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Chairman: Mr. Andrés AGUILAR M. (Venezuela).

AGENDA ITEM 25\*

- (a) Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (*continued*) (A/8021, A/C.1/L.536/Rev.1, 542, 543/Rev.1 and Corr.1, 544, 545/Rev.2, 551/Rev.1, 553-557 and 561);
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- (c) Views of Member States on the desirability of convening at an early date a conference on the law of the sea: report of the Secretary-General (*continued*) (A/7925 and Add.1-3, A/C.1/L.536/Rev.1, 539, 545/Rev.2, 551/Rev.1, 553-557 and 561);
- (d) Question of the breadth of the territorial sea and related matters (*continued*) (A/8407 and Add.1, Add.2/Rev.1, Add.3 and 4, A/C.1/L.536/Rev.1, 545/Rev.2, 551/Rev.1, 553-557 and 561)

\* Resumed from the 1796th meeting.

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1. The CHAIRMAN (*interpretation from Spanish*): The Committee will continue consideration of the draft resolutions and amendments relating to agenda item 25.

2. A number of delegations have informed me that negotiations are still taking place in order to try to achieve a consensus with regard to subitems (c) and (d), that is, the convening of a conference on the law of the sea. I have also been informed that an agreement would be facilitated if we were to suspend our meeting for some time, to give an additional half-hour or one hour to the negotiators to continue their consultations.

3. Since such a procedure far from delaying the work of the Committee, might facilitate the concluding of our work, I would suggest that the Committee accede to that request and suspend the meeting for one hour, on the understanding that as soon as we are informed that some agreement has been reached or that no agreement can be reached we shall resume our meeting.

4. If there is no objection, I shall take it that the Committee agrees with that procedure, and we shall suspend the meeting for one hour.

*The meeting was suspended at 11.5 a.m. and resumed at 12.20 p.m.*

5. The CHAIRMAN (*interpretation from Spanish*): On agenda item 25, we have before us a number of draft resolutions and amendments. We have the draft declaration contained in document A/C.1/L.544; we have the draft resolution contained in document A/C.1/L.543/Rev.1 and Corr.1; and we have a number of draft resolutions on the conference on the law of the sea. I understand that on this last point, fortunately, an agreement has been arrived at by the sponsors of the different draft resolutions and amendments.

6. I shall call, first of all, on the representative of Canada who will submit to the Committee the text agreed on after the very laborious consultations that have been taking place for the last few days.

7. Mr. BEESLEY (Canada): Mr. Chairman, if I might, I should like to suggest a slight change in procedure as a result of views expressed by delegations. We understand from the Secretariat that they will have texts some time between 1.30 and 2 p.m. and that they will be available in this conference room—they will not be generally available; people will have to come here. It might be more helpful to delegations if the introduction could be made when they have the document in front of them. I shall certainly submit to the Chairman on this, but that was the suggestion that has been made to us and we are quite ready to proceed

in this way. Perhaps then the draft resolution might be introduced this afternoon, around 3.30, if this is agreeable.

8. The CHAIRMAN (*interpretation from Spanish*): Perhaps it might be better for the document to be before all members of the Committee for its presentation to be fully effective. Thus all members of the Committee will be able to follow closely the statement of presentation to be made by the representative submitting the paper. If nobody else wishes to speak at the moment, I believe the best thing to do would be to adjourn the meeting now and to meet at 3.30 this afternoon.

9. Mr. DEBERGH (Belgium) (*interpretation from French*): In order to gain time, I wonder whether we could not turn to other draft resolutions now, and I was thinking of the draft resolutions submitted by Kuwait [A/C.1/L.543/Rev.1 and Corr.1] and Bolivia [A/C.1/L.551/Rev.1]. These are matters which are now ripe. We might hear explanations of vote. We might hear other comments on them.

10. The CHAIRMAN (*interpretation from Spanish*): I am at the disposal of the Committee. I had felt that some members were of the opinion that we should consider all draft resolutions at one and the same meeting. However, I do appreciate the suggestion or proposal of the representative of Belgium and feel it to be extremely helpful; it is, that we take advantage of what time we still have before 1.15 and consider those draft resolutions which the Committee may feel could be presented now. He has specifically referred to two draft resolutions: A/C.1/L.543/Rev.1 and Corr.1 and A/C.1/L.551/Rev.1.

