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Chairman: Mr. Piero VINCI (Italy).

AGENDA ITEM 26

Examination of the 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 *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (*continued*) (A/7230, A/C.1/973, A/C.1/L.425/Rev.2, L.429/Rev.2 and Add.1-4, L.430, L.431/Rev.2, L.432/Rev.1 and Add.1, L.433 and Corr.1, L.435, L.436, L.437 and Add.1 and 2, L.438, L.439, L.440/Rev.2, L.441 and Add.1-5, L.442, L.465/Rev.1)

1. The CHAIRMAN: Before giving the floor to representatives who wish to speak in explanation of vote, I call on the representative of Malta to introduce an amendment.

2. Mr. PARDO (Malta): I should like to refer to the draft resolution contained in document A/C.1/L.429/Rev.2 and Add.1-4 on the international decade of ocean exploration, and to one of the amendments thereto, that contained in document A/C.1/L.439, co-sponsored by eight countries.

3. I believe that all countries share, to a greater or lesser extent, the concerns of the eight delegations which co-sponsored this amendment. However, we understand that the text of the amendment itself causes some difficulty to some of the co-sponsors of the draft resolution on the international decade of ocean exploration. We are anxious to be of assistance in this matter and we would like to submit an alternative formulation of the amendment that we hope will be acceptable to the sponsors of the draft resolution contained in document A/C.1/L.429/Rev.2 and Add.1-4 and to those of the amendment contained in document A/C.1/L.439. The formulation, which has already been handed to the Secretariat, reads as follows:

"on the understanding that all such activities falling under the national jurisdiction of a State shall be subject

to the previous consent of such State in accordance with international law."¹

Those words would be added at the end of operative paragraph 1.

4. In order to save time, I would also take this opportunity to inform you, Mr. Chairman, that we shall not press for a vote on the draft resolution sponsored by us and Mauritius and the United Republic of Tanzania [A/C.1/L.433 and Corr.1], on the understanding that the sponsors of all the other draft resolutions on principles do not press their drafts to a vote. If the sponsors of those draft resolutions agree, I would suggest that the Committee take a decision that the draft resolutions contained in documents A/C.1/L.430, A/C.1/L.432/Rev.1 and Add.1, A/C.1/L.433 and Corr.1, A/C.1/L.437 and, if it has not already been withdrawn, A/C.1/L.434/Rev.1, be referred to the committee to be established under the draft resolution contained in document A/C.1/L.425/Rev.2 for consideration by that committee.

5. The CHAIRMAN: I shall now call on representatives who wish to speak in explanation of vote.

6. Mr. PAZ AGUIRRE (Uruguay) (*translated from Spanish*): The Uruguayan delegation proposes to vote in favour of draft resolution A/C.1/L.425/Rev.2, one of the documents before the Committee, and I should like to refer to it specifically. It has to do with the examination of the question of the reservation for peaceful purposes of the sea-bed and the ocean floor beyond the limits of present national jurisdiction. But we do not intend to remain silent as we vote. We wish to say as we record our vote that we disapprove of the composition of the standing committee in respect of the number of countries composing it, as proposed in operative paragraph 1.

7. We fail to understand what reasons can prompt certain countries, by vetoing any increase over and above forty-two in the membership of the committee and thus actually jeopardizing its very establishment, to prevent a number of countries which have expressed a keen interest in belonging to it from doing so, thus slamming the door on the possibility of giving the prospective committee a more equitable and balanced composition.

8. The negotiations leading up to the final text we are considering today were arduous and laborious, as we realize. We also realize the effort made by the Chairman of our Committee, most judiciously, to find a compromise formula which, although it did not entirely meet the legitimate claims of Latin America and other geographical

¹ Subsequently circulated as document A/C.1/L.466.

groups such as Asia and Africa, was at least a step in the direction of proper consideration of those claims.

9. In the preliminary talks, Latin America put in a bid for ten seats on the committee, which already implied a settlement for less than its rights. That meant increasing the number of members to forty-six; and when I say increasing I am not referring to the composition of the thirty-five member *Ad Hoc* Committee, which disappeared because its mandate expired. When after very tough negotiations there seemed to be agreement on fifty-five members, which meant that Asia would have ten representatives, Latin America nine, Africa sixteen, Western Europe thirteen, and Eastern Europe seven, we were told that even fifty-five was not an acceptable number to certain countries, which thus gave us the choice either of agreeing to forty-two or possibly having no committee at all, in which case there would be no international control of the wealth of the sea-bed and ocean floor for peaceful purposes, and these regions could become territories exposed to unilateral seizure by countries possessing a high level of industrialization, in all probability to the detriment of the interests of the international community as a whole.

10. The reasons adduced for rejecting the number of fifty-five and insisting on forty-two make no logical sense as far as we can see. We are told that the limitation on membership is designed to ensure the efficiency of the committee, and that fifty-five might militate against this.

11. But on the other side it can be argued that in issues of such importance, the complexity of a law emerging within a new juridical, technical and political framework calls for a liberal and not a narrow-minded approach; that the diversity of that framework justifies the establishment of working groups; that the more, and the more justly, the different regions of the world are represented, the easier it will be subsequently to find genuine endorsement and support for any decisions taken; and that when all is said and done, there is a marked geological and geographical heterogeneity in this respect not only between one region and another but within each region, with undeniable geopolitical implications which cannot be ignored.

12. The increase in the number of members of the Committee as proposed at a given moment by the Asian, African and Latin American groups would certainly have been more equitable and just. If in the end we agreed to the enforced reduction to forty-two members, it was because of a sense of responsibility shown by those geographical groups so as to salvage the establishment of the international committee, which was on the point of being stillborn because of the intransigence of a group of countries, as I have mentioned. At all events, we have to recognize that the principle of rotation agreed to is healthy and sound, and it will give the countries that have been barred a chance to make themselves heard when the time comes, although the time may not come for years.

