



Chairman: Mr. Bruce RANKIN (Canada).

**AGENDA ITEM 12**

**Report of the Economic and Social Council [chapters  
III to XI, XII (sections A to G) and XVII to XIX]  
(continued) (A/8703)**

**PERMANENT SOVEREIGNTY OVER NATURAL  
RESOURCES OF DEVELOPING COUNTRIES  
(concluded) (E/5170, A/C.2/L.1272/Rev.1,  
A/C.2/L.1282)**

1. Mr. FARHANG (Afghanistan) said that paragraph 1 of draft resolution A/C.2/L.1272/Rev.1 pre-judged the question of the limits of national jurisdiction, which was to be discussed at the forthcoming conference on the law of the sea. Furthermore, the First Committee was now discussing 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> In the circumstances, the delegations of Afghanistan, Bolivia, Jordan, Nepal, Singapore and Uganda had considered it appropriate to insert a new paragraph at the end of the preamble, reading as follows:

*"Bearing in mind that decisions concerning States' national jurisdiction over their territorial sea, contiguous zone, superjacent waters as well as the seabed and the subsoil thereof, belong to the forthcoming conference on the law of the sea"*.

2. In the opinion of the sponsors of that amendment, with that insertion, the draft resolution would not pre-judge the results of the Conference. Their purpose was to have the General Assembly reaffirm its decision to convene a conference on the law of the sea, which would be competent to take decisions on the limits of national jurisdiction.

3. Mr. TAN (Singapore) said that his delegation was a sponsor of the amendment just read out. Singapore supported the principle of national sovereignty over natural resources and felt that the addition of that preambular paragraph would give full recognition to the work of the First Committee and the conference on the law of the sea.

4. Mr. Cissé (Senegal) said that his delegation was the sponsor of the amendment contained in

<sup>1</sup> Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21.

A/C.2/L.1282, which it considered to be in order because the General Assembly had reaffirmed the sovereignty of States over their natural resources within the limits of their national jurisdiction. While his delegation acknowledged the soundness of the amendment submitted by the representative of Afghanistan, for it was important not to tie the hands of the forthcoming conference, it still considered it useful to state in the operative part of the draft resolution that the coastal States had a fundamental right to fix the boundaries within which the biological resources of the sea belonged to them. For its part, Senegal had fixed that limit at 110 nautical miles beyond its territorial waters and had provided that States interested in exploiting the resources of that zone could sign agreements with Senegal for that purpose.

5. He requested the sponsors of the draft resolution to incorporate his amendment in their text.

6. Mr. GALLARDO MORENO (Mexico) said that his delegation, one of the sponsors of the draft resolution, had not had time to study the proposals of Afghanistan and Senegal. Since the question was a very delicate one and was now being discussed in other organs of the United Nations, he thought the sponsors should hold consultations before taking a decision. For the time being, his own delegation was not in a position to vote for the amendments submitted.

7. Mr. KRÖYER (Iceland) said that his delegation, which had been one of the sponsors of the draft resolution, understood the concern of the land-locked countries. Indeed, the sponsors had consulted the representatives of those countries with a view to drafting a text which would take their interests into account; unfortunately, that had not proved possible. He had some hesitation about the amendment submitted by the delegation of Afghanistan because it introduced juridical factors; moreover, the reference to decisions which might be taken by the conference on the law of the sea appeared to imply that the laws and regulations on the question previously in force were no longer valid. He therefore asked the sponsors of the amendment to withdraw it. In any event, the terms of reference of the conference on the law of the sea had been established by General Assembly resolution 2750 C (XXV) and there was no danger that the draft resolution under consideration would encroach on the prerogatives of the conference.

8. After studying the amendment submitted by Senegal, his delegation had concluded that the existing operative paragraph 1 of the draft resolution already

covered the point which was of concern to the Senegalese delegation. Moreover, the text of the amendment might create difficulties for countries situated on either side of a narrow inlet whose laws and regulations might be incompatible. Actually, the sponsors of the draft resolution had sought to assert the right of States to sovereignty over the natural resources within the limits of their national jurisdiction without defining those limits, in order not to prejudice the results of the conference on the law of the sea.

9. Mr. DEBRAH (Ghana) said that the sponsors, and his delegation was one, had not sought to answer the question: to whom does the sea belong? While they had used the expression "within their national jurisdiction", they had not tried to define that expression.

10. The amendment of Afghanistan spoke of "decisions" that "belong to the Conference". In the opinion of his own delegation, decisions of that kind did not belong to any organ. He therefore suggested that the sponsors of the amendment should say instead: "matters bearing on this subject . . . are to be discussed by the conference on the law of the sea." With that change in wording, his delegation would be able to vote for the amendment.

11. Mr. FARHANG (Afghanistan) agreed with the representative of Mexico that questions relating to the sea-bed and jurisdiction over the sea-bed were not within the competence of the Second Committee. That was why the sponsors of the amendment had first considered deleting any reference to the sea-bed. However, after consultation, they had felt that the question was related to the permanent sovereignty of States, but at the same time that it was a matter for the conference on the law of the sea. If the General Assembly should adopt the draft resolution as it stood, it would be supporting the claims of certain countries to the sea-bed. The sponsors of the amendment had felt that their text took into account the difficulties of the land-locked or shelf-locked countries.