11. Would members of the Committee agree to take up these two documents first?

12. Mr. SULEIMAN (Libya): It is my understanding that at one of the previous meetings of this Committee there was a proposal from the representative of Malta that priority be given to draft resolution A/C.1/L.544, containing the draft declaration of principles.

13. The CHAIRMAN (*interpretation from Spanish*): The representative of Libya is quite correct in recalling that at a previous meeting the representative of Malta, when submitting the draft resolution containing the declaration of principles governing the sea-bed, did request priority for that document. At that time, however, the Committee took no decision, awaiting the meeting at which all the draft resolutions would be considered. I presume that the representative of Libya, in asking this question, is requesting the Committee to pronounce itself upon it.

14. As members know, in accordance with the rules of procedure, draft resolutions are considered in the order of their presentation. The Committee, nevertheless, can decide otherwise, namely, to give priority to any one document over another. Therefore, in view of the fact that the representative of Libya has made a formal request that priority be given to consideration of the draft declaration appearing in document A/C.1/L.544, I shall now consult the Committee on whether it agrees to that request. If I hear no objection, I shall take it that the Committee is in favour of giving priority to the draft declaration.

*It was so decided.*

15. The Committee might then consider the documents in the following order: first, the draft declaration in document A/C.1/L.544; second, draft resolution A/C.1/L.543/Rev.1 and Corr.1; then draft resolution A/C.1/L.551/Rev.1.

16. We shall therefore turn first to the draft declaration of principles governing the sea-bed. I shall call on delegations wishing to explain their votes before the voting.

17. Mr. KLAFKOWSKI (Poland) (*interpretation from French*): Since Poland is a member of the Committee on the sea-bed and its representative is one of the Vice-Chairmen of that Committee, the Polish delegation wishes first of all to stress that the detailed analysis and appreciation of the excellent reports before us should be made above all by States other than those who took part in the work of the sea-bed Committee. The views of the members of that Committee have already been set forth in the reports. It is for this reason that the Polish delegation took no active part in the general debate on item 25 of the agenda of the present session of the General Assembly.

18. At this stage of the First Committee's labours, the Polish delegation, wishes to state that we worked actively and informally in a search for possibilities for positive solutions to the problems before us. We are of the opinion that the problems grouped under item 25 all involve completely new matters; they are, so to speak, almost virgin problems, which may call, whatever the price, for solutions based on the principle of the consensus. But in the absence of a consensus, the Polish delegation decided to abstain in the vote on the draft declaration of principles governing the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction.

19. In view of this fact, the Polish delegation wishes to explain, before the vote, that this does not imply that we do not share the general view expressed in the course of our debates, that the problems we are dealing with are of capital importance. Quite the contrary we attach great importance to a just solution of these problems. It is for this reason that we should have preferred a more complete and equitable solution to be worked out than is the case at present. While paying a well-earned tribute to all those who assisted in the preparation of the draft declaration, and above all to Ambassador Amerasinghe and Ambassador Galindo Pohl, at the same time we feel constrained to express our regret at the presence of certain shortcomings in the draft that make the text enigmatic from the juridical point of view and that, in our opinion, should have been corrected before the draft was submitted to the First Committee.

20. This would have enabled all Member States to support the draft, thus guaranteeing full validity to the declaration as the basic working document for further work in a field so important for all mankind. The Polish delegation gravely regrets the fact that this document, one of crucial importance, contains several serious flaws that make it impossible for us to give it our unreserved support.

21. After these general comments, my delegation would like to submit a few detailed points.

22. First, we should like to draw attention to the fact that Poland is a maritime country. Navigation and fishing play a

considerable role in the development of our national economy. For this reason, we attach great importance, among other things, to the guarantee of full and total respect for the existing régime of the high seas. It is likewise for this reason that the Polish delegation feels that a declaration like the one before us today for adoption should contain a much stronger appeal emphasizing the necessity of ensuring such respect. This is all the more important since the declaration gives prominent place to regulations dealing with protection of the rights of coastal States which may, ultimately, open up possibilities for reduction of rights deriving, for other States, from the régime of the high seas. In our view, another defect of this declaration is that it limits itself to a modest mention, and only in its preamble, of the decisive problem of the more precise delimitation of the sea-bed and ocean floor beyond the limits of national jurisdiction of States. It would thus be somewhat difficult to envisage the drafting of international legal norms to govern the exploitation of an area the limits of which had not been clearly defined in advance. The Polish delegation would therefore have preferred to see the draft declaration place much stronger emphasis on this particular problem.