13. In conclusion, let me say again that what has most disturbed us and prompted this protest is the way in which the matter was raised. It is an inadmissible procedure, and we deplore it. Subject to this *caveat*, we shall support the draft resolution under discussion [A/C.1/L.425/Rev.2].

14. Mr. TELLO MACIAS (Mexico) (*translated from Spanish*): I have asked for the floor in reference to the

statement by the representative of Malta, suggesting a text both to the countries sponsoring document A/C.1/L.429/Rev.2 and Add.1 to 4 and to those of us who submitted the amendment contained in document A/C.1/L.439.

15. With regard to the Maltese representative's proposal, my delegation would be prepared to accept it provided it is acceptable also to the sponsors of draft resolution A/C.1/L.429/Rev.2 and Add.1 to 4. Although we consider that the original amendment covers what we had in mind perfectly well, we appreciate the arguments put forward by the representative of Malta, and in view of the lateness of the hour and the need to reach a satisfactory conclusion, my delegation would be willing to accept his text.

16. Mr. MENDELEVICH (Union of the Soviet Socialist Republics) (*translated from Russian*): Mr. Chairman, I should like to ask you one question on a point of order, so as to clarify the situation. Since there is a large number of draft resolutions and amendments before us, could you make things easier for us by telling us on which documents explanations of vote are in order, giving the numbers of these documents. After that, with your permission, my delegation would like to speak in explanation of vote.

17. The CHAIRMAN: My reply to the question put by the representative of the Soviet Union will perhaps not be completely satisfactory. My understanding is that we are in a position to proceed to the vote, first of all, on the draft resolution contained in document A/C.1/L.425/Rev.2. I am not sure about draft resolution A/C.1/L.429/Rev.2 and Add.1-4. Perhaps we shall have an explanation from one delegation that has asked for permission to speak already. Now we have also before us an amendment put forward by the representative of Malta to draft resolution A/C.1/L.429/Rev.2 and Add.1-4, which has been accepted by the representative of Mexico. We still have no reply from the other sponsors of that draft resolution. In regard to the other draft resolutions, there was a suggestion made by the representative of Malta. If I understood correctly what he said, he was making an appeal to the sponsors of draft resolutions A/C.1/L.430, L.432/Rev.1 and Add.1, L.433 and Corr.1 and L.437 to refer those documents to the standing committee to be set up by this Committee. That is my understanding so far.

18. Mr. PARDO (Malta): I added document A/C.1/L.434/Rev.1. I am not quite sure of the status of that document.

19. The CHAIRMAN: On that point I would remind the members of the Committee that the amendment contained in document A/C.1/L.434/Rev.1 was withdrawn at the 1603rd meeting. That was the Liberian amendment.

20. Mr. THACHER (United States of America): If I may respond to the inquiry addressed by the representative of Mexico a few minutes ago to the sponsors of draft resolution A/C.1/L.429/Rev.2 and Add.1-4—if I understood him correctly, the representative of Mexico indicated his acceptance of the suggestion made by the representative of Malta with regard to the amendment originally proposed by Mexico and a number of other delegations, contained in document A/C.1/L.439. That amendment was to draft resolution A/C.1/L.429/Rev.2 and Add.1-4, of which the

United States is a sponsor. I can speak only for my delegation but I believe I express the opinion of a number of the other sponsors of draft resolution A/C.1/L.429/Rev.2 and Add.1-4 when I say that my delegation can support the formulation put forward a short time ago by Malta.

21. Mr. SOLOMON (Trinidad and Tobago): I should like to make a brief statement with respect to the present status of the amendments, contained in document A/C.1/L.465/Rev.1, to draft resolution A/C.1/L.429/Rev.2 and Add.1-4. The position at present is that the sponsors of these amendments are holding conversations with the sponsors of the draft resolution in an atmosphere which gives us reason for the cautious optimism that there might be a reconciliation of outstanding differences.

22. I think I owe it to the Committee as a whole to indicate in specific terms the changes that both parties are prepared to accept so far in the proposed amendments. I speak on behalf of all the co-sponsors when I say that it has been agreed to revise the first amendment so that the new first preambular paragraph would read as follows:

"Convinced that the nations of the world should join together in a common long-term programme of exploration of the ocean as a potential source of resources, which should eventually be used for meeting the needs of all mankind with due recognition of those developing countries and irrespective of the geographical location of States;"

23. There is a change to the second amendment which would affect the third preambular paragraph of the draft resolution. We have agreed with some of the sponsors that that amendment might now read as follows:

"Recalling further the proposals made by the Secretary-General in his report (E/4487) pursuant to resolution 2172 (XXI), as well as the several views expressed on this subject during its consideration at the twenty-third session of the General Assembly,"

24. In their consultations with the sponsors of draft resolution A/C.1/L.429/Rev.2 and Add.1-4, the sponsors of the amendments are making progress on other paragraphs and, as I say, we enjoy the cautious optimism that we might ultimately be able to get the support of the sponsors of the draft resolution for our amendments. Therefore, we would ask that a vote not be pressed immediately on either draft resolution A/C.1/L.429/Rev.2 and Add.1-4 or the amendments in document A/C.1/L.465/Rev.1.

25. The CHAIRMAN: I wish to inform the Committee that Guyana has become a co-sponsor of the amendments contained in document A/C.1/L.465/Rev.1.

