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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 First Committee

Rapporteur: Mr. L.M.H. BARNETT (Jamaica)

1. The item entitled "Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction"^{1/} was included in the agenda of the twenty-fourth session and allocated to the First Committee by the General Assembly at its 1758th plenary meeting, on 20 September 1969, on the basis of the recommendation of the General Committee (A/7700).
2. The First Committee considered the item at its 1673rd to 1683rd meetings from 31 October to 10 November, and at its 1708th to 1710th and 1713th to 1715th meetings held between 2 and 9 December 1969.
3. Five draft resolutions, with amendments to four of them were submitted to the First Committee. The draft resolutions in the order of their submission, with the amendments thereto, are set forth below.

^{1/} Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 22 (A/7622 and Corr.1 and Add.1).

4. A draft resolution was submitted by Malta (A/C.1/L.473) on 31 October, at the 1675th meeting, on 3 November. It was twice revised (A/C.1/L.473/Rev.1 and 2). The second revision was introduced by the sponsor at the 1709th meeting, on 2 December. The text read as follows:

"The General Assembly,

"Recalling its resolutions 2340 (XXII) of 18 December 1967 and 2467 (XXIII) of 21 December 1968,

"Considering that the definition of the continental shelf contained in the Convention on the Continental Shelf of 29 April 1958 does not define with sufficient precision the limits of the area over which a coastal State exercises sovereign rights for the purpose of exploration and exploitation of natural resources, and that customary international law on the subject is inconclusive,

"Noting that developing technology is making the entire sea-bed and ocean floor progressively accessible and exploitable for scientific, economic, military and other purposes,

"Affirming that there exists an area of the sea-bed and ocean floor and the subsoil thereof which lies beyond the limits of national jurisdiction,

"Affirming further that this area should be used exclusively for peaceful purposes and its resources utilized for the benefit of all mankind,

"Convinced of the urgent necessity of preserving this area from encroachment inconsistent with the common interest of mankind,

"Noting that the establishment of an equitable international régime for this area would facilitate the task of determining the limits of the area to which that régime is to apply,

"Noting further the continuing efforts of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction to elaborate such a régime in accordance with paragraph 2 (a) of resolution 2467 A (XXIII),

"1. Requests the Secretary-General to ascertain the views of Member States on the desirability of convening at an early date a conference particularly for the purpose of arriving at a clear, precise and internationally acceptable definition of the area of the sea-bed and the ocean floor, and their subsoil, which lies beyond national jurisdiction, taking into account the relevant provisions of international law and the prospective establishment of an equitable international régime for the

use of this area for the benefit of all mankind, which the United Nations Committee on the Peaceful Uses of the Sea-Bed is elaborating in accordance with the provisions of resolution 2467 A (XXIII);

"2. Requests the Secretary-General to report on the results of his consultations to the General Assembly at its twenty-fifth session."

(a) Amendments to the original Maltese draft resolution were submitted by Jamaica and Trinidad and Tobago (A/C.1/L.475) at the 1677th meeting, on 5 November. They were revised to apply to the first revision of that draft resolution and co-sponsored by Barbados, Brazil, Guyana, India, Jamaica, Kuwait, Libya, Mauritania, Sierra Leone, and Trinidad and Tobago (A/C.1/L.475/Rev.1), subsequently joined by Bolivia and Togo (A/C.1/L.475/Rev.1/Add.1). These amendments were revised twice to apply to the second revision of the Maltese draft, with the addition of the United Republic of Tanzania for the second revision (A/C.1/L.475/Rev.2) and Sudan for the third revision (A/C.1/L.475/Rev.3), subsequently joined by Madagascar, Morocco, and Swaziland (A/C.1/L.475/Rev.3/Add.1). In their final form, introduced on 1 December by the representative of Trinidad and Tobago at the 1708th meeting, on 2 December, the amendments read as follows:

"1. After the first preambular paragraph, add the following new preambular paragraph:

'Having regard to the fact that the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf, the superjacent waters, and the sea-bed and ocean floor beyond national jurisdiction, are closely linked together,'

"2. Replace operative paragraph 1 with the following:

'Requests the Secretary-General to ascertain the views of Member States on the desirability of convening at an early date a conference on the Law of the Sea to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation of the living resources of the high seas, particularly in order to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and ocean floor which lies beyond national jurisdiction, in the light of the international régime to be established for that area;'. "

/...

