding that the reference to the enlarged committee in paragraph 2 would be adjusted in accordance with the subsequent decision to be taken by the Committee, the Committee adopted the draft resolution as a whole by 89 votes to none, with 16 abstentions (see paragraph 35 below, draft resolution II B).

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23. At the 1799th meeting, on 15 December, the representatives of the United States, Brazil and Trinidad and Tobago, and Jamaica announced on behalf of the respective sponsors that the draft resolutions contained in documents A/C.1/L.536/Rev.1, A/C.1/L.539 and A/C.1/L.545/Rev.2 had been withdrawn in favour of the draft resolution contained in document A/C.1/L.562.

24. Prior to the voting at the 1800th meeting, on 16 December, the Secretary of the Committee made a statement on the administrative and financial implications of the draft resolution contained in document A/C.1/L.562.

25. At the 1800th meeting, on 16 December, the representative of Canada, on behalf of the sponsors of the draft resolution, orally amended its paragraph 2 by (1) adding in the eighth line after the word "including" the words "the question of"; (2) adding in the tenth line after the word "including" the words "the question of"; and (3) placing in parentheses, in the last phrase, the words "including inter alia the prevention of pollution". The representative of Canada then explained on behalf of the sponsors their understanding of paragraph 2.

26. The representatives of the Netherlands and the United Kingdom then withdrew their amendments (A/C.1/L.563). They added that their action was taken on the understanding that the representative of Canada had spoken on behalf of all the sponsors of the draft resolution.

27. The representative of Japan said that his delegation would not press its amendment (A/C.1/L.565) to a vote. He added that he did so on the understanding that the inclusion by the sponsors of the words "the question of" in paragraph 2 of the draft resolution would not prejudice the position of any delegation at a conference on the law of the sea.

28. The representatives of Malta and Turkey withdrew the third of their amendments (A/C.1/L.564).

29. The Committee proceeded to vote on the remaining two-Power amendments (A/C.1/L.564) in separate roll-call votes requested by Malta.

30. The first amendment was adopted by a roll-call vote of 46 to 37, with 31 abstentions. The voting was as follows:

In favour: Afghanistan, Australia, Austria, Belgium, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, China, Congo (Democratic Republic of), Czechoslovakia, France, Greece, Hungary, Iraq, Ireland, Italy, Ivory Coast, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Libya, Madagascar, Mali, Malta, Mauritania, Mongolia, New Zealand, Niger, Pakistan, People's Republic of the Congo, Poland, Romania, Rwanda, Saudi Arabia, Singapore, Somalia, Southern Yemen, Sudan, Syria, Thailand, Togo, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Algeria, Argentina, Bolivia, Brazil, Cameroon, Canada, Chile, Colombia, Costa Rica, Cyprus, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Iceland, Indonesia, Jamaica, Kenya, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Senegal, Sierra Leone, Sweden, Trinidad and Tobago, Tunisia, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia.

Abstaining: Barbados, Burma, Cambodia, Ceylon, Chad, Cuba, Denmark, Ethiopia, Fiji, Finland, Ghana, Guinea, India, Iran, Israel, Japan, Laos, Malawi, Malaysia, Mexico, Morocco, Nepal, Netherlands, Paraguay, Portugal, South Africa, Spain, Swaziland, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Yemen.

31. The second amendment was rejected by a roll-call vote of 48 to 39, with 27 abstentions. The voting was as follows:

In favour: Afghanistan, Australia, Austria, Belgium, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, France, Ghana, Guinea, Hungary, Iraq, Ireland, Italy, Ivory Coast, Jordan, Liberia, Madagascar, Mali, Malta, Mauritania, Mongolia, Morocco, New Zealand, Niger, Pakistan, People's Republic of the Congo, Poland, Romania, Rwanda, Saudi Arabia, Somalia, Thailand, Togo, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Argentina, Barbados, Bolivia, Brazil, Cameroon, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Cyprus, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Jamaica, Kenya, Laos, Libya, Malawi, Malaysia, Mexico, Nepal, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Senegal, Sierra Leone, South Africa, Sweden, Trinidad and Tobago, Tunisia, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia.