26. Mr. DIGGS (Liberia): I should like to explain to the representative of Malta that we made a statement earlier in the Committee that we would not press our draft resolution (A/C.1/L.434/Rev.1) to a vote, but that we would instead co-sponsor and support the draft resolution offered by Cyprus and Uruguay in document A/C.1/L.432/Rev.1.

27. The CHAIRMAN: I think members of the Committee have taken note of the position stated by the representative of Liberia.

28. Mr. ZULOAGA (Venezuela) (*translated from Spanish*): When at the beginning of this meeting the Chairman saw fit to communicate the draft resolutions that were ready to be voted upon, he made no mention after citing draft resolution A/C.1/L.425/Rev.2 of the one bearing the symbol A/C.1/L.441 and Add.1 to 5, nor of the amendments contained in document A/C.1/L.426/Rev.1 and Add.1.

29. Hence I take this opportunity to inform the Committee that this morning, as everyone knows, a meeting was called of all the sponsors of draft resolution A/C.1/L.441 and Add.1 to 5. In the course of that meeting, which was chaired by the representative of Thailand, ideas were again exchanged among the sponsors regarding the present situation following these days of interruptions and negotiations. It became quite clear at the meeting that there was complete solidarity among the sponsors. In view of that, after consulting the other three sponsors of amendments, the delegations of Venezuela, Kuwait, Niger and Saudi Arabia have decided not to press the amendments in document A/C.1/L.426/Rev.1 and Add.1 to a vote, since draft resolution A/C.1/L.441 and Add.1 to 5 will be put to the vote.

30. The CHAIRMAN: I am grateful to the representative of Venezuela for having clarified the situation with regard to document A/C.1/L.426 and draft resolution A/C.1/L.441 and Add.1-5. For my part, I should like to say that if I did not mention document A/C.1/L.426, it was because I had noted that the decision was not to press it to the vote and it was not on my list as prepared by the Secretariat. I did not overlook draft resolution A/C.1/L.441 and Add.1-5; I just did not mention it.

31. Mr. SALEHI (Iran) (*translated from French*): I merely want to say that my delegation, as a sponsor of the amendment in document A/C.1/L.439, accepts the proposal of the representative of Malta and we are satisfied with the changes made in the text of the draft resolution [A/C.1/L.429/Rev.2 and Add.1-4].

32. The CHAIRMAN: Before calling on the representative of the Soviet Union, I would say that his requests have made it easier for all members to have a better picture of the situation. May I add, before giving the floor to the representative of the Soviet Union, that Yugoslavia has become a co-sponsor of the amendments contained in document A/C.1/L.465/Rev.1.

33. Mr. MENDELEVICH (Union of Soviet Socialist Republics) (*translated from Russian*): Mr. Chairman, before I make my statement, I should like it to be confirmed that we are not now hearing explanations of vote on draft resolution A/C.1/L.429/Rev.2 and Add.1-4 and the various amendments to it, since, as I understand from the representative of Trinidad and Tobago, consultations are being held on the numerous amendments to that text and the picture is not yet clear.

34. I do not wish to comment in detail on amendments which may yet be changed. My delegation will therefore state its views on draft resolutions A/C.1/L.425/Rev.2, A/C.1/L.431/Rev.2, A/C.1/L.430, A/C.1/L.432/Rev.1 and Add.1, A/C.1/L.433, A/C.1/L.437 and Add.1 and 2, and,

finally, A/C.1/L.441 and Add.1-5. I am ready to do this now, if I may. But I should like to know when we will discuss resolution A/C.1/L.429/Rev.2 and Add.1-4 and the amendments to it.

35. The CHAIRMAN: As a matter of fact the representative of Trinidad and Tobago has made a suggestion. I understand that it is the practice not to vote immediately on any document presented. That is the practice, although it is not always followed. We shall leave it to the Committee. However, in the event that the Committee decides to postpone the vote until tomorrow, I sincerely hope that that will be the only draft resolution on which we shall still have to take a decision.

36. Mr. MENDELEVICH (Union of Soviet Socialist Republics) (*translated from Russian*): My delegation would like to explain the reasons for its vote on several draft resolutions, beginning with the draft resolution on the establishment of a United Nations committee on the sea bed and the ocean floor, as contained in document A/C.1/L.425/Rev.2.

37. As we all know, multilateral consultations in the most varied forms were conducted on the substance of this draft resolution throughout this session of the General Assembly. I should like to note that, as a result of these consultations, agreement has been reached in the Committee on the great majority of the questions covered in the draft resolution. Agreement has been reached both on the desirability of establishing a United Nations committee on the sea bed and the ocean floor and on endowing it with competence in a broad range of questions—economic, technical, legal, political, scientific and technological—so that it would be an important and serious organ of the United Nations. In the course of the consultations, full agreement was also reached on nearly all provisions relating to the future committee's work and procedures, in the light both of the text itself and of the interpretations of it given by its sponsors. This last remark applies especially to the committee's procedures.

38. The greatest difficulties during the consultations were encountered in the phrasing of operative paragraph 2 (c) of the draft resolution, possibly because it is concerned with an extremely complex matter. In the first revised version of the draft, that paragraph read as follows:

“...To study further the reservation of this area exclusively for peaceful purposes, taking into account studies and international negotiations being undertaken in the field of disarmament”.

This formulation caused certain delegations, including my own, to ponder very carefully all its possible consequences. It was, after all, being proposed that the future committee should be active in a sphere verging on the problems of disarmament or of averting further extension of the arms race—in this case, extension of the arms race to the sea bed—i.e., problems which are the constant concern of the Eighteen-Nation Committee on Disarmament, whose reports are considered by the First Committee and the General Assembly.