12. The representative of Iceland had also said that the amendment appeared to imply that all conventions, decisions or agreements previously in force were null and void. That was not the case: to say that the Conference had competence to fix the limits of national jurisdiction did not mean that previous decisions were no longer valid.

13. Lastly, the sponsors of the amendment did not see what harm could be done to the draft resolution by saying that the conference on the law of the sea had competence to fix the limits of national jurisdiction over the sea-bed.

14. Mr. ZAGORIN (United States of America) said he wished to propose two amendments. In operative paragraph 1, all the difficulty seemed to stem from the last five words "and in the superjacent waters". There were differences of opinion on the question raised by those words and it was to be hoped that the conference on the law of the sea would take care of the problems involved. If the sponsors of the draft resolution agreed

to delete those words, his delegation would find it less difficult to vote for the proposal.

15. His second amendment related to operative paragraph 3: after the word "regulations" at the beginning of the paragraph, he would add the phrase "contrary to international law".

16. Should the sponsors of the draft resolution be unable to incorporate those changes, the United States delegation would find it impossible to support it.

17. Mr. WANG TZU-CHUAN (China) said that the Government and people of China always supported the developing countries and the other medium and small countries in their unremitting struggle to protect their sovereign rights over their land and marine resources.

18. Many Latin American countries had proclaimed that a 200 nautical mile area was under their jurisdiction in order to defend their national independence and resist the super-Powers' plunder of their marine resources. Other countries in other regions had also defined their territorial sea or the limits of their jurisdiction in the light of their own geographical conditions and with due regard to the needs of their national economy. The Chinese delegation held that those decisions were within the sovereign rights of those countries and that they should be respected by other nations; that was a principle which his delegation had repeatedly reaffirmed at international conferences. When determining the limits of their territorial seas, countries must also take into account the needs of other countries situated on the same seas and respect the principle of equality and reciprocity. All coastal countries had the right of disposal over the natural resources in their coastal seas, sea-bed and the subsoil thereof. However, certain countries, particularly the super-Powers, clinging to their hegemony, had resorted to various means to intimidate and even retaliate against the developing countries and certain medium and small countries and had wilfully raised obstacles in order to prevent them from exercising permanent sovereignty over their natural resources. Those arbitrary and unreasonable acts violated many resolutions on the exercise of permanent sovereignty by the developing countries over their natural resources.

19. The Chinese delegation supported draft resolution A/C.2/L.1272/Rev.1.

20. Mr. MANDERSON-JONES (Jamaica) said in reply to the representative of Afghanistan that, according to General Assembly resolution 2750 C (XXV) which laid down the terms of reference of the conference on the law of the sea, the conference was to deal with the establishment of an equitable international régime beyond the limits of national jurisdiction. It therefore seemed clear that the conference would not have to define the limits of national jurisdiction and, that being so, his delegation could hardly vote for the amendment submitted by Afghanistan.

21. Mr. DE SOTO (Peru) supported the Jamaican representative's observation. The amendment submit-



ted by Afghanistan contained a technical error because it was based on the assumption that the conference on the law of the sea would have full powers in all matters relating to the law of the sea, whereas in fact its mandate, as set forth in General Assembly resolution 2750 C (XXV), was to deal with the establishment of an international régime. The resolution did not state that the conference should take any decision. Peru had been a sponsor of resolution 2750 C (XXV); hence it was not seeking to minimize the importance of the conference, but the aim of a conference was to draw up a convention and it was only when a sufficient number of countries had ratified a convention that the matter of decisions arose, and even those were valid only for the States parties. His delegation could not therefore accept the amendment submitted by Afghanistan unless the wording was substantially amended.

22. Peru would also vote against the first United States amendment and thought that the other sponsors of the draft resolution would do likewise, because territorial waters and superjacent waters could not be separated without depriving some countries of their territorial waters. The second United States amendment became meaningless in the context of the paragraph because it amounted to saying that actions, measures or legislative regulations contrary to international law constituted violations of the United Nations Charter and the Declaration contained in General Assembly resolution 2625 (XXV). Peru would therefore vote against those amendments.

23. Mr. KARUNATILLEKE (Sri Lanka) said that, if the amendment submitted by Afghanistan was accepted, there would be a conflict between the last preambular paragraph and operative paragraph 1. Moreover, his delegation was inclined to think, like the representative of Jamaica, that the conference on the law of the sea would not deal with the limits of territorial waters and, even if it did, countries already had their own legislation on the subject. Some, like Sri Lanka, had had to extend the limits of their territorial waters to protect themselves from certain interference.

24. Sri Lanka suspected that the land-locked countries sponsoring the amendment had become the tools of the larger Powers which had an interest in penetrating into the territorial waters of other countries. It could not therefore accept that amendment, or indeed the United States amendments, and strongly supported the draft resolution as submitted.