Abstaining: Algeria, Burma, Cambodia, Chad, Congo (Democratic Republic of), Denmark, Ethiopia, Fiji, Finland, Greece, Iran, Israel, Japan, Kuwait, Lebanon, Lesotho, Netherlands, Paraguay, Singapore, Southern Yemen, Spain, Sudan, Swaziland, Syria, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Yemen.

32. The fourth amendment was rejected by a roll-call vote of 41 to 37, with 36 abstentions. The voting was as follows:

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In favour: Afghanistan, Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, China, Congo (Democratic Republic of), Czechoslovakia, France, Greece, Hungary, Iran, Iraq, Ireland, Italy, Ivory Coast, Madagascar, Mali, Malta, Mauritania, Mongolia, New Zealand, Niger, Pakistan, Poland, Romania, Rwanda, Saudi Arabia, Singapore, Somalia, Syria, Thailand, Togo, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Algeria, Argentina, Barbados, Bolivia, Brazil, Canada, Ceylon, Chile, Colombia, Costa Rica, Cyprus, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Jamaica, Kenya, Kuwait, Nepal, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Senegal, Sweden, Trinidad and Tobago, Tunisia, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia.

Abstaining: Burma, Burundi, Cambodia, Cameroon, Chad, Cuba, Denmark, Ethiopia, Fiji, Finland, Ghana, Guinea, Israel, Japan, Jordan, Laos, Lebanon, Lesotho, Liberia, Libya, Malawi, Malaysia, Mexico, Morocco, Netherlands, People's Republic of the Congo, Portugal, Sierra Leone, South Africa, Southern Yemen, Spain, Sudan, Swaziland, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Yemen.

33. The Committee then voted, in a roll-call vote requested by El Salvador, on the draft resolution (A/C.1/L.562) as a whole as amended and adopted it by 100 votes to 8, with 6 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Barbados, Bolivia, Brazil, Burundi, Cambodia, Cameroon, Canada, Ceylon, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Fiji, Finland, France, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, People's Republic of the Congo, Peru, Philippines, Portugal, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Southern Yemen, Spain, Sudan, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yemen, Yugoslavia.

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Against: Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Belgium, Burma, Cuba, Japan, Romania, Venezuela.

34. At the 1801st meeting, on 16 December, the Chairman of the First Committee said that in the exercise of the authority accorded to him by paragraph 5 of the draft resolution just adopted (see paragraph 35 below, draft resolution IIC), and after consultations with the chairmen of the regional groups, he was able to announce that the thirty-nine members to be added to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction would be allotted as follows: thirteen to the African States, eight to the Latin American States, nine to the Asian States, three to the Eastern European States and six to Western European and other States. Those States appointed to the first four groups were as follows:

- (a) For Africa: Algeria, Congo (Democratic Republic of), Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Mali, Mauritius, Morocco, Senegal, Somalia, and Tunisia;
- (b) For Latin America: Bolivia, Colombia, Ecuador, Guyana, Jamaica, Panama, Uruguay and Venezuela;
- (c) For Asia: Afghanistan, Cyprus, Indonesia, Iran, Iraq, Nepal, Philippines, Singapore and Yemen;
- (d) For Eastern Europe: Byelorussian Soviet Socialist Republic, Hungary and Ukrainian Soviet Socialist Republic.

The Chairman stated that he was not yet able to announce the new members from Western Europe and other countries. He added that there seemed to be no legal obstacle to the designation taking place after the Committee had concluded its consideration of agenda item 25 or even after the adjournment of the present session of the General Assembly.