23. Secondly, the Polish delegation would like here to recall document A/7925, of 17 July 1970, in which the Polish Government, replying to the Secretary-General, stated that Poland was very closely interested in a settlement of the problems of international law that were still pending. In that context, the Polish response listed such problems as the delimitation of the breadth of the territorial sea and the contiguous zone, the precise definition of the external limits of the continental shelf, and the drafting of principles governing the peaceful utilization of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction. In our view, these are questions of particular importance that should be resolved without delay. Each of these problems should be considered in its own specific and distinct aspects, and for this reason they should be treated as separate problems, thus making it easier to arrive at a solution for each one.

24. Third, the Polish delegation regards as a particularly urgent matter the delimitation of the breadth of the territorial sea and the contiguous zone, because the excessive unilateral extension by certain States of their jurisdiction over the high seas is infringing upon the freedom of that area, particularly upon freedom of navigation and of fishing, and thus may give rise to international disputes. On that point, we believe we should try to set an admissible limit to the breadth of the territorial sea and the contiguous seas.

25. Fourthly, my delegation considers that the draft declaration will have historic importance and, for this reason, it should be much more explicit and categorical in its insistence upon the exclusive reservation for peaceful purposes of the sea-bed and the ocean floor and the subsoil thereof underlying the high seas beyond the limits of national jurisdiction. We regret that this draft Declaration does not provide what we would logically believe to be natural provisions for a total prohibition of any military activities in that area.

26. Fifthly, with regard to the proposal for calling an international conference once again to examine the prob-

lems of the law of the sea, and perhaps in general to review and revise the basic aspects of the international law of the sea, the Polish delegation believes that the convening of that type of conference is neither necessary nor justified. There already exist four Geneva Conventions of 1958 on questions of the sea which have established generally recognized principles of international law which do not require reconsideration or revision. Those principles constitute an adequate basis to ensure and promote international co-operation, and any possible step that might challenge those principles could create legal confusion, which would inevitably result if certain States were to try to establish new legal concepts differing from those already in force. However, the Polish delegation believes that all efforts should be made to solve the still pending problems of the law of the sea as soon as possible but not to challenge the principles of law that have already been established or accepted.

27. Those are the main reservations that the Polish delegation wished to enter regarding the draft declaration of principles governing the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction.

28. My delegation is convinced that in the interest of the great cause to which we are all dedicated it is indispensable that we respect the interests and opinions of all States. We will continue our efforts to that end, and we deeply hope that the flaws and gaps in the draft declaration will be redressed and corrected in the course of the international conference on the law of the sea, which is also one of the subjects of our discussion, and in the preparation of the agreement on the regulation of activities governing the exploration and exploitation of the resources of the sea. That must be the condition on which the success of our work must hinge on those endeavours.

29. The CHAIRMAN (*interpretation from Spanish*): Before calling on the next speaker I should like to announce that the delegation of Sierra Leone has joined the sponsors of draft resolution A/C.1/L.544.

30. Mr. NAVA CARRILLO (Venezuela) (*interpretation from Spanish*): My delegation would like briefly to explain its vote on the draft declaration of principles to which we already referred in the general statement we made on the subject.

31. With regard to the draft declaration of principles governing the sea-bed and the ocean floor beyond the limits of national jurisdiction, we would like to repeat the reservations made at the 1788th meeting of the Committee, on 8 December. To a certain extent we have been able to dispel some of the doubts we had regarding the meaning and the scope of paragraph 5, on the use of the area for exclusively peaceful purposes.

32. We would add, with regard to the question of responsibility set forth in paragraph 14, that this matter must be carefully studied when discussing the international régime, bearing in mind the constitutional and other legal precepts in force in various States.