25. Mr. SEFIANI (Morocco) said that his delegation was a sponsor of the draft resolution and wholeheartedly agreed with the opinion of the representative of Afghanistan that the matter of the limits of national jurisdiction was within the competence of the First Committee. That was why his delegation failed to see why the delegation of Afghanistan had submitted its amendment to the Second Committee. Against the argument that it would be for the conference on the law of the sea to take decisions concerning the limits of the national jurisdiction of States it could be objected

that States already exercised that jurisdiction. Again, if the conference led to no result, as had the similar conference of 1958, what would happen? His delegation would oppose the amendment.

26. He thought that the United States amendment to operative paragraph 1 tended to maintain the *status quo* which was to the advantage of the great maritime Powers. The resources situated in the superjacent waters were now being plundered and Morocco therefore firmly opposed the United States proposal.

27. Mr. YOKOTA (Japan) reminded the Committee that the Economic and Social Council had decided, at its fifty-third session, to defer consideration of permanent sovereignty to its fifty-fourth session and had recommended to the General Assembly postponement of its consideration to its twenty-eighth session. In view of that recommendation and, while fully acknowledging the importance of the question of permanent sovereignty over natural resources, he hoped that the vote on the draft resolution would be postponed until the Assembly's twenty-eighth session.

28. The draft concerned itself with a number of questions, some of which appeared irrelevant. In operative paragraph 1 there was some confusion between the right of States and that of nations to permanent sovereignty over their natural resources. If the sponsors agreed to replace the word "States" by the expression "peoples and nations" and the rest of the sentence after the word "resources" in that paragraph by the expression "both land and marine", his delegation would vote for the paragraph. His delegation had no objection in principle to paragraphs 2, 3 and 4, but he thought, with regard to the words "coastal waters" in paragraph 3, that the definition of the limits of the national jurisdiction of States was a matter falling within the competence of the conference of the law of the sea, and the definition of coastal waters even more.

29. Mr. CARANICAS (Greece) remarked that no one was challenging the sovereign right of countries over their natural resources, which was reaffirmed once again in resolution 88 (XII) of the Trade and Development Board, and that the developing countries must rely increasingly on their own capabilities in order to meet the needs and aspirations of their peoples. In 1952 and 1962 the General Assembly had already considered the subject of permanent sovereignty over natural resources and had dealt, in its resolution 1803 (XVII), with compensation in the event of nationalization and with the national jurisdiction of States. He therefore failed to understand why the sponsors of the draft resolution did not accept the United States amendment to add the words "contrary to international law" in operative paragraph 3 and wondered whether the intention was to dispense with international law and thus to have recourse only to national courts. In any event, a solution must soon be found that would reconcile the interests of the developing countries and of the foreign companies investing in them, seeing that a country could hardly receive aid without some encroachment on its sovereignty.

30. He would vote for the draft resolution even though he wondered how the acceptance of the United States amendment could upset the delicate balance established by the sponsors.

31. Mr. ROSALES (El Salvador) said that, while not a sponsor of the draft resolution under discussion, he attributed great importance to that text which recapitulated, in operative paragraph 1, the items over which States exercised sovereignty. Those items were of an economic nature and the Second Committee was perfectly entitled to deal with the matter, which was not the case so far as the amendment submitted by Afghanistan was concerned.

32. He thought that the Japanese delegation's suggestion to replace the word "States" in operative paragraph 1 by the expression "peoples and nations" would significantly alter the meaning of the paragraph and raise doubts in respect of international law.

33. Mr. MOLINA DUARTE (Venezuela) said that he shared the Peruvian representative's views concerning the amendments of the United States delegation and those of the delegation of Afghanistan.

34. With respect to the statement of the Japanese representative, who had recalled that the Economic and Social Council had decided to defer consideration of the question of permanent sovereignty until its fifty-fourth session and recommended the General Assembly also to defer it until its twenty-eighth session, he noted that Venezuela, Chile and Peru had submitted a draft resolution on the subject to the Economic and Social Council and agreed to defer consideration of it because they had not yet studied the Secretary-General's report (E/5170) containing comments on the question and referring to the pressure exerted on certain countries; it was after having seen the report and for political reasons that the sponsors had deemed it useful to submit the draft resolution to the General Assembly, a move which should not prevent the Council from considering that important question at its fifty-fourth session.

35. Referring to the statement of the representative of Greece, he said that he rejected any implication that in order to encourage private investments a State must surrender part of its sovereignty; that was a question to be settled in accordance with the national legislation of each country.

36. Mr. FARHANG (Afghanistan), speaking on behalf of the land-locked countries, rejected statements implying that land-locked countries were being used by other countries and stated that they were capable of looking after their own interests.