39. After carefully studying this wording, my delegation experienced certain doubts, which it frankly expressed at an earlier meeting of this Committee. We were not happy

with the words “this area”, since, as could be seen from all the preceding paragraphs, the area qualified by the word “this” was the area beyond the limits of national jurisdiction. At the same time—I will not repeat in detail what we have already said on this point—the question of the limits of national jurisdiction has a number of different aspects, especially if it is borne in mind that the Convention on the Continental Shelf does not give any clear or precise indication of where the limits of national jurisdiction lie, because its second criterion for determining the extent of the continental shelf allows States, particularly militarily powerful States, to extend their continental shelf indefinitely, by claiming that it is accessible.

40. Since the Soviet Union firmly adheres to the position that the arms race must not be allowed to spread to the sea-bed and the ocean floor, and since the concept of “limits of national jurisdiction” is, as I have just said, quite flexible within the context of the Convention on the Continental Shelf, my delegation expressed its firm conviction that it would be highly desirable to agree here and now that the entire area of the sea-bed and the ocean floor which is beyond the limits of territorial waters should be reserved exclusively for peaceful purposes, i.e., that the entire continental shelf should be included in the peaceful zone, the area reserved for peaceful uses, and that the arms race should not be permitted to extend to it. My delegation explained at length why it considered such action essential. It also submitted a corresponding amendment: to replace the words “this area” by “the sea-bed and ocean floor beyond the limits of territorial waters”. There followed lengthy, intensive, and, I must say, very businesslike consultations with the sponsors of the draft resolution, in the course of which it became clear that a good many of the sponsors were not prepared at this stage to take the decision that the sea-bed and ocean floor must be reserved exclusively for peaceful uses beyond the limits of territorial waters. Most of the sponsors wanted to leave the question open.

41. The Soviet side pondered the situation and agreed in principle that the limits beyond which the sea-bed and the ocean floor should be reserved exclusively for peaceful uses should not be defined at present.

42. Negotiations concerning the wording then began. After much effort on all sides—and I must say on the part of many of the sponsors and in particular of Mr. Denorme, the Belgian representative, who was the chairman at our meetings—attempts were made to find a mutually acceptable formulation. This led to the appearance of “Rev.2”, where this subject was covered in a separate paragraph—paragraph 2 (c) becoming paragraph 3—in which the General Assembly also calls upon the committee to study further, within the context of the title of the item, and taking into account the studies of international negotiations being undertaken in the field of disarmament, the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor without prejudice to the limits which may be agreed in this respect. In our view this phrasing of paragraph 3 is an improvement and it removes some of our doubts. I must add that the explanations given yesterday by Mr. Denorme when introducing the revised draft resolution and by the representative of Ceylon at our morning meeting opened up a further possibility of mutual agreement, since

they made clear in their explanations that the words "within the context of the title of the item" must not be used to attack the positions of States which adhere to certain principles with regard to the limits beyond which the sea-bed and ocean floor are to be reserved exclusively for peaceful uses.

43. At the same time, we cannot overlook the fact that the words "within the context of the title of the item" still reflect the idea of "limits of national jurisdiction", although in a different form, since the title of the item contains those very words: "beyond the limits of present national jurisdiction". Consequently, our doubts have not all been resolved, for while the interpretation of the sponsors of the draft resolution is satisfactory, in the future someone may still use that wording to the detriment of the position of principle that the limits beyond which the sea-bed and ocean floor must be reserved exclusively for peaceful uses should be as close as possible to the coast—in other words, they should be the limits of territorial waters. The possibility is not excluded that in the future someone—certainly not those delegations which have stated that their interpretation of the matter is close to ours, but someone else—may use those words to the detriment of our position. Consequently, we still have some doubts on the point.

44. There were also lengthy consultations regarding the composition of the proposed committee and in this respect I would say that the Soviet Union and a number of other States are somewhat disappointed that agreement could not be reached on a composition which, in our view, would have been fairest and most practical. We believe that, since the limits of territorial waters are the most effective boundaries for the exclusively peaceful uses of the sea-bed and the ocean floor, the composition of the committee should have been held down to its former number—thirty-five States, like the *Ad Hoc* Committee—but since there is a strong desire to expand it, we might agree to the maximum number of forty-two States, provided that one more socialist country is included.

45. In our view, in an organ such as the future committee on the sea-bed and the ocean floor it is neither reasonable nor necessary to have proportional representation of different groups. The composition of that committee is not a matter of geography, because the committee will not deal with questions relating to the geographical position of States. It will, as is made particularly clear in operative paragraph 3, deal with questions relating to peace and security. As it will deal with such questions, we must insist on the due representation of socialist countries, since what is involved is a problem of global international relations, a problem, if you will, of world balance. Consequently during the consultations we pressed for the inclusion of at least one more socialist country among the forty-two members of the committee; however, the sponsors of the draft resolution did not react favourably and I must say that, while agreeing that the committee should consist of forty-two members, my delegation cannot accept the composition which has been agreed upon between certain geographical groups and which was mentioned today by the representative of Uruguay. We are disappointed because the interests of the socialist countries in a question having to do with peace and security have not, as we see it, been sufficiently taken into account.

46. These are the comments my delegation wished to make with regard to draft resolution A/C.1/L.425/Rev.2.

47. I shall pass over draft resolution A/C.1/L.429/Rev.2 and Add.1-4, and shall very briefly state our position on the remaining draft resolutions.

48. My delegation is a co-sponsor of draft resolution A/C.1/L.431/Rev.2 on preventing marine pollution. Naturally, we endorse this draft resolution and shall vote for it. There is a Spanish amendment extending the application of the resolution to adjacent coasts. We do not feel that the amendment alters the substance to any great extent, but we fail to see the need for it, and consequently cannot accept it.