(b) Amendments to the original Maltese draft resolution were also submitted by Cyprus, (A/C.1/L.476) on 6 November. They were later revised to apply to the first revision of the Maltese draft (A/C.1/L.473/Rev.1). The revised amendments (A/C.1/L.476/Rev.1), submitted on 11 November, read as follows:

"1. Reword operative paragraph 1 to read as follows:

'1. Requests the Secretary-General to inquire from Member States as to their views on the desirability of convening at an early date a conference with the aim of interpreting or revising the Convention on the Continental Shelf of 29 April 1958 so as to fill the present need for a more precise definition of the limits of that area of the sea-bed and the ocean floor over which coastal States are entitled to exercise sovereign rights with regard to exploration and exploitation of natural resources, in view of the pending establishment of an equitable international régime in respect of the exploitation of the area beyond national jurisdiction for the benefit of mankind, with which the Committee on the Sea-Bed and the Ocean Floor is seized.'

"2. Add a new operative paragraph 3 as follows:

'3. Recommends that all States should refrain from claiming or exercising jurisdiction over any part of the sea-bed or ocean floor, or the subsoil thereof, beyond a depth of 200 metres or beyond the limits of the national jurisdiction they at present exercise, whichever is further from the coast, pending the clarification of the extent of national jurisdiction, without prejudice to any rights or claims concerning the limits of the relevant national jurisdiction.'"

Following the submission of the second revision of the Maltese draft resolution (A/C.1/L.475/Rev.2), the representative of Cyprus at the 1708th meeting on 2 December commented on his amendments and stated that he would not press them to the vote.

(c) Amendments were submitted to the first revision of the Maltese draft resolution (A/C.1/L.473/Rev.1) by the Democratic Republic of the Congo on 11 November (A/C.1/L.481). They read as follows:

"1. After the fourth preambular paragraph add a new paragraph to read as follows:

'Affirming further that the area thus situated is to be used for the benefit of all mankind,'.

"2. Delete (2) from operative paragraph 1."

Following the submission of the second revision of the Maltese draft resolution (A/C.1/L.473/Rev.2), the representative of the Democratic Republic of the Congo said that he would not ask for a vote upon his amendments.

(d) Oral amendments to the second revision of the Maltese draft resolution (A/C.1/L.473/Rev.2) were proposed by the representative of Malaysia at the 1708th meeting, on 2 December, and were accepted by the representative of Malta. They added the words "or appropriation by any State" in the sixth preambular paragraph of the draft resolution after the words "preserving this area from encroachment" and substituted the word "accepted" for "acceptable" in operative paragraph 1.

5. A draft resolution was submitted by Belgium (A/C.1/L.474) on 4 November and subsequently co-sponsored by Brazil, Chile and Trinidad and Tobago (A/C.1/L.474/Add.1) and by Australia, Austria, Jamaica, Madagascar, Turkey and United Kingdom of Great Britain and Northern Ireland (A/C.1/L.474/Add.2). A revision of this draft was submitted on 10 November with Australia, Austria, Belgium, Bolivia, Brazil, Cameroon, Canada, Ceylon, Chile, Colombia, Cyprus, Iceland, India, Ivory Coast, Jamaica, Kuwait, Libya, Madagascar, Malta, Mauritania, Nigeria, Norway, Pakistan, Peru, Philippines, Singapore, Sudan, Thailand, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland and Yugoslavia (A/C.1/L.474/Rev.1) as sponsors, subsequently joined by Greece, Japan and Malaysia (A/C.1/L.474/Rev.1/Add.1), by Denmark (A/C.1/L.474/Rev.1/Add.2) and by Chad (A/C.1/L.474/Rev.1/Add.3). The revised draft resolution, introduced by the representative of Belgium at the 1683rd meeting, on 10 November, read as follows:

"The General Assembly,

"Recalling its resolutions 2340 (XXII) and 2467 (XXIII),

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

"Expressing its satisfaction to the International Atomic Energy Agency, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, as well as to the Intergovernmental Oceanographic Commission and the Inter-Governmental Maritime Consultative Organization for their participation in and contribution to the Committee's work, as well as to the Secretary-General for his assistance,

"1. Takes note with appreciation of the Committee's report;

"2. Invites the Committee to consider further the questions entrusted to it under resolution 2467 (XXIII) with a view to formulating recommendations on these questions, in the light of the reports and studies to be made available to it and taking into account the views expressed in the General Assembly at its twenty-fourth session;

"3. Notes with interest the synthesis at the end of the report of the Legal Sub-Committee which reflects the extent of the work done in the formulation of principles designed to promote international co-operation in the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction and to ensure the exploitation of their resources for the benefit of mankind;

"4. Requests the Committee to expedite its work of preparing a comprehensive and balanced statement of these principles and to submit a draft declaration to the General Assembly at its twenty-fifth session;

"5. Takes note of the suggestions contained in the report of the Economic and Technical Sub-Committee;

"6. Requests the Committee to formulate recommendations regarding the economic and technical conditions and the rules for the exploitation of the resources of this area in the context of the régime to be set up."

An amendment to the revised draft resolution (A/C.1/L.474/Rev.1) was submitted on 12 November by Argentina, Barbados, Dominican Republic, Ecuador, Ghana, Guatemala, Guyana, Iran, Mali, Mexico, Nepal, Nicaragua, Paraguay, Tunisia, United Republic of Tanzania, Uruguay and Zambia (A/C.1/L.482), subsequently joined by Mauritius (A/C.1/L.482/Add.1). It read as follows:

"At the end of operative paragraph 3, replace the semicolon by a comma and add the following:

'irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries;'

An oral sub-amendment to the amendment was proposed by the representative of Afghanistan at the 1708th meeting and was accepted by the sponsors of the amendment. It added at the end of the amendment the words "whether land-locked or coastal".

6. A draft resolution was submitted on 6 November by Cameroon, Ceylon, India, Jamaica, Kenya, Kuwait, Libya, Mauritania, Mexico, Nigeria, Pakistan, Philippines,

Sudan, Thailand, Trinidad and Tobago, United Republic of Tanzania and Yugoslavia (A/C.1/L.477), subsequently joined by Indonesia, Mali and Niger (A/C.1/L.477/Add.1), by Colombia, Ivory Coast and Madagascar (A/C.1/L.477/Add.2), by Ghana and Malaysia (A/C.1/L.477/Add.3) and by Barbados, Chad, Chile, Democratic Republic of the Congo, Cyprus, Ecuador, El Salvador, Gabon, Guatemala, Guyana, Honduras, Lebanon, Liberia, Maldiv Islands, Mauritius, Morocco, Nicaragua, Peru, Senegal, Singapore, Swaziland, Togo and Turkey (A/C.1/L.477/Add.4). Introduced by the representative of Kuwait at the 1683rd meeting, on 10 November, it read as follows:

"The General Assembly,

"Recalling resolution 2467 (XXIII),

"Noting with appreciation the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/7622),

"Noting with satisfaction the study on international machinery prepared by the Secretary-General which appears as annex II to that report,

"Bearing in mind the recommendation of the sea-bed Committee that the Secretary-General be requested to continue this study in depth,

"1. Requests the Secretary-General to prepare a study covering in depth the status, structure, functions and powers of an international machinery, having jurisdiction over peaceful uses of the sea bed, ocean floor, and subsoil thereof, beyond the limits of national jurisdiction including the power to regulate, co ordinate, supervise and control all activities relating to the exploration and exploitation of their resources, for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries;

"2. Requests the Secretary-General to submit his report thereon to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction for consideration during one of its sessions in 1970;

"3. Calls upon the Committee to submit a report on this question to the General Assembly at its twenty-fifth session."