37. His delegation did not share the opinions of the Jamaican and Peruvian delegations concerning its amendment and considered that the conference on the law of the sea would be competent to discuss the question of the limits of the jurisdiction of coastal States over their coastal waters. In support of his statement he read out paragraph 2 of General Assembly resolution

2750 C (XXV), which provided for the convening of the conference and established its terms of reference, and said that in his opinion the words "a precise definition of the area" meant a precise definition of national jurisdiction. The amendment submitted by Afghanistan did not relate to the sovereignty of States over their national jurisdiction but merely stated that the conference on the law of the sea would be competent to decide the limits of national jurisdiction.

38. Certain delegations had observed that the conference on the law of the sea would not be competent to take decisions since only States had such competence; the observation was irrelevant because everyone must realize that a State could not regard an international body's decisions as binding until it had ratified them. The amendment submitted by Afghanistan could not therefore be interpreted as meaning that a decision of the conference would be binding on States.

39. In conclusion, he expressed the hope that members of the Committee would show their support of the interests and rights of land-locked countries, on behalf of all of which his delegation had made its proposal, by voting in favour of the amendment submitted by Afghanistan.

40. Mr. MANDERSON-JONES (Jamaica) said that the representative of Afghanistan's interpretation of the mandate of the Committee on the Peaceful Uses of the Sea-bed and Ocean Floor beyond the Limits of National Jurisdiction was erroneous and that the conference on the law of the sea could not define the limits of national jurisdiction, but only the area of the sea-bed and the ocean floor.

41. Mr. DE RIVERO (Peru) said that the mandate of the conference on the law of the sea was not to define the area of the sea-bed and the ocean floor but only to deal with a precise definition of the area, a very different matter.

42. Mr. KRÖYER (Iceland) said that following consultations between the Senegalese delegation and the sponsors of the draft resolution it had been decided that the words "living or non-living" should be inserted before the words "natural resources" in operative paragraph 1 and that Senegal had withdrawn its amendment (A/C.2/L.1282) and had asked to be added to the list of sponsors of the draft resolution.

43. The United States amendment, whereby a part of paragraph 1 would be deleted, would seriously change the meaning of the draft resolution as a whole and the sponsors could not accept it. Neither could they accept the United States amendment to operative paragraph 3.

44. Unfortunately, because the word "decisions" called national sovereignty into question, the amendment submitted by Afghanistan could not be accepted, but he assured the delegation of Afghanistan that the draft resolution under consideration in no way jeopardized the rights and interests of the land-locked



countries. In conclusion, he called upon the members of the Committee to vote in favour of the draft resolution.

45. Mr. ARLÍA (Argentina) said that he appreciated the spirit in which Senegal and the sponsors of the draft resolution had inserted the words "living and non-living" before the words "natural resources" but asked whether it would not be possible to say "over all their natural resources" so that nothing could be omitted.

46. Mr. KRÖYER (Iceland) thanked the Argentine representative for his amendment improving the wording of paragraph 1 and accepted it on behalf of the sponsors. He announced that Sierra Leone had become a sponsor of the draft resolution.

47. Mr. McCARTHY (United Kingdom) said that he agreed with the representatives of the United States and Japan and that he would also have to abstain if the draft resolution did not improve on the looseness and vagueness of the words "coastal waters". Some of the sponsors had indeed said that the draft resolution did not endorse the views of certain delegations concerning the definition of national jurisdiction, but the representative of Senegal had expressed a contrary opinion.

48. The CHAIRMAN announced that Dahomey and Guinea had been added to the list of sponsors.

*At the request of the representative of Peru, a vote was taken by roll-call on the oral amendment submitted by Afghanistan.*

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

*In favour:* Kuwait, Laos, Lebanon, Lesotho, Libyan Arab Republic, Malawi, Mongolia, Netherlands, New Zealand, Paraguay, Poland, Portugal, Qatar, Singapore, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Upper Volta, Yemen, Zambia, Afghanistan, Austria, Bahrain, Belgium, Bhutan, Bolivia, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Ethiopia, Hungary, Iraq, Italy, Jordan.

*Against:* Kenya, Liberia, Mali, Mauritania, Mexico, Morocco, Nicaragua, Nigeria, Peru, Romania, Rwanda, Senegal, Sierra Leone, Sri Lanka, Swaziland, Togo, Trinidad and Tobago, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Algeria, Argentina, Australia, Barbados, Brazil, Cameroon, China, Colombia, Congo, Cuba, Dahomey, Dominican Republic, El Salvador, Gabon, Ghana, Guatemala, Guinea, Guyana, Honduras, Iceland, Ivory Coast, Jamaica.

*Abstaining:* Khmer Republic, Madagascar, Malaysia, Malta, Niger, Norway, Pakistan, Philippines, Saudi Arabia, South Africa, Spain, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey,

United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire, Botswana, Burma, Canada, Central African Republic, Chad, Cyprus, Democratic Yemen, Denmark, Egypt, Finland, Greece, India, Indonesia, Iran, Japan.