49. With regard to draft resolutions A/C.1/L.430, A/C.1/L.432/Rev.1 and Add.1, A/C.1/L.433 and A/C.1/L.437 and Add.1 and 2, relating to the principles governing the use of the sea-bed and ocean floor, my delegation is satisfied with the reasons given by the authors of these drafts for referring them for consideration to the United Nations committee on the sea-bed and the ocean floor. This is our understanding of their intentions, and we consider them to be eminently reasonable.

50. These draft resolutions contain some clear and unambiguous provisions, some vague ones and some which are mutually contradictory. All these should be worked over in the future committee. I think this is the proper course and if any formal decision is necessary to refer these drafts to the committee on the sea-bed and the ocean floor, my delegation is prepared to support a proposal to that effect.

51. One last word concerning draft resolution A/C.1/L.441 and Add.1-5, which was submitted by Barbados, Brazil, Ghana, Guinea, Honduras, the Ivory Coast, Venezuela, etc., but which is generally known as the Thai draft resolution, because the representative of Thailand introduced it and has acted as spokesman for the other sponsors. My delegation would like to state in the most unambiguous terms, that because of consideration of principle which have been repeatedly explained by it and a number of other delegations during the general debate, it regards this draft resolution as unacceptable. The draft is aimed at the establishment—perhaps not at once, but clearly at some later stage—of international machinery which would apparently be supernational and based on the well-known concept of joint ownership of the sea-bed and ocean floor. My delegation has explained on several occasions why it regards this entire approach as unacceptable from the viewpoint of principle, politics, ideology, economics and even the maintenance of peace. My delegation is convinced that if such a system of joint ownership and a supernational machinery were created, that would serve solely the interests of the international imperialist monopolies, with which my country has nothing to do, wants to have nothing to do, and cannot collaborate—those monopolies which are the main tools of neo-colonialist policy.

52. Consequently, we do not agree that a study of the question should now be undertaken. Naturally, any delegation has the right to raise any question in the committee on the sea-bed and the ocean floor, as it does here in the General Assembly. My delegation does not object to such a

question being raised, but it cannot agree to it or support it. I would particularly mention the fact that the draft resolution calls for the study to be undertaken by the Secretary-General, thus assigning to the Secretariat an enormous task which is beyond its competence and which of course can be carried out only by the international community itself through appropriate organs. My delegation believes that at the present stage the study should not be made at all. In any case, it believes that the Secretary-General and the Secretariat should not undertake the study—it would be unreasonable and improper to give them such an assignment.

53. For all these reasons, the USSR delegation will oppose draft resolution A/C.1/L.441.

54. Mr. ROSSIDES (Cyprus): I wish to refer to draft resolution A/C.1/L.432/Rev.1 and Add.1 sponsored by Cyprus, Uruguay and Liberia. I wish to say that there is no time for discussion of this draft resolution because the time has been taken up by discussion on the composition and distribution of seats in the standing committee, a matter of importance; the long discussion on this division of seats shows the interest of nations in the question of the sea-bed and their expectations of the results that will come from this committee—a fact which is encouraging.

55. My delegation and the other delegations are therefore willing not to press this draft resolution to the vote on the understanding that it will be given due consideration by the United Nations committee on the sea-bed—indeed that it will be given priority, because it actually provides for an interim measure to prevent a race to occupy the various areas of the sea-bed while discussions are going on over the years, and requests States “to refrain from claiming or exercising sovereign rights over any part of the sea-bed”. We believe that consideration of this draft resolution should be given priority. We therefore hope that when it goes to the standing committee it will be given such consideration. We shall not press it to a vote in this session.

56. We hope that there will be good results on this draft resolution. Of course, we reserve our right to reintroduce it next year if necessary.

57. Mr. THACHER (United States of America): I shall briefly explain our vote with regard to draft resolution A/C.1/L.441 and Add.1-5. My delegation will abstain on that draft resolution because we believe it deals with a subject which falls properly within the competence of the standing committee which we all expect to be established by draft resolution A/C.1/L.425/Rev.2.

58. The study by the Secretary-General which is called for in draft resolution A/C.1/L.441 and Add.1-5 in our view should properly be undertaken by the standing committee at such time and under the conditions determined to be appropriate by that standing committee. We therefore feel that it is not advisable for the First Committee to ask the Secretary-General to undertake that study or to attempt to predetermine priorities which we believe should be established by the standing committee itself.

59. We think that operative paragraph 2 of draft resolution A/C.1/L.441 and Add.1-5 imposes an inappropriate

reporting requirement upon the standing committee because it is charged with broad responsibilities in the entire area of the subject brought before it. The standing committee may or may not be in a position to report to the General Assembly on this or any other topic within the time-limits called for in draft resolution A/C.1/L.441 and Add.1-5. The point on which my delegation feels keenly is that the standing committee must be the judge of those issues and those questions of priority. We will therefore abstain on that draft resolution.

60. Let me also say that my delegation had hoped at the beginning of this debate that it would be possible during this session of the General Assembly to reach broad agreement in this Committee with regard to the question of principles for the guidance of States in this new area. Time has not allowed agreement to develop on any one or more principles. We therefore support the Maltese suggestion that the four draft resolutions contained in documents A/C.1/L.430, 432/Rev.1 and Add.1, 433 and Corr.1 and 437 and Add.1 and 2 be referred to the standing committee along with those other statements of principle which are contained in the *Ad Hoc* Committee's report.

61. We would support a decision in that sense. We would certainly wish the standing committee to consider those proposals as well as the United States draft statement of general principles which we introduced in June of this year, and, the statement known as “set B” which emerged from the very profitable discussions that the *Ad Hoc* Committee held in Rio in August.