At the 1708th meeting, on 2 December, the sponsors orally revised the first part of operative paragraph 1 to read: "Requests the Secretary-General to prepare a further study on various types of international machinery particularly a study covering in depth the status ...".

/...

(a) An amendment to this draft resolution (A/C.1/L.477) was submitted by Afghanistan on 7 November (A/C.1/L.479), reading as follows:

"At the end of operative paragraph 1, delete the semicolon and add the following:

'including the equal interests, needs and the special problems of the developing land-locked countries;'

At the 1708th meeting, on 2 December, it was announced on behalf of the sponsors that they had agreed with the delegation of Afghanistan that the words "whether land-locked or coastal" would be inserted at the end of paragraph 1. The representative of Afghanistan said that he would not press his amendment to the vote.

7. A draft resolution was submitted by Uruguay (A/C.1/L.478) on 7 November, reading as follows:

"The General Assembly,

"Recalling the item entitled 'Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind',

"Recognizing the need to adopt as soon as possible an international régime governing the exploration and exploitation of the sea bed and the ocean floor, and the subsoil thereof, lying beyond the limits of national jurisdiction, which constitute a source of wealth for the international community, particularly the less developed members of that community,

"Desiring to prevent a race to occupy various areas of the sea-bed beyond the limits of national jurisdiction pending the adoption of an international régime governing those areas,

"1. Requests all States to refrain from claiming or exercising sovereign rights over any part of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction pending the establishment of an international régime governing the exploration and exploitation of those areas, without prejudice to any existing claims relating to the boundaries of the territorial sea or the continental shelf;

"2. Declares that acts or activities carried out by a State, or on its authority, or by organizations or individuals in the sea-bed or the ocean floor, or the subsoil thereof, beyond the limits of national jurisdiction, shall not be deemed to provide the basis for asserting rights to those areas pending the establishment of the international régime referred to in operative paragraph 1."

At the 1708th meeting, on 2 December, the representative of Uruguay stated that his delegation would not ask for a vote on its resolution.

8. A draft resolution was submitted by Ceylon, Ecuador, Guatemala, Kuwait, Mauritania and Mexico (A/C.1/L.480) on 10 November and introduced by the representative of Mexico at the 1683rd meeting, on 10 November. Amendments to the draft were submitted on 12 November by Brazil, Chile and Trinidad and Tobago (A/C.1/L.484). A revision of the draft resolution incorporating the amendments was submitted on 24 November by Brazil, Ceylon, Chile, Ecuador, Guatemala, Kuwait, Mauritania, Mexico and Trinidad and Tobago (A/C.1/L.480/Rev.1), subsequently joined by Peru (A/C.1/L.480/Rev.1/Add.1) and Guyana (A/C.1/L.480/Rev.1/Add.2). The revised draft resolution was introduced by the representative of Mexico at the 1708th meeting, on 2 December, and read as follows:

"The General Assembly,

"Recalling its resolution 2467 A (XXIII) to the effect that the exploitation of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, should be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries,

"Convinced that it is essential, for the achievement of this purpose, that such activities be carried out under an international régime, including appropriate international machinery,

"Noting that this matter is under consideration by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

"Recalling its resolution 2340 (XXII) on the importance of preserving the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, from actions and uses which might be detrimental to the common interests of mankind,

"Declares that, pending the establishment of the aforementioned international régime:

"(a) States and persons, physical or juridical, are bound to refrain from all activities of exploitation of the resources of the area of the sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction;

/...