33. The debate on this aspect of item 25 has shown that, despite the reservations entered by many countries, it is

recognized that the formulation contained in the draft declaration does represent a considerable effort, and, as the Chairman of the sea-bed Committee, Ambassador Amerasinghe, commented, it shows the broadest measure of agreement attainable at the moment.

34. In the light of these circumstances, and since there is a high degree of agreement in the Committee on this compromise text, my delegation has received instructions to support the draft resolution.

35. Mr. SERRA (Portugal) (*interpretation from French*): My delegation will vote in favour of the draft resolution, but with the reservation that the rights and obligations that are set out in the Geneva Conventions will not be affected until the rules contained in those Conventions are replaced by new peremptory rules of international law.

36. Mr. ANTOINE (Haiti) (*interpretation from French*): My delegation has listened with great attention to all the views expressed by the various speakers who took the floor before me in the general debate on the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of present national jurisdiction and the use of their resources in the interests of mankind, as well as on the report of the Committee on the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction.

37. This important question, the subject of attention of all members of the First Committee, raised a number of subsidiary points which were studied with equal scientific and technological interest by the great Powers which are very much advanced in the exploration of the sea-bed. The question of marine pollution and of the other hazardous or harmful effects which might result from the exploration of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction was studied in the report of the Secretary-General [A/7924].

38. Another matter envisaged is the desirability of convening at an early date a conference on the law of the sea at which the question of the breadth of the territorial sea and related matters are also to be considered.

39. My delegation has no intention of proceeding to an in-depth analysis in view of the fact that certain countries, which have remarkable and undoubted competence in this field, have brought the weight of their knowledge to all of these questions in order to shed light on these debates. My delegation has benefited from those statements. However, in the geographical context of Haiti, which is located in the centre of the Caribbean archipelago, this question gives rise to some concern which deserves attention. The island on which Haiti is situated is separated from a neighbouring country by the Môle or Windward Passage which is only 77 kilometres wide and from Puerto Rico by the Mona Passage which is of equal width. It is bathed on the north by the Atlantic Ocean and on the south by the Caribbean Sea. The continental shelf in the Mona Straits is only 475 metres in depth in its central part; it is deeper between Cuba and Jamaica. The result is that the territorial waters of Haiti cannot be overly extended and we therefore have to adhere

to the Geneva Convention,<sup>1</sup> pending its revision, and maintain the *status quo* of a territorial sea over which Haiti exercises partial sovereignty. We could not dream of regarding an extent of 200 miles as territorial waters. And this applies also to the neighbouring countries whose territorial waters might overlap if they were to be extended, unless a regional committee of the Caribbean is envisaged which would have to meet before the general conference which, in the view of my delegation, has been planned somewhat early.

40. My delegation also considers that since it was not present in the Committee on the sea-bed and because of the very short time at our disposal for a study in depth of this very complex question—and even though we would certainly like to vote in favour of the draft declaration [A/C.1/L.544] of which the text was transmitted to the Chairman of the First Committee by the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction in his letter of 24 November 1970 [A/C.1/L.542]—, the time we have at our disposal is absolutely inadequate to give a clear view which would fully reflect all the interest which my Government has in such a very complex matter.

41. The signatory of that letter, Ambassador Amerasinghe, has stated with frankness that despite all the intellectual and technical efforts to arrive at an internationally acceptable and logical solution, a document could not be produced which would give satisfaction to the aspirations of all Member States. Indeed the letter that was intended to clarify the declaration has indeed shed some light on it if we consider that no human endeavour can be perfect. My delegation will vote in favour of the draft declaration, hoping that the international convention which will follow upon it will genuinely serve the welfare of mankind.

42. My delegation has before it two draft resolutions, one contained in document A/C.1/L.539 and the other in document A/C.1/L.536/Rev.1; they both pursue the same objectives and the same purposes. As we analyse these documents, my delegation feels that they constitute an acceptable basis which could bring about an international agreement for the correct exploitation of the sea-bed for the benefit of mankind, having regard for an agreement on the rational extension of territorial waters, without neglecting the interests of the land-locked countries. We hope that these two draft resolutions which differ on some points will nevertheless eventually bring about an accommodation, even though the date is not quite precise in A/C.1/L.536/Rev.1. My delegation will also vote in favour of the draft resolution in document A/C.1/L.551/Rev.1.