#### RECOMMENDATIONS OF THE FIRST COMMITTEE

35. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

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DRAFT RESOLUTION I

Declaration of Principles Governing the Sea-Bed  
and the Ocean Floor, and the Subsoil thereof,  
beyond the Limits of National Jurisdiction

The General Assembly,

Recalling its resolutions 2340 (XXIII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969, concerning the area to which the title of the items refers,

Affirming that there is an area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, the precise limits of which are yet to be determined,

Recognizing that the existing legal régime of the high seas does not provide substantive rules for regulating the exploration of the aforesaid area and the exploitation of its resources,

Convinced that the area shall be reserved exclusively for peaceful purposes and that the exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole,

Believing it essential that an international régime applying to the area and its resources and including appropriate international machinery should be established as soon as possible,

Bearing in mind that the development and use of the area and its resources shall be undertaken in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by fluctuation of prices of raw materials resulting from such activities,

Solemnly declares that:

1. The sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind.

2. The area shall not be subject to appropriation by any means by States or persons, natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof.

/...

3. No State or person, natural or juridical, shall claim, exercise or acquire rights with respect to the area or its resources incompatible with the international régime to be established and the principles of this Declaration.

4. All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international régime to be established.

5. The area shall be open to use exclusively for peaceful purposes by all States whether coastal or land-locked, without discrimination, in accordance with the international régime to be established.

6. States shall act in the area in accordance with the applicable principles and rules of international law including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970,<sup>2/</sup> in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding.

7. The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries.

8. The area shall be reserved exclusively for peaceful purposes, without prejudice to any measures which have been or may be agreed upon in the context of international negotiations undertaken in the field of disarmament and which may be applicable to a broader area. One or more international agreements shall be concluded as soon as possible in order to implement effectively this principle and to constitute a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race.

9. On the basis of the principles of this Declaration, an international régime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon. The

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<sup>2/</sup> Resolution 2625 (XXV).

régime shall, inter alia, provide for the orderly and safe development and rational management of the area and its resources and for expanding opportunities in the use thereof and ensure the equitable sharing by States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal.

10. States shall promote international co-operation in scientific research exclusively for peaceful purposes:

- (a) By participation in international programmes and by encouraging co-operation in scientific research by personnel of different countries;
- (b) Through effective publication of research programmes and dissemination of the results of research through international channels;
- (c) By co-operation in measures to strengthen research capabilities of developing countries, including the participation of their nationals in research programmes.

No such activity shall form the legal basis for any claims with respect to any part of the area or its resources.

11. With respect to activities in the area and acting in conformity with the international régime to be established, States shall take appropriate measures for and shall co-operate in the adoption and implementation of international rules, standards and procedures for, inter alia:

- (a) Prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment;
- (b) Protection and conservation of the natural resources of the area and prevention of damage to the flora and fauna of the marine environment.

12. In their activities in the area, including those relating to its resources, States shall pay due regard to the rights and legitimate interests of coastal States in the region of such activities, as well as of all other States which may be affected by such activities. Consultations shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the area and the exploitation of its resources with a view to avoiding infringement of such rights and interests.

/...

13. Nothing herein shall affect:

(a) The legal status of the waters superjacent to the area or that of the air space above those waters;

(b) The rights of coastal States with respect to measures to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat thereof resulting from, or from other hazardous occurrences caused by, any activities in the area, subject to the international régime to be established.

14. Every State shall have the responsibility to ensure that activities in the area, including those relating to its resources, whether undertaken by governmental agencies, or non-governmental entities or persons under its jurisdiction, or acting on its behalf, shall be carried out in conformity with the international régime to be established. The same responsibility applies to international organizations and their members for activities undertaken by such organizations or on their behalf. Damage caused by such activities shall entail liability.

15. The parties to any dispute relating to activities in the area and its resources shall resolve such dispute by the measures mentioned in Article 33 of the Charter of the United Nations and such procedures for settling disputes as may be agreed upon in the international régime to be established.

/...