*The amendment submitted by Afghanistan was rejected by 43 votes to 35, with 34 abstentions.*

*A vote was taken on the first oral amendment submitted by the United States concerning operative paragraph 1.*

*The first United States amendment was rejected by 53 votes to 18, with 37 abstentions.*

*A vote was taken on the second oral amendment submitted by the United States concerning operative paragraph 3.*

*The second United States amendment was rejected by 56 votes to 17, with 23 abstentions.*

*At the request of the representative of Afghanistan, a separate vote was taken on the second part of operative paragraph 1 beginning with the words "on land within their international boundaries".*

*At the request of the representative of Egypt, a vote was taken by roll call.*

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

*In favour:* Morocco, Nicaragua, Niger, Nigeria, Pakistan, Peru, Philippines, Romania, Rwanda, Senegal, Sierra Leone, Sri Lanka, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zaire, Algeria, Argentina, Barbados, Brazil, Burma, Cameroon, Chad, China, Colombia, Congo, Cuba, Cyprus, Dahomey, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Gabon, Ghana, Guatemala, Guinea, Guyana, Honduras, Iceland, Indonesia, Iran, Ireland, Ivory Coast, Jamaica, Kenya, Libyan Arab Republic, Madagascar, Malaysia, Mali, Malta, Mauritania, Mexico.

*Against:* Paraguay, Singapore, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia, Afghanistan, Bhutan, Bolivia, India, Japan, Laos, Lesotho.

*Abstaining:* Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, Saudi Arabia, South Africa, Spain, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Upper Volta, Yemen, Australia, Austria, Bahrain, Belgium, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Czechoslovakia, Denmark, Ethiopia, Finland, Greece, Hungary, Iraq, Italy, Jordan, Khmer Republic, Lebanon, Liberia, Malawi, Mongolia.

*The phrase was retained by 62 votes to 13, with 39 abstentions.*

*At the request of the representative of Afghanistan, a separate vote was taken on the phrase "both on land and in their coastal waters" in operative paragraph 3.*

*The phrase was retained by 54 votes to 14, with 26 abstentions.*

*A vote was taken on draft resolution A/C.2/L.1272/Rev.1 as a whole, as orally revised.*

*The draft resolution as a whole, as orally revised, was adopted by 82 votes to none, with 24 abstentions.*

49. Mr. LISOV (Union of Soviet Socialist Republics) said that he had voted for the draft resolution, on the understanding that the words "coastal waters", in paragraph 3, were in accordance with the provisions of international law and that the words "national jurisdiction" should be interpreted as covering the continental shelf and the subsoil thereof, coastal waters and fishing zones established in accordance with international law.

50. Mr. AL-EBRAHIM (Kuwait) said that he had voted in favour of the draft resolution because it safeguarded the principle of the national sovereignty of States over their natural resources. He had also voted for the amendment submitted by the delegation of Afghanistan, because he felt that questions relating to the sea-bed should be decided by the conference on the law of the sea.

51. Mr. AL-KHUDHAIRY (Iraq) said that he had voted for the draft resolution to demonstrate his solidarity with the sponsors and to support the principle of the permanent sovereignty of States over their natural resources. In his view, technical and legal questions relating to the law of the sea fell within the competence of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and the conference on the law of the sea.

*Mr. Pataki (Hungary), Vice-Chairman, took the Chair.*

52. Mrs. DERRÉ (France) said that a dispute related to the matter under consideration had been referred to the French courts and that her Government, which respected the principle of the separation of powers, had not deemed it possible to participate in the discussion or the voting.

53. Mr. FARHANG (Afghanistan) said that he had voted against the phrases in paragraphs 1 and 3 because they did not fall within the competence of the Second Committee, since they could be interpreted as an endorsement of the unilateral claims of States concerning their national jurisdiction over the sea-bed and the subsoil thereof.

54. In abstaining on the draft resolution as a whole, his delegation had not wished to question the principle of the permanent sovereignty of States over their natural resources; it just felt that it was for the conference on the law of the sea to decide on the limits of national jurisdiction.

55. Mr. FINDLEY (Liberia) said that he had voted against the amendment submitted by Afghanistan, because, in his view, it would encroach upon the jurisdiction of States. He had abstained in the vote on the United States amendments because they dealt with extremely controversial legal questions. Finally, he had abstained on the draft resolution as a whole, because other United Nations bodies were more competent to deal with the technical and legal matters relating to the sea-bed and the ocean floor.

56. Mr. ARLÍA (Argentina) said that he had voted against the amendment submitted by Afghanistan because decisions relating to the jurisdiction of States could not be entrusted to the conference on the law of the sea.

57. Mr. VALDÉS (Bolivia) said that he had voted for the draft resolution on the understanding that questions relating to national jurisdiction would be dealt with at the conference on the law of the sea. He had interpreted the explanations of the representative of Iceland to mean that the resolution did not in any way impair the sovereignty of land-locked States.

58. Mr. YOKOTA (Japan) said that his delegation supported the principle of the permanent sovereignty of States over their natural resources; however, it had voted for the deletion of the passage in paragraph 1 on which a separate vote had been taken because the wording was unacceptable to his delegation.