"(b) No claim to any part of that area or its resources shall be recognized."

9. At the 1676th meeting, on 4 November, the representative of Malaysia proposed that a formal legal opinion from the Legal Counsel of the United Nations be sought on vesting in the United Nations the jurisdiction over the sea-bed and ocean floor beyond the limits of national jurisdiction. At the 1679th meeting, on 6 November, the Chairman stated that he had requested the representative of Malaysia to formulate his proposal in precise terms. The formulation was as follows:

"Having regard to the exposition of the legal status of the area of the sea-bed and the ocean floor beyond the limits of national jurisdiction, hereinafter referred to as the said area, and the elaboration of the elements that that legal status should include and comprehend as set out in the report of the Legal Sub Committee, being part II of the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor (A/7622), is it permissible and/or desirable in law to vest the said area in the United Nations so as to render the implementation of the terms of the Assembly resolution 2467 (XXIII) of 21 December 1968 comprehensive and effective?"

At the 1683rd meeting, on 10 November, the Committee decided without objection, on the proposal of the Chairman, following consultations with the representative of Malaysia and other delegations, that the question as formulated by the representative of Malaysia be referred to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction for the consideration of its Legal Sub-Committee which might in turn wish to refer that formulation, or any other version of it, to the Legal Counsel for opinion and resubmission to the Committee, for the consideration of its Legal Sub-Committee.

10. At the 1709th meeting, on 2 December, the First Committee voted on the draft resolutions and amendments before it. The Committee had before it a statement of the administrative and financial implications (A/C.1/L.496) of the adoption of the draft resolution contained in documents A/C.1/L.477 and Add.1-4.

11. The voting was as follows:

(a) The revised amendments contained in document A/C.1/L.475/Rev.3 to the revised draft resolution of Malta (A/C.1/L.473/Rev.2) were adopted by a roll-call vote of 56 to 25, with 32 abstentions. The voting was as follows:

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In favour: Afghanistan, Algeria, Argentina, Barbados, Bolivia, Brazil, Burma, Cameroon, Central African Republic, Ceylon, Chile, Colombia, Congo (Democratic Republic of), Cyprus, Dahomey, Ecuador, Ghana, Guyana, Haiti, India, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Maldives Islands, Mauritania, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Panama, Paraguay, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

Against: Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, El Salvador, France, Gabon, Hungary, Ireland, Israel, Italy, Japan, Malta, Mongolia, Netherlands, New Zealand, Poland, Portugal, Romania, Southern Yemen, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America.

Abstaining: Australia, Canada, Chad, Costa Rica, Cuba, Denmark, Ethiopia, Finland, Greece, Guatemala, Honduras, Iceland, Iran, Iraq, Ivory Coast, Lesotho, Liberia, Malaysia, Mali, Nicaragua, Norway, Pakistan, Peru, Spain, Swaziland, Sweden, Syria, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

(b) The revised draft resolution of Malta (A/C.1/L.473/Rev.2), as orally revised and as amended, was adopted by 58 votes to 13, with 40 abstentions (see paragraph 13 below, draft resolution A).

(c) The amendment contained in documents A/C.1/L.482 and Add.1, as orally revised, to the draft resolution contained in documents A/C.1/L.474/Rev.1 and Add.1-3 was adopted by 98 votes to none, with 15 abstentions.

(d) At the request of the USSR, a separate vote was taken on the amended paragraph 3 of the draft resolution contained in document A/C.1/L.474/Rev.1 and Add.1-3. The paragraph was adopted by 101 votes to none, with 11 abstentions. The amended draft resolution as a whole was adopted by 112 votes to none, with no abstentions (see paragraph 13 below, draft resolution B).