43. Draft resolution A/C.1/L.539, submitted by Trinidad and Tobago, in its preambular part also confirms the views expressed by the Haitian delegation with regard to the new conference where a study of the problems of the sea-bed and the ocean floor beyond the limits of national jurisdiction is envisaged. This would facilitate agreement on the questions under consideration at a conference of this type which would settle such complex questions as the régime to

<sup>1</sup> Convention on the Territorial Sea and the Contiguous Zone (United Nations, *Treaty Series*, vol. 516 (1964), No. 7477).

govern the high seas, the continental shelf, the territorial waters, the contiguous zone, fishing and the conservation of the biological resources of the high seas. That is why we believe that a special regional sub-committee should be part of an enlarged conference on the law of the sea. My country will vote in favour of the draft resolution.

44. The main objective of my delegation in the matter of the peaceful uses exclusively of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of present national jurisdiction and the exploitation of their resources in the interests of mankind is both general and specific because this would serve the interests of mankind as a whole and also more specifically because we believe that the Caribbean region should be the subject of special attention in this subregional committee because of the narrowness of the territorial waters. Haiti certainly is entitled to be a member of this Committee which should meet before the international conference on the law of the sea.

45. In view of this fact, my delegation has no difficulty in supporting the amendments of certain draft resolutions aimed at safeguarding the basic interests of all countries concerned in the exploitation of the sea-bed for the benefit of mankind. My delegation recognizes that as a general consensus. It feels that a suitable period of time should be put at the disposal of an enlarged Committee which would be composed of all countries which must be consulted before a convention on the law of the sea is arrived at. The subregional committee's function within the enlarged Committee would be to reflect the aspirations of all peoples interested in the exploitation of the sea-bed and the ocean floor.

46. My delegation is entirely in agreement with the representative of Greece on the principle of rotation of the members of regional committees which will be called upon to study the problems of the sea-bed.

47. It also believes that the draft resolution in document A/C.1/L.545/Rev.2, on the question of the reservation exclusively for peaceful purposes of the sea-bed, is a further step towards a just and satisfactory solution of this delicate problem. My delegation sees in the draft resolution sponsored by Ecuador, Guyana, Haiti, Indonesia, Jamaica, Kenya, Peru, Sierra Leone and Tunisia the fulfilment of its just aspirations to be a member of the enlarged Committee of the sea-bed, in view of the insular position of the Republic of Haiti in the Caribbean basin. We shall therefore vote in favour of this draft resolution.

48. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translated from Russian*): The Soviet delegation would like to state its position on the draft declaration submitted to the First Committee in document A/C.1/L.544.

49. As we have had occasion to say before, it is our view that the declaration of legal principles should be a balanced document in the sense of reflecting the position of all major groups of States and should not contain questionable and contradictory provisions that are not in keeping with the universally recognized principles and rules of contemporary international law.

50. To the Soviet delegation's regret, however, due account was not taken in the draft declaration before us of the views held by all the different countries, and in particular the proposals made by the Soviet Union at the sessions of the sea-bed Committee held in 1970. The natural consequence of this is that the draft contains a number of serious flaws, as has already been indicated by many delegations in the course of the general discussion. This circumstance shows that there still exist wide differences of opinion among Members of the United Nations on the contents of the declaration.

51. Alongside provisions reflecting the concern of all mankind that the sea-bed should be used for the benefit and in the interests of all countries—that is, provisions which can undoubtedly play a progressive part in the future development of legal norms concerning the sea-bed—the draft declaration contains a number of provisions which give rise to well-justified objections because of their inconsistent, contradictory and at times indecisive nature.

52. What are the basic failings of the draft declaration?

53. In the first place, the necessity of determining the precise limits of the area of the sea-bed lying beyond the limits of national jurisdiction is referred to only in the preamble, although it is an acutely pressing problem which if not solved will inevitably place a serious obstacle in the way of elaborating legal norms on the matters of exploration and exploitation of mineral resources of the sea-bed in the area in question.