*Mr. Rankin (Canada) resumed the Chair.*

59. Mr. HAMID (Sudan) said that he would have voted for the draft resolution if he had been present during the voting.

60. Mr. JAIN (India) said that he had mistakenly voted against the phrase in paragraph 1 on which a separate vote had been taken. He wished his vote to be recorded as having been in favour.

#### OUTFLOW OF TRAINED PERSONNEL FROM DEVELOPING TO DEVELOPED COUNTRIES (continued) (A/C.2/L.1271/Rev.1, A/C.2/L.1280, A/C.2/L.1281)

61. Mr. MORENO (Cuba) explained the position of the sponsors of the draft resolution on the amendments which had been suggested at the preceding meeting. The Argentine amendments (A/C.2/L.1281) were considered to be unacceptable, which did not mean that the sponsors were opposed to the *World Plan of Action for the Application of Science and Technology to Development*,<sup>2</sup> but the Plan of Action had not yet been approved by the higher organs of the United Nations.

<sup>2</sup> United Nations publication, Sales No. E.71.II.A.18.

62. The Netherlands amendment to paragraph 1 (b) had been accepted by the sponsors.

63. With regard to the French amendments, the sponsors did not see why a reference to the treaties in force and the Universal Declaration of Human Rights should be added to operative paragraph 2, since they really had nothing to do with the matter. However, the sponsors could agree, with regard to paragraph 3, that the report should be submitted to the General Assembly at its twenty-eighth session through the Economic and Social Council, since that was a normal procedure.

64. In order to satisfy various delegations, particularly those of Brazil, Finland and India, the sponsors had decided to amend paragraph 2 by replacing the words "to prepare, in consultation with the Member States concerned, an Action Programme" with the words "to draft, in consultation with the Member States concerned, the necessary guidelines for an action programme to be elaborated by the Committee on Science and Technology for Development". The sponsors had also decided to redraft paragraph 3 in consequence and amend the end to read: "through the Economic and Social Council and the guidelines for an action programme to the Committee on Science and Technology for Development at its second session".

65. The first amendment proposed by the Japanese delegation calling for deletion of any reference to the action programme was not acceptable to the sponsors, who felt that direct action was essential. However, the sponsors could accept the second Japanese amendment.

66. One of the United States amendments was already incorporated in the Netherlands amendment. The other amendments were unacceptable since they would weaken the import of the draft resolution.

67. Mr. FLEMING (Argentina) thanked the Cuban delegation and the other sponsors for having sought to incorporate as many suggestions as possible. The question of the outflow of trained personnel from developing to developed countries was of considerable importance to all developing countries.

68. The text of the draft resolution, however, still suffered from a certain lack of balance which the Argentine amendments (A/C.2/L.1281) were designed to rectify. The draft resolution provided for the preparation of a study and an action programme; he pointed out that an action programme already existed in the framework of the *World Plan of Action for the Application of Science and Technology to Development*. He read out the guiding principles laid down in the preface to the World Plan of Action and pointed out that all the necessary measures to combat the outflow of trained personnel were already set forth in chapter III, on the building up of an indigenous scientific and technological capacity. It was therefore regrettable that the sponsors did not see fit to accept the first Argentine amendment.

69. A number of delegations had referred to the fact that not only the developed countries but the developing countries, too, were required to take steps to combat the outflow of trained personnel. It was for that reason that his delegation was submitting its second amendment by which the Secretary-General would be requested to take urgent measures to counterbalance the outflow of trained personnel. That amendment did not rule out the preparation of the study and the action programme envisaged in the draft resolution and did not prejudice their results. His delegation simply wished to stress that it would be advisable to waste no time and to begin applying the World Plan of Action as "one of the means to counterbalance the outflow of trained personnel". Moreover, it was quite likely that the study to be undertaken would arrive at the conclusion that the World Plan of Action should be implemented; the Argentine amendment was designed simply to ensure that a start would be made without delay.

70. The representative of Cuba had pointed out that the World Plan of Action had not yet been adopted by the higher organs of the United Nations; in fact, in resolution 1638 (LI) of 30 July 1971, the Economic and Social Council had noted it with great interest.

71. Mr. ZAGORIN (United States of America) expressed regret that the amendments proposed by his delegation to the draft resolution at the 1507th meeting had not been accepted, the more so since some of them were partially reflected in some of the changes made by the sponsors and in the amendment proposed by the Netherlands. In particular, he failed to understand why the sponsors had rejected the amendment in respect of operative paragraph 2 which was designed to make the proposal in that paragraph more general and, consequently, more effective. By confining the action to be taken to the industrialized countries, the sponsors were weakening the draft resolution and making its effect partial.

72. His delegation wished to introduce some additional amendments designed to make the draft resolution fairer and more balanced, so that his delegation would be able to support it and the problem of the brain drain could be dealt with more effectively. In the last preambular paragraph the word "prevent" should be replaced by the word "overcome" and the phrase "along with the fact that some industrialized countries promote that outflow by various means" should be replaced by the words "as well as understanding the reasons for the outflow". The study to be undertaken would doubtless confirm those reasons, but for the time being it was preferable not to prejudge the issue in the draft resolution. For the same reasons and in order to make the text in operative paragraph 1 (a) more balanced, the words "bringing out" should be replaced by the word "considering", the words "negative" and "the advantages reaped" should be deleted, and the word "by" should be replaced by "in". His delegation would not be able to support the draft resolution unless those amendments were accepted.