(e) Prior to the voting on the draft resolution contained in document A/C.1/L.477 and Add.1-4 as orally revised, the Committee rejected, by 46 votes to 11, with 45 abstentions; a USSR request that operative paragraph 1 of the draft resolution should be voted on in parts. The Committee then adopted the draft resolution by a roll-call vote of 99 to 1, with 13 abstentions (see paragraph 13 below, draft resolution C). The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Brazil, Burma, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Maldive Islands, Mali, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Senegal, Sierra Leone, Somalia, Southern Yemen, Spain, Sudan, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Mongolia.^{2/}

Abstaining: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Malta, Poland, Portugal, Romania, Saudi Arabia, South Africa, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

(f) The draft resolution contained in documents A/C.1/L.480/Rev.1 and Add.1 and 2 was adopted by a roll-call vote of 52 to 27, with 35 abstentions (see paragraph 13 below, draft resolution D). The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Barbados, Bolivia, Brazil, Ceylon, Chile, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dominican Republic, Ecuador, Ethiopia, Finland, Ghana, Guatemala, Guyana, Haiti, Honduras, India, Jamaica, Jordan, Kenya, Kuwait, Malaysia, Maldive Islands, Mauritania, Mexico, Morocco, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Paraguay, Peru, Rwanda, Singapore, Somalia, Southern Yemen, Sweden, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Venezuela, Yugoslavia, Zambia

Against: Australia, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, France, Hungary, Iceland, Ireland, Italy, Japan, Liberia, Malta, Mongolia, Netherlands, New Zealand, Norway, Poland, Portugal, South Africa, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

^{2/} The representative of Mongolia subsequently stated that his negative vote had been cast in error, and that he had intended to abstain.

Abstaining: Austria, Burma, Cameroon, Central African Republic, Chad, Cuba, Dahomey, El Salvador, Gabon, Greece, Indonesia, Iran, Iraq, Israel, Ivory Coast, Lebanon, Lesotho, Libya, Madagascar, Mali, Mauritius, Philippines, Romania, Saudi Arabia, Senegal, Sierra Leone, Spain, Sudan, Swaziland, Syria, Togo, Turkey, United Arab Republic, Uruguay, Yemen.

12. At the 1710th meeting, on 3 December, the representative of Ceylon proposed that the First Committee agree in principle that the 1970 summer session of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction be held in Geneva, and that a decision be taken finally by the Fifth Committee in the light of all the implications. At the same meeting the Secretary of the First Committee, in accordance with the provisions of rule 154 of the rules of procedure of the General Assembly, made a statement on the financial implications of the proposal. The proposal of Ceylon was further considered at the 1713th and 1714th meetings, held on 8 December. At the 1715th meeting on 9 December the First Committee adopted a decision agreeing in principle that the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor should hold its 1970 summer session in Geneva. It further agreed that a final recommendation on the proposal should be made by the Fifth Committee to the General Assembly, having regard to all the relevant implications. The Chairman, by letter dated 9 December, communicated this decision to the Chairman of the Fifth Committee.

RECOMMENDATIONS OF THE FIRST COMMITTEE

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

Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind.

A

The General Assembly,

Recalling its resolutions 2340 (XXII) of 18 December 1967 and 2467 (XXIII) of 21 December 1968,

Having regard for the fact that the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf, the superjacent waters, and the sea-bed and ocean floor beyond national jurisdiction, are closely linked together,

Considering that the definition of the continental shelf contained in the Convention on the Continental Shelf of 29 April 1958 does not define with sufficient precision the limits of the area over which a coastal State exercises sovereign rights for the purpose of exploration and exploitation of natural resources, and that customary international law on the subject is inconclusive,

Noting that developing technology is making the entire sea-bed and ocean floor progressively accessible and exploitable for scientific, economic, military and other purposes,

Affirming that there exists an area of the sea-bed and ocean floor and the subsoil thereof which lies beyond the limits of national jurisdiction,

Affirming further that this area should be used exclusively for peaceful purposes and its resources utilized for the benefit of all mankind,

Convinced of the urgent necessity of preserving this area from encroachment, or appropriation by any State, inconsistent with the common interest of mankind,