62. Mr. KJARTANSSON (Iceland): I wish to offer only a few words of clarification regarding draft resolution A/C.1/L.431/Rev.2. The only difference from the first revision is in the sixth preambular paragraph. We have added a small factual correction. The words added are: “World Meteorological Organization”.

63. We also wish to mention that we have taken into consideration all proposals and amendments wherever possible. There is however one amendment presented by Spain, in document A/C.1/L.435, which is still open. At the beginning of November [1602nd meeting], we stated that Iceland had no trouble in accepting this amendment. As the Committee has already heard, unfortunately there is no unanimity among the co-sponsors of draft resolution A/C.1/L.431/Rev.2 regarding that amendment, and therefore the Committee will have to pronounce itself on the matter.

64. Mr. PIÑERA (Chile) (*translated from Spanish*): I would like to say, on behalf of my delegation, that when we come to vote on draft resolution A/C.1/L.425/Rev.2, we want it to be understood that what appears in the operative part of the draft is a digest of the ideas expressed in full and clearly in resolution 2340 (XXII), which actually is cited in its preamble. In other words, the reference is to the areas of the high seas beyond the limits of national jurisdiction or, as far as my delegation is concerned, “beyond the limits of present national jurisdictions”.

65. I wanted to make it clear how the Chilean delegation interprets the operative part of draft resolution A/C.1/L.425.

66. The CHAIRMAN: As I stated before, we are now in a position to take a decision on the draft resolution contained in document A/C.1/L.425/Rev.2.

67. Mr. TELLO MACIAS (Mexico) (*translated from Spanish*): I am extremely sorry, but I feel I must speak again in view of the fact that of the four draft resolutions dealing with principles, only those contained in documents A/C.1/L.432/Rev.1 and Add.1 and A/C.1/L.433 and Corr.1 have been withdrawn.

68. The Mexican delegation would be willing not to press its draft resolution [A/C.1/L.430] to a vote so long as all draft resolutions dealing with principles receive the same treatment. This has not been the case so far, since the delegations sponsoring draft resolution A/C.1/L.437 and Add.1 and 2 have not indicated whether they want it referred to the standing committee or put to the vote.

69. Provided those eight delegations agree to adopt the same position as the delegations of Malta and Cyprus, the Mexican delegation is prepared not to press for a vote on draft resolution A/C.1/L.430.

70. Mr. de SARAIVA GUERREIRO (Brazil): I want to inform you, Mr. Chairman, that after consultations among the sponsors of draft resolution A/C.1/L.437 and Add.1 and 2, all the co-sponsors have agreed to the procedural proposal of Malta to send all draft resolutions dealing with substance to the standing committee.

71. Mr. PANYARACHUN (Thailand): Since draft resolution A/C.1/L.441 and Add.1-5 is designed to promote the concept that exploration and exploitation of the resources of the sea-bed and the ocean floor, and the subsoil thereof, be carried out for the benefit of mankind as a whole, taking into special consideration the interests and needs of all the developing countries, we would like, on behalf of the co-sponsors of the draft resolution to request a roll-call vote.

72. The CHAIRMAN: I think the position is clear with regard to draft resolutions to which there are amendments, which were cited by the representative of Mexico; namely, that the co-sponsors of draft resolutions A/C.1/L.432/Rev.1 and Add.1, A/C.1/L.433 and Corr.1 and A/C.1/L.437 and Add.1 and 2 are not pressing those draft resolutions to a vote. Therefore, I understand also that the delegation of Mexico is not pressing for a vote on draft resolution A/C.1/L.430. I think that is the position at this stage.

73. Mr. PARDO (Malta): I indeed agree with what you have just said, Mr. Chairman, but I think I suggested that those draft resolutions be transmitted for specific consideration of the standing committee. I assume that is the intention.

74. The CHAIRMAN: The representative of Malta has reminded us of his previous suggestion that those documents be referred to the standing committee that is to be set up, to be considered by the committee.

75. If there is no objection, I shall consider that that is the decision taken by the Committee.

It was so decided.

76. The CHAIRMAN: The Committee will now take a decision on draft resolution A/C.1/L.425/Rev.2. But I would first inform the Committee that the amendment contained in document A/C.1/L.442 will not be pressed to the vote by the sponsor.

77. I call on the Committee Secretary to give some information regarding the financial implications of this matter.

78. Mr. VELLODI (Secretary of the Committee): We had submitted to the Committee a statement on the financial implications of the draft resolution when it was in its original form, that is, in its first revision. All I wish to indicate is that the same financial implications will apply to draft resolution A/C.1/L.425/Rev.2.

79. Mr. TARABANOV (Bulgaria) (*translated from French*): Before we start to vote I should like to know whether the Committee has decided not to vote on certain draft resolutions, for I have heard it said that certain draft resolutions are not as yet ready to be voted upon.

80. The CHAIRMAN: If my understanding is correct, the draft resolutions we will vote upon are the ones contained in documents A/C.1/L.425/Rev.2, L.431/Rev.2, L.435 and L.441 and Add.1-5. I have already enumerated the other draft resolutions which have not been pressed to the vote. There is only one draft resolution—A/C.1/L.429/Rev.2 and Add.1-4—and the amendments to it which will be left until tomorrow.

81. Mr. TARABANOV (Bulgaria) (*translated from French*): Now that we have heard all the explanations of vote, we should follow a definite procedure. We have understood what the situation is. We have before us draft resolution A/C.1/L.429/Rev.2 and Add.1-4 which is very closely linked to the other draft resolutions we are going to vote on. In the circumstances would it not be better to put off voting on all the draft resolutions until tomorrow?