73. Mr. HEMANS (United Kingdom) stressed the importance of the problem dealt with in the draft resolu-



tion and associated himself with what the representative of the United States had just said. The developing countries were not the only victims of that situation; the United Kingdom itself was familiar with the problem and, for that reason, was particularly anxious to assist in the efforts to solve it. His delegation welcomed the amendment to paragraph 1 (b) proposed by the Netherlands, although it was not enough to balance the draft resolution. Indeed, the last paragraph of the preamble and operative paragraph 2 gave the impression that the outflow of personnel was directed towards the developed countries and was caused by them. The words "mainly by the Governments of industrialized countries" in operative paragraph 2 should therefore be deleted.

74. Moreover, his delegation endorsed the proposal by France that reference should be made to the Universal Declaration of Human Rights. It was necessary that the steps to be taken to combat that situation and the report and the study to be prepared on the subject should take account of human rights. It was also important to realize that the outflow of trained personnel was sometimes dictated by political reasons. It should be borne in mind, too, that the United Nations Secretariat itself was a major beneficiary of that outflow.

75. Mrs. DERRÉ (France) thanked the sponsors for accepting some of the French amendments but said that she failed to understand why they rejected the reference to the Universal Declaration of Human Rights in operative paragraph 2. That principle had been recognized in Economic and Social Council resolution 1573 (L). Her delegation therefore maintained its amendment, which called for the addition of the words "without prejudice to existing international agreements and in conformity with the Universal Declaration of Human Rights" at the end of operative paragraph 2.

76. Mr. GALLARDO MORENO (Mexico) thanked the representative of Cuba for having taken account, in amending operative paragraph 2, of the doubts expressed by his delegation. The Mexican Constitution authorized the free movement of workers and his delegation had therefore been unable to accept that paragraph in its original form. It would vote in favour of the draft resolution, but considered that certain amendments, particularly those proposed by France and Argentina and some of those proposed by the United States of America and the United Kingdom, would improve it.

77. Mr. ABHYANKAR (India), speaking in explanation of vote, said that he would vote in favour of the draft resolution. Referring to the statements made by the representatives of the United Kingdom and the United States of America, he expressed the view that the amendment proposed by the Netherlands partly satisfied their concern. It was not desirable that any physical obstacle should be placed in the way of the desire of some people to go abroad in order to find work. The only means of halting the outflow was the development process itself, but that was a long-term process which would span a generation or longer. With

regard to the observations made by the representative of the United States of America at the previous meeting, he was of the view that the history of the United States in the nineteenth century bore witness to the fact that it was indeed the industrialized countries which derived the greatest benefit from the outflow of trained personnel and that it was therefore essentially those countries which should adopt measures to halt that outflow, by restricting or prohibiting the entry to their country of trained personnel from developing countries. The draft resolution did not, therefore, lack balance. It was natural that trained personnel should tend to emigrate to the most active economic centres and the draft did no more than note that state of affairs. He appealed to the delegations of the developed countries, particularly those of the United Kingdom and the United States, to give their co-operation, which was essential for effective action on the basis of the draft resolution.

78. Mr. CISSÉ (Senegal) said that, as a sponsor of the draft resolution, his delegation supported it fully, but regretted that it had not taken part in the consultations among the other sponsors on the amendment proposed by France. It had expressed its concern, since Senegal was a devoted supporter of international agreements and human rights. His delegation therefore urged the sponsors to accept the French amendment to operative paragraph 2.

79. Mrs. STRÖJE-WILKENS (Sweden) thanked the sponsors for accepting certain amendments. She agreed with the Indian representative that the amendment proposed by the Netherlands to operative paragraph 1 (b) was similar in part to other amendments which had not been accepted. She noted, however, a certain lack of balance in operative paragraph 2 and urged the sponsors to accept the amendments proposed to paragraphs 1 and 2. Furthermore, she proposed that the words "as outlined in the study" should be inserted after "that can be taken to deal with the problem" in operative paragraph 2 and that the rest of the paragraph should be deleted. Her delegation also supported the amendment proposed by France.

80. Mr. ZAGORIN (United States of America) expressed regret that the Indian representative was unable to accept the amendments to the last preambular paragraph and to operative paragraph 1 (a). Those parts of the draft resolution placed too much blame on the industrialized countries and, despite its desire to contribute towards a solution of the problem, his delegation was unable to accept them.

81. Mr. MORENO (Cuba) felt that the first part of operative paragraph 2 allayed the misgivings of Sweden concerning the relationship between the study and the guidelines. His delegation was prepared to accept the amendments proposed by the United States to operative paragraph 1 (a) but the amendments by that delegation to the last preambular paragraph were unacceptable. The sponsors had not been able to reach agreement on the amendment proposed by France; it was therefore desirable to put that amendment to the vote. The amendment to operative paragraph 2 pro-



posed by the United Kingdom was also unacceptable; the sponsors could not delete anything at all in the paragraph without destroying the delicate balance they had achieved.