54. Secondly, the draft declaration is seriously deficient in its formulation of the principle concerning the reservation of the sea-bed exclusively for peaceful purposes—I refer to paragraph 8 of the draft declaration. Proclaiming the principle of reservation of the sea-bed exclusively for peaceful purposes means recognizing the need to ban all military activity, of whatever nature or purpose, on the sea-bed. The enunciation of such a principle relative to the sea-bed only beyond the limits of national jurisdiction should not serve to prejudice practical steps to demilitarize the sea-bed the effects of which would extend not only to the sea-bed beyond the limits of national jurisdiction but also to the continental shelf zone, as happens in the case of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof.

55. A further failing of the draft declaration is its lack of sufficiently clear-cut provision on the freedom of scientific investigation of the sea-bed. Activities in the study of the world's oceans, including the ocean floor, have for many decades now been pursued on the basis of the international legal principle of freedom of scientific research on the high seas, this being one of the universally recognized principles of contemporary international law. We regard the relevant portions of paragraphs 5, 6 and 10 of the draft declaration as confirmation of this principle by the General Assembly with relation to the sea-bed.

56. Another failing of the draft declaration of legal principles lies in the fact that certain of its provisions—paragraphs 12 and 13—are based upon recognition for

coastal States of special rights in respect of the sea-bed beyond the limits of their national jurisdiction, a provision not corroborated by contemporary international law.

57. In our view, the matter of certain special rights for coastal States in respect of the sea-bed beyond the limits of their national jurisdiction would best not be touched upon in the declaration of legal principles but rather examined when an agreement on the legal régime for the exploitation of mineral resources of the sea-bed is drafted following appropriate study of this question in the context of other matters involved in such a régime.

58. There are, finally, a number of questionable provisions in the draft declaration to which the Soviet delegation wishes to draw attention.

59. Among them is the clause declaring that the sea and ocean floor, the subsoil thereof and the sea-bed resources are the common heritage of mankind. Considering the lack of clarity and precision of this notion from the standpoint of international law, it could in our view have several meanings. It could mean that the sea-bed is at the general disposal of all States and not subject to appropriation by any State, corporate body or individual. This is the interpretation with which we agree. On the other hand, the interpretation of "common heritage of mankind" as some sort of collective ownership by all countries is legally unsound and politically unrealistic.

60. As a socialist State, the Soviet Union could not engage in joint ownership under conditions where the property would be exploited in accordance with principles fundamentally alien to socialism—principles of capitalist management. As can be seen from United Nations background material on the sea-bed question, this is what the imperialist monopolies are aiming at.

61. Nor do we believe that there is any ground for including in the proposed declaration a provision to the effect that a régime for the exploitation of sea-bed resources should ensure the "equitable sharing by all States in the benefits to be derived therefrom". A number of delegations have interpreted this provision as meaning that all States without distinction, and regardless of the socio-political circumstances in the present-day world, should participate in a levy on income from the exploitation of sea-bed resources.

62. The Soviet delegation has repeatedly stated that the question of a levy on the exploitation of sea-bed resources hinges on the question of responsibility for the economic backwardness of developing countries, responsibility which lies with former colonial Powers and also with the capitalist monopolies which continue to exploit human and natural resources in many countries.

63. The developing countries have an incontestable right to receive compensation for the material harm done to them during the period of colonial domination and the material harm being done to them now owing to the fact that monopoly capital keeps them in an inequitable position in international economic relations.

64. We also think it would be improper to carry over into the sphere of possible regulation of State activity on the

sea-bed an unfounded and unscientific division of the world into developing countries and developed industrial countries without regard to the socio-political systems involved.

65. These are the comments we wished to make on the draft declaration of legal principles. In view of our attitude concerning the serious failings of the draft, the Soviet delegation is not able to support it and will be obliged to abstain in the vote. Needless to say, adoption of the declaration by the General Assembly cannot create legal consequences for States in view of the well-known fact that decisions of the General Assembly have simply the force of recommendations.

66. Mr. OGISO (Japan): In our statement at the 1787th meeting, in which we commented extensively on the draft declaration of principles contained in draft resolution A/C.1/L.544, my delegation stated that it would look with favour on the adoption of this document. As we made quite clear on that occasion, we did so on the understanding that the early adoption of a draft declaration of principles would be a definite step forward which would have a significant bearing on the future development in the whole field of the law of the sea. Thus, it is hoped that it will set forth the basic guide-lines for the conclusion of an international agreement which will regulate activities with respect to the deep sea-bed area. It is also hoped that it will accelerate the process of international co-operation in the field of the peaceful uses of the sea-bed. Most important of all, my delegation is acting on the firm expectation that it will give the impetus, which is so badly needed at this moment, for our joint action towards the stabilization and orderly development of the public order of the sea as a whole.