82. The CHAIRMAN: I think that the noisy reaction has replied to that question.

83. Mr. ARORA (India): I think that the representative of Bulgaria has indicated some concern about taking a vote at this time when draft resolution A/C.1/L.429/Rev.2 and Add.1-4 is not ready to be voted upon. As you know, the Asian group is meeting at this moment to decide on the recommendation to be made to you, Mr. Chairman, regarding the composition of the committee in terms of draft resolution A/C.1/L.425/Rev.2. It might be better to have those consultations completed before we take a vote in the Committee. After all, we will be meeting tomorrow to take a vote on draft resolution A/C.1/L.429/Rev.2 and Add.1-4. Perhaps at that time we could also take a vote on the other draft resolutions. Therefore I would be inclined to look with favour on the suggestion made by the representative of Bulgaria that we should vote on all the draft resolutions tomorrow.

84. Mr. AMERASINGHE (Ceylon): I am sorry to have to disagree with the representatives of Bulgaria and India regarding the deferment of the votes on the draft resolutions which the Chairman has indicated should be voted on

today. There is no essential connexion between draft resolutions A/C.1/L.429/Rev.2 and Add.1-4 and A/C.1/L.425/Rev.2 which requires us to defer a vote on the latter draft until the final version of the former is ready. Nor is there any necessary connexion between the selection of the members of the committee and draft resolution A/C.1/L.425/Rev.2 which sets up the committee. If we had not agreed on the number, then there would have been some substance to the argument for a deferment, but we have agreed on the number. We cannot wait until all groups select their representatives in order to vote on this question. The main thing is that the number has been decided upon, everyone is agreed; and I see no reason why we should defer the vote until tomorrow.

85. Mr. TARABANOV (Bulgaria) (*translated from French*): I am afraid that I disagree with the representative of Ceylon and I shall give my reasons.

86. First of all, it is not accurate to say that there is no connexion between the various draft resolutions submitted under the heading of the item. The heading is there, the item is on our agenda and all the draft resolutions relating to it form a comprehensive whole. That is perfectly clear to all delegations present.

87. Secondly, the question of the composition of the Committee also has a bearing on the votes taken on the various draft resolutions because once the resolution is voted upon the composition of the committee will have to be voted upon through another draft resolution. Since we have already agreed on that matter we can of course go on to vote without any difficulty on all the draft resolutions.

88. That is why I think that we would be well advised to vote tomorrow morning when we meet again. It will not take too long.

89. The CHAIRMAN: I must, at this stage, make the situation clear to the Committee. We have a very tight schedule. The President of the General Assembly has already announced to the Assembly, which has adjourned, that we are taking up in the plenary tomorrow morning all the items we have finished. Therefore it is my intention to have a very short meeting in the afternoon in order to put the plenary in a position to dispose of our last item in the afternoon. Thus time is short and I would add that it is my understanding, after intensive consultations, that I am to make a statement, which I am going to do, before we proceed to the vote on draft resolution A/C.1/L.425/Rev.2, a statement which will become complementary to and, I would say, an integral part of the decision taken by this Committee related to the sea-bed and ocean floor. This will be an official document which will integrate, as I said, that resolution. I will proceed with the reading of the statement:

As far as the composition of the committee is concerned, in view of the extensive consultations I had with the representatives of regional groups and of Member States, I take it that there is a broad consensus on the following principles:

- (a) Due regard should be given to an equitable geographical distribution;
- (b) A reasonable balance between technically developed and developing countries should be established;

- (c) Not only the interests of coastal States but also those of land-locked countries should be borne in mind;
- (d) The composition of this Committee shall not constitute a precedent for any other committee to be created in the future.

In recognition of the considerable interest of Member States in participating in the work of the committee, an understanding has been reached that its composition shall be subject to rotation.

In principle one third of the membership of each regional group will rotate every two years. There is however no formal provision in the draft resolution in this respect since, rather than organizing elections by the General Assembly, it is felt that informal arrangements should be worked out by the regional groups with regard to a rotating system which would be implemented on the basis of mutual agreement amongst States or groups of States, and announced by the Chairman of the First Committee every two years. The periodical rotation within each regional group will be applied without any discrimination against any Member State. Successive terms by the same State are not excluded.

It has also been agreed that any Member State wishing to follow the work of the committee shall be entitled to accredited observer status, which entails the right to be represented at all meetings of the Committee and its sub-committees and the possibility to offer its contribution to the debate.

With these criteria in mind and taking into account the nominations which I have received, I take it that there is no objection that the committee will initially be composed of the following States: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Czechoslovakia, El Salvador, France, Iceland, Italy, Malta, Mexico, Norway, Peru, Poland, Romania, Trinidad and Tobago, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia, and, in addition, eleven African and seven Asian States, whose names will be communicated to me tomorrow morning by the Chairman of the respective regional groups.

90. The statement I have just made will appear, with the full list of the members of the standing committee on the sea-bed, in the records of the Committee. I have requested the Rapporteur to include it in the report that he will present to the General Assembly. If there is no objection, I shall take it that it is so decided.

It was so decided.

91. The CHAIRMAN: We shall now proceed to the vote on draft resolution A/C.1/L.425/Rev.2.

The draft resolution was adopted by 96 votes to none, with 6 abstentions.

92. The CHAIRMAN: I shall now put to the vote the amendment contained in document A/C.1/L.435.

The amendment was adopted by 59 votes to 1, with 26 abstentions.

93. The CHAIRMAN: The Committee will now vote on the draft resolution contained in document A/C.1/L.431/Rev.2.

The draft resolution was adopted by 101 votes to none, with 1 abstention.

94. The CHAIRMAN: A roll-call vote has been requested on the draft resolution contained in document A/C.1/L.441 and Add.1-5.

A vote was taken by roll-call.