82. Mr. CARANICAS (Greece) said that he shared the view of the United States representative and requested that a vote should be taken on the amendments proposed by that delegation.

83. His delegation also endorsed the amendment proposed by France. The change proposed by Sweden tended to simplify the text and, if it was not accepted, it would be better to adopt the amendment to operative paragraph 2 proposed by the United Kingdom. If that was not acceptable, his delegation proposed that the words "mainly by the Governments of industrialized countries" should be replaced by the words "by both the developing and the developed countries".

84. Mr. HEMANS (United Kingdom) said that he would withdraw his amendment if the Swedish amendment was accepted. The amendment proposed by Greece would have the same effect as that proposed by Sweden. His delegation would continue to have difficulties if neither of those two amendments was accepted.

85. Mrs. STRÖJE-WILKENS (Sweden) explained to the representative of Cuba that she had not made a formal proposal. She was unable to accept his explanation. Operative paragraph 2 still lacked balance because the last part did not take account of the fact that it was also necessary that the developing countries should make it easier for trained personnel to be employed there.

86. Mr. MORENO (Cuba) felt that it might be possible to satisfy the United Kingdom, Sweden and Greece by inserting the words "in co-operation with the developing countries" after the words "industrialized countries" at the end of operative paragraph 2.

87. Mr. CARANICAS (Greece) said that he was unable to accept the amendment proposed by the Cuban delegation and requested a separate vote on the amendments to operative paragraph 2.

88. Mr. ZAGORIN (United States of America) asked the Cuban representative if he would accept the words "as well as" instead of "in co-operation with".

89. Mr. MORENO (Cuba) withdrew his suggestion. The sponsors had done all in their power to allay the concern aroused by the draft resolution and were now unable to go any further.

90. Mr. CZARKOWSKI (Poland) moved the closure of the debate and asked for a vote to be taken forthwith.

91. Mr. FINDLEY (Liberia), speaking in explanation of his delegation's vote, said that it would abstain since the draft resolution was incompatible with the political and economic rights and freedoms of citizens as proclaimed in the Liberian Constitution. Moreover, it did

not take sufficient account of the advantages derived by expatriates from working abroad.

*A vote was taken on the Argentine amendments (A/C.2/L.1281).*

*The Argentine amendments were adopted by 31 votes to 16, with 43 abstentions.*

*At the request of the representative of Greece, a vote was taken by roll call on the French amendment to operative paragraph 2.*

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

*In favour:* Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Argentina, Australia, Austria, Bahrain, Belgium, Bolivia, Brazil, Canada, Central African Republic, Colombia, Dahomey, Denmark, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Gabon, Ghana, Greece, Guatemala, Guyana, Honduras, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Lesotho, Madagascar, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Philippines, Portugal, Senegal, Singapore, Spain.

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

*Abstaining:* Togo, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, United Arab Emirates, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Algeria, Botswana, Burma, Cameroon, China, Congo, Cyprus, Democratic Yemen, Ethiopia, Guinea, Iraq, Ivory Coast, Kuwait, Liberia, Libyan Arab Republic, Mauritania, Niger, Nigeria, Qatar, Romania, Rwanda, Sierra Leone, South Africa, Sudan.

*The oral amendment submitted by France was adopted by 58 votes to 9, with 37 abstentions.*

*A vote was taken on the amendments submitted by the United States of America.*

*The amendment submitted orally by the United States of America to the last preambular paragraph was adopted by 37 votes to 35, with 23 abstentions.*

92. Mr. LISOV (Union of Soviet Socialist Republics) expressed regret that the Committee was not using the electronic equipment for voting, since the results of the vote seemed questionable to him.

93. The CHAIRMAN pointed out that the votes were very carefully counted successively by several persons.

*The amendments submitted orally by the United States of America to operative paragraph 1 (a) were rejected by 41 votes to 33, with 23 abstentions.*

94. Mr. LISOV (Union of Soviet Socialist Republics) said that the results of the second vote confirmed his misgivings regarding the results of the first vote.

95. The CHAIRMAN said that he deplored that remark, which was quite out of place in the cordial working atmosphere of the Committee.

96. Mr. ZAGORIN (United States of America) protested against the remark by the representative of the USSR. In view of the results of the last vote, his delegation would not be able to vote in favour of the draft resolution as a whole.

97. Mr. SINGER (Uruguay) felt that delegations which submitted amendments should explain in

advance the position their delegations would take if their amendments were rejected.

*A vote was taken on the United Kingdom amendment to operative paragraph 2.*

*The amendment submitted orally by the United Kingdom was rejected by 52 votes to 24, with 19 abstentions.*

*Draft resolution A/C.2/L.1271/Rev.1 as a whole as amended, was adopted by 82 votes to none, with 19 abstentions.*

*The meeting rose at 7.45 p.m.*