67. My delegation wishes to underscore this understanding of my delegation at this juncture, since it does constitute the basic premise on which our favourable attitude towards the draft declaration stands. My delegation sincerely hopes that this understanding will not be betrayed.

68. At the same time, my delegation also made it clear that it had a number of points on which it wished to express the specific position of the Government of Japan. Before voting, therefore, I wish to place on record the following understanding of the Government of Japan. First, with regard to the sixth preambular paragraph, the Japanese Government holds the view that no régime on the deep sea-bed should impose undue restrictions upon the exploitation and utilization of the mineral resources therein and that proper consideration should equally be given to the position of States which are importers of mineral resources. For this reason, this paragraph can have practical significance only in the event of an arrangement in which proper consideration is given to this point. Second, concerning paragraph 9, it is the firmly held view of the Government of Japan that the principles set forth therein cannot affect the rights clearly ensured by the existing rules of international law concerning the high seas, including fisheries on the high seas. In the view of my delegation, therefore, the term "resources" employed in these paragraphs does not refer to living resources. Third, with regard to the second sentence of paragraph 9, my delegation would like to make it clear that such portion of the benefits derived from the exploitation of the sea-bed area as will be dedicated to the

benefit of the international community will have to be fixed at a reasonable level so that the incentives for such exploitation will be taken into full account.

69. Finally, with regard to paragraph 14, a thorough and careful examination will have to be undertaken on the questions concerning the subjects of liability for damage and the standard of liability when this paragraph is to be translated into provisions of an international treaty.

70. On the understanding stated in the foregoing, my delegation will vote in favour of draft resolution A/C.1/L.544.

71. Mr. IDZUMBUIR (Democratic Republic of the Congo) (*interpretation from French*): I should simply like clarification from the Chair. You will recall that at a previous meeting my delegation indicated it would like to have the French version of the English text revised. The French delegation expressed the same desire, as did the delegation of Spain concerning the Spanish text. We expected a revised text taking into account the comments we made at that time. Since that new text does not seem to exist, am I to take it that the Secretariat feels that the translations circulated are adequate, and faithfully reflect the English original? I would appreciate an answer to that question.

72. Mr. SCHRICKE (France) (*interpretation from French*): To facilitate the Secretariat's task, the French delegation ought perhaps to state that, when it endorsed the comments made by the Democratic Republic of the Congo, the Secretariat forestalled us and had corrected the French text. I said "the French text" for I am not talking about the French version. In unofficial meetings, we often have to use working documents not drafted in our own language, for we feel that there is no such thing as an original text at the United Nations; there are only texts in different working languages, and they are all equally

accurate. I want to make it very clear that as far as the French delegation is concerned, the document to be put to the vote reflects what we agreed upon at unofficial meetings held by the representative of Ceylon, Chairman of the sea-bed Committee.

73. Mr. CHACKO (Secretary of the Committee): There appears to have been some slight understanding on this matter. The points raised by the delegations of the Democratic Republic of the Congo, France and Spain were brought to the attention of the appropriate services, but I now understand this matter has not been satisfactorily resolved. I would suggest that the Secretariat undertake to consult with the delegations concerned and see to it that the proper texts in French and Spanish are reproduced in the Rapporteur's report when it goes before the General Assembly for final action.

74. The CHAIRMAN (*interpretation from Spanish*): If there are no further speakers, we shall now proceed to vote on the draft resolution contained in document A/C.1/L.544, on the declaration of principles governing the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction.

*The draft resolution was adopted by 90 to none, with 11 abstentions.*

75. The CHAIRMAN (*interpretation from Spanish*): In view of the lateness of the hour and the fact that I have listed three delegations who wish to explain their votes after the vote, we shall now adjourn and meet again at 3.30 p.m. We shall begin with this same subject, hearing explanations of vote after the vote and, once we have concluded this item, we shall then decide on the order of consideration of the remaining drafts.

*The meeting rose at 1.25 p.m.*