DRAFT RESOLUTION II

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

A

The General Assembly,

Reaffirming that the area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, and its resources are the common heritage of mankind,

Convinced that the exploration of the area and the exploitation of its resources should be carried out for the benefit of mankind as a whole, taking into account the special interests and needs of the developing countries,

Reaffirming that the development of the area and its resources shall be undertaken in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by the fluctuation of prices of raw materials resulting from such activities,

1. Requests the Secretary-General to co-operate with the United Nations Conference on Trade and Development, specialized agencies and other competent organizations of the United Nations system in order to:

(a) Identify the problems arising from the production of certain minerals from the area beyond the limits of national jurisdiction and examine the impact they will have on the economic well-being of the developing countries, in particular on prices of mineral exports on the world market;

(b) Study these problems in the light of the scale of possible exploitation of the sea-bed taking into account the world demand for raw materials and the evolution of costs and prices;

(c) Propose effective solutions for dealing with these problems;

2. Requests the Secretary-General to submit his report thereon to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction for consideration during one of its sessions

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in 1971, and for making its recommendations as appropriate to foster healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by the fluctuation of prices of raw materials resulting from such activities;

3. Requests the Secretary-General, in co-operation with the United Nations Conference on Trade and Development, specialized agencies and other competent organizations of the United Nations system, to keep this matter under constant review so as to submit supplementary information annually or whenever it is necessary and recommend additional measures in the light of economic, scientific and technological developments;

4. Calls upon the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction to submit a report on this question to the General Assembly at its twenty-sixth session.

B

The General Assembly,

Recalling its resolutions 1028 (XI) of 20 February 1957 and 1105 (XI) of 21 February 1957 concerning the problems of land-locked countries,

Bearing in mind the replies to the inquiries made by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV), which indicate wide support for the idea of convening a conference relating to the law of the sea, at which the interests and needs of all States, whether land-locked or coastal, could be reconciled,

Noting that many of the present land-locked States Members of the United Nations did not participate in the previous United Nations Conference on the Law of the Sea,

Reaffirming that the area of the sea-bed and the ocean floor, and their subsoil, lying beyond the limits of national jurisdiction, together with the resources thereof, are the common heritage of mankind,

Convinced that the exploration of that area and the exploitation of those resources must be carried out for the benefit of all mankind, taking into account the special interests and needs of the developing countries, including the particular needs and problems of those which are land-locked,

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1. Requests the Secretary-General to prepare, in collaboration with the United Nations Conference on Trade and Development and other competent bodies, an up-to-date study of the matters referred to in the memorandum dated 14 January 1958 prepared by the Secretariat on the question of free access of land-locked countries to the sea<sup>3/</sup> and to supplement that document, in the light of the events which have occurred in the meantime, with a report on the special problems of land-locked countries relating to the exploration and exploitation of the resources of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction;
2. Requests the Secretary-General to submit the above-mentioned study to the Enlarged Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, for consideration at one of its 1971 sessions, so that appropriate measures may be evolved within the general framework of the law of the sea, to resolve the problems of land-locked countries;
3. Requests the Committee to report on this question to the General Assembly at its twenty-sixth session.

C

The General Assembly,

Recalling its resolutions 798 (VIII) of 7 December 1953, 1105 (XI) of 21 February 1957 and 2574 A (XXIV) of 15 December 1969,

Recalling further its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969,

Taking into account the results of the consultations undertaken by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV), which indicate widespread support for the holding of a comprehensive conference on the law of the sea,

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<sup>3/</sup> United Nations Conference on the Law of the Sea, 1958, Official Records, Vol. I; United Nations publication, Sales No.: 58.V.4, Vol.1; Preparatory document 23 (A/CONF.13/29 and Add.1), pp. 306 to 335.



Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Noting that the political and economic realities, scientific development and rapid technological advances of the last decade have accentuated the need for early and progressive development of the law of the sea, in a framework of close international co-operation,

Having regard to the fact that many of the present States Members of the United Nations did not take part in previous United Nations conferences on the law of the sea,

Convinced that the elaboration of an equitable international régime for the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction would facilitate agreement on the questions to be examined at such a conference,

Affirming that such agreements on these questions should seek to accommodate the interests and needs of all States, whether land-locked or coastal, taking into account the special interests and needs of the developing countries, whether land-locked or coastal,

Having considered the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

Convinced that a new conference on the law of the sea would have to be carefully prepared to ensure its success and that the preparatory work ought to start as soon as possible after the termination of the twenty-fifth session of the General Assembly, drawing on the experience already accumulated in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and using fully the opportunity provided by the 1972 United Nations Conference on the Human Environment to further its work,

1. Notes with satisfaction the progress made so far towards the elaboration of the international régime to the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction through the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof beyond the Limits of National Jurisdiction, adopted by the General Assembly on...;

2. Decides to convene in 1973, in accordance with the provisions of paragraph 3 hereof, a conference on the law of the sea which would deal with the

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establishment of an equitable international régime - including an international machinery - for the area and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, a precise definition of the area, and a broad range of related issues including those concerning the régimes of the high seas, the continental shelf, the territorial sea (including the question of its breadth and the question of international straits) and contiguous zone, fishing and conservation of the living resources of the high seas (including the question of the preferential rights of coastal States), the preservation of the marine environment (including, inter alia, the prevention of pollution) and scientific research;

3. Decides further to review at its twenty-sixth and twenty-seventh sessions the reports of the Committee referred to in paragraph 6 below on the progress of its preparatory work with a view to determining the precise agenda of the Conference, its definitive date, location and duration, and related arrangements; if the twenty-seventh General Assembly determines the progress of the preparatory work of the Committee to be insufficient, it may decide to postpone the Conference;

4. Reaffirms the mandate of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction set forth in resolution 2467 A (XXIII) of 21 December 1968 as supplemented by the present resolution;

5. Decides to enlarge the Committee by thirty-nine members, appointed by the Chairman of the First Committee in consultation with regional groups and taking into account equitable geographical representation thereon;

6. Instructs the enlarged Committee to hold two meetings in Geneva in March-April and August 1971 in order to prepare for the Conference draft treaty articles embodying the international régime - including an international machinery for the area and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, taking into account the equitable sharing by all States in the benefits to be derived therefrom, bearing in mind the special interests and needs of developing countries, whether coastal or land-locked, on the basis of the Declaration of Principles Governing the Sea-Bed and the Ocean Floor and the Subsoil Thereof

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beyond the Limits of National Jurisdiction adopted by the General Assembly on..., and a comprehensive list of subjects and issues relating to the law of the sea referred to in operative paragraph 2 above which should be dealt with by the Conference, and draft articles on such subjects and issues;

7. Authorizes the Committee to establish such subsidiary organs as it deems necessary for the efficient performance of its functions, bearing in mind the scientific, economic, legal and technical aspects of the issues involved;

8. Requests the Committee to prepare, as appropriate, reports to the General Assembly on the progress of its work;

9. Requests the Secretary-General to circulate those reports to Member States and Observers to the United Nations for their comments and observations;

10. Decides to invite other Member States which are not appointed to the Committee to participate as observers and to be heard on specific points;

11. Requests the Secretary-General to render the Committee all the assistance it may require in legal, economic, technical and scientific matters, including the relevant records of the General Assembly and specialized agencies for the efficient performance of its functions;

12. Decides that the enlarged Committee, as well as its subsidiary organs, shall have summary records of its proceedings;

13. Invites the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission, the Food and Agriculture Organization of the United Nations and its Committee on Fisheries, the World Health Organization, the Inter-Governmental Maritime Consultative Organization, the World Meteorological Organization, the International Atomic Energy Agency and other intergovernmental bodies and specialized agencies concerned to co-operate fully with the Committee in the implementation of the present resolution, in particular by preparing such scientific and technical documentation as the Committee may request.

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