Noting that the establishment of an equitable international régime for this area would facilitate the task of determining the limits of the area to which that régime is to apply,

Noting further the continuing efforts of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction to elaborate such a régime in accordance with paragraph 2 (a) of resolution 2467 A (XXIII),

1. Requests the Secretary-General to ascertain the views of Member States on the desirability of convening at an early date a conference on the Law of the Sea to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation of the living resources of the high seas, particularly in order to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and ocean floor which lies beyond national jurisdiction, in the light of the international régime to be established for that area;

2. Requests the Secretary-General to report on the results of his consultations to the General Assembly at its twenty-fifth session.

B

The General Assembly,

Recalling its resolutions 2340 (XXII) of 18 December 1967 and 2467 (XXIII) of 21 December 1968,

Having considered the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of Nations' Jurisdiction,^{3/}

Expressing its satisfaction to the International Atomic Energy Agency, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, and to the Intergovernmental Oceanographic Commission and the Inter-Governmental Maritime Consultative Organization for their participation in and contribution to the Committee's work, as well as to the Secretary-General for his assistance,

1. Takes note with appreciation of the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction;

2. Invites the Committee to consider further the questions entrusted to it under resolution 2467 (XXIII) with a view to formulating recommendations on these questions, in the light of the reports and studies to be made available to it and taking into account the views expressed in the General Assembly at its twenty-fourth session;

3. Notes with interest the synthesis at the end of the report of the Legal Sub-Committee^{4/} which reflects the extent of the work done in the formulation of principles designed to promote international co-operation in the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction and to ensure the exploitation of their resources for the benefit of mankind, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries, whether land-locked or coastal;

^{3/} Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 22 (A/7622 and Corr.1 and Add.1).

^{4/} Ibid., part two.

4. Requests the Committee to expedite its work of preparing a comprehensive and balanced statement of these principles and to submit a draft declaration to the General Assembly at its twenty-fifth session;

5. Takes note of the suggestions contained in the report of the Economic and Technical Sub-Committee;^{5/}

6. Requests the Committee to formulate recommendations regarding the economic and technical conditions and the rules for the exploitation of the resources of this area in the context of the régime to be set up.

C

The General Assembly,

Recalling resolution 2467 (XXIII),

Noting with appreciation the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,^{6/}

Noting with satisfaction the study on international machinery prepared by the Secretary-General, which appears as annex II to that report,

Bearing in mind the recommendation of the Committee that the Secretary-General should be requested to continue this study in depth,

1. Requests the Secretary-General to prepare a further study on various types of international machinery, particularly a study covering in depth the status, structure, functions and powers of an international machinery, having jurisdiction over the peaceful uses of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction including the power to regulate, co ordinate, supervise and control all activities relating to the exploration and exploitation of their resources, for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries, whether land-locked or coastal;

2. Requests the Secretary-General to submit his report thereon to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the

^{5/} Ibid., part three.

^{6/} Ibid., Supplement No. 22 (A/7622 and Corr.1 and Add.1).

Limits of National Jurisdiction for consideration during one of its sessions in 1970;

3. Calls upon the Committee to submit a report on this question to the General Assembly at its twenty-fifth session.

D

The General Assembly,

Recalling its resolution 2467 A (XXIII) of 21 December 1968 to the effect that the exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, should be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries,

Convinced that it is essential, for the achievement of this purpose, that such activities be carried out under an international régime, including appropriate international machinery,

Noting that this matter is under consideration by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

Recalling its resolution 2340 (XXII) of 18 December 1967 on the importance of preserving the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, from action and uses which might be detrimental to the common interests of mankind,

Declares that, pending the establishment of the aforementioned international régime:

- (a) States and persons, physical or juridical, are bound to refrain from all activities of exploitation of the resources of the area of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction;
- (b) No claim to any part of that area or its resources shall be recognized.
