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Chairman: Mr. Agha SHAHI (Pakistan).

AGENDA ITEM 32

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/7622 and Corr.1 and Add.1, A/7750, A/C.1/L.473/Rev.2, L.474/Rev.1 and Add.1-3, L.475/Rev.3 and Add.1, L.477 and Add.1-4, L.480/Rev.1 and Add.1 and 2, L.482 and Add.1, L.496)

1. The CHAIRMAN: The Committee will now continue hearing explanations of vote before the voting.
2. Mr. GALINDO POHL (El Salvador) (*translated from Spanish*): Mr. Chairman, with your permission, I shall make a few comments in explanation of the vote to be cast by my delegation on one of the draft resolutions which the First Committee has examined and on which it is now about to vote.
3. The decisions which the Committee will adopt today and which will soon be adopted by the plenary meeting of the General Assembly will influence the approach and even the strategy which must be adopted in dealing with the question of the sea-bed and the subsoil thereof, a question which is of great importance to the International community.
4. In the last two years, great hopes have been aroused that the utilization of the sea-bed might be a new instrument for development, but it is encountering a tremendous number of problems. It seems to be one of those things which from a distance seem simple and which all agree should be supported, yet when examined in detail are found to be unexpectedly complex and give rise to innumerable differences of opinion.

5. There is virtually no subthesis or doctrinal position or practice concerning the sea-bed and the subsoil thereof that does not give rise to an enormous number of questions and controversies. The General Assembly must therefore act cautiously to ensure that the delicate balance that has been achieved on a handful of points may be extended in the near future. This requires a great spirit of conciliation and an understanding of opposing positions as well as a careful and methodical plan of action.

6. Among the draft resolutions on which we are about to vote—all of which are important—there is one which will have a particular impact on the future work of the sea-bed Committee. It is the draft resolution sponsored by the delegation of Malta [A/C.1/L.473/Rev.2], to which a number of amendments have been submitted.

7. It is hard for my delegation, when we are dealing with problems relating to the sea-bed, not to share the views of the delegation of Malta or to have reservations on its proposals. Indeed, my delegation associates the sea-bed item very closely with the Maltese delegation, since it was that delegation which brought the question to the attention and aroused the concern of the United Nations. Moreover, as my delegation intends to strive for an international agreement on that subject, its initial—and one could even say spontaneous—reaction is to welcome wholeheartedly anything coming from that delegation. The Maltese proposal would invite the Secretary-General to carry out a survey among Member States to see whether there was support for 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 subsoil thereof which lies beyond national jurisdiction. Such a survey would encounter all the difficulties that usually beset any international survey. If we were to look at the answers received from Governments, surveys do not seem to be a popular way of expressing official