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

In favour: Maldive Islands, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Spain, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Austria, Barbados, Bolivia, Brazil, Burma, Burundi, Cameroon, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Democratic Republic of), Cyprus, Dahomey, Denmark, El Salvador, Ethiopia, Finland, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya.

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

Abstaining: Madagascar, New Zealand, Portugal, South Africa, Sudan, Syria, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada, Cuba, France, Guinea, Israel, Italy, Jordan.

The draft resolution was adopted by 77 votes to 9, with 18 abstentions.

95. The CHAIRMAN: I shall now call on those representatives who wish to explain their votes.

96. Mr. RONAN (Ireland): My delegation would like briefly to explain its vote on the draft resolutions just adopted.

97. We co-sponsored draft resolution A/C.1/L.431/Rev.2 and voted for the amendment in document A/C.1/L.435. We also voted in favour of draft resolutions A/C.1/L.425/Rev.2 and A/C.1/L.441 and Add.1-5. In voting for the two last-mentioned resolutions, my delegation wishes to record its interpretation that nothing in the text of any of those resolutions affects the rights of coastal States under the Geneva Convention on the Continental Shelf of 29 April 1958 or other rules of international law in regard to the exploration and exploitation of the natural resources of the area of the continental shelf over which coastal States have jurisdiction, as defined in article 1 of the Geneva Conven-

tion, namely, the sea-bed and the subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea to a depth of 200 metres or beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources of said areas. Subject to the same interpretation, my delegation will vote in favour of draft resolution A/C.1/L.429/Rev.2 and Add.1-4 and of any amendments thereto which are acceptable to the co-sponsors.

98. Mr. PARDO (Malta): We voted in favour of the draft resolution in document A/C.1/L.441 and Add.1-5 because we agree wholeheartedly with its purpose. We do have some doubts, however, whether it was advisable to press the draft resolution in its present form to the vote at this time.

99. Mr. HILDYARD (United Kingdom): I should like briefly to explain the vote of my delegation on the draft resolution in document A/C.1/L.441 and Add.1-5.

100. Firstly, we do not believe that that draft resolution was necessary. As other sponsors have already stated in the debate on this item, the draft resolution in document A/C.1/L.425/Rev.2, as it stands, does not exclude studies of the kind envisaged in the draft resolution in document A/C.1/L.441 and Add.1-5.

101. Secondly, we think it undesirable to suggest, as the adoption of such a draft resolution might suggest, that agreement on a detail of this aspect of the matter is broader than is in fact the case. My own delegation supports the view that there should be an international régime governing exploitation of the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction. But we, and I believe most other Member States, are far from having formed a final view on what the precise nature of such a régime should be. We consider that this is a matter that should be clarified in the Committee set up by the draft resolution contained in document A/C.1/L.425/Rev.2, and that a request of this kind should not be made to the Secretary-General when the issue is clearly contentious.

102. In the light of those considerations my delegation felt unable to support the draft resolution.

103. Mr. KAPLAN (Canada): My delegation abstained from voting on the draft resolution in document A/C.1/L.441 and Add.1-5, and I should like briefly to explain why.

104. Firstly, during the general debate, I made clear our view that we considered it important that the terms of reference of the proposed standing committee ought to be flexible enough to permit the committee to examine the whole range of questions raised by this item, including the elaboration of an international régime. We also made clear our view that the terms of reference of the committee, as set out in the draft resolution contained in document A/C.1/L.425/Rev.2, did permit the consideration of such questions. We pointed out that the use of the term "international régime" permitted both the elaboration of a body of rules, which is the interpretation given to the phrase by some delegations, and the consideration of international machinery. We remain satisfied that the draft resolution in document A/C.1/L.425/Rev.2 provides flexi-

bility in permitting both interpretations. For those reasons we consider the draft resolution in document A/C.1/L.441 and Add.1-5 to be redundant.

105. Secondly, I should like to make it clear that we are not opposed to the purposes of the draft resolution in document A/C.1/L.441 and Add.1-5. But we consider that it prejudices certain questions that ought not to be prejudged.

106. Finally, we do not consider the draft resolution to be necessary at this stage of our work, when there are other important questions to be pursued.

107. Mr. ABDEL-HAMID (United Arab Republic): We abstained from voting on the draft resolution contained in document A/C.1/L.441 and Add.1-5. Before explaining the reasons for our abstention, I should like to say that the delegation of the United Arab Republic is in favour of the idea set forth in the draft resolution. However, we question whether this was an appropriate time or stage to press the text to a vote and to request a study without the full discussion among Member States that could help the Secretary-General in preparing such a study, for the benefit of the organ to be established.

108. Furthermore, we think that the point raised in the draft resolution in document A/C.1/L.441 and Add.1-5 is adequately covered in the draft resolution in document

A/C.1/L.425/Rev.2. Therefore we are obliged to abstain from the vote on the former text.

109. The CHAIRMAN: Does anyone else wish to speak in explanation of vote?

110. Mr. FARACE (Italy): I do not wish to speak in explanation of vote, but should like to make a short statement regarding the draft resolution in document A/C.1/L.425/Rev.2.

111. We were particularly happy to be able to join other delegations in sponsoring the draft resolution in document A/C.1/L.425/Rev.2. The Italian delegation wishes to state its intention to request the envisaged committee to give the necessary priority to the study and discussion, within its terms of reference of the question of internal and marginal seas.

112. I hardly need recall that the Italian Government introduced in the *Ad Hoc* Committee and its working groups two documents (A/AC.135/1/Add.9 and 10) on this important and specific subject. The Italian Government has the intention to submit to the standing committee a new document on this item which is being prepared with the specific aim of facilitating the discussion of and search for appropriate solutions.

The meeting rose at 5.40 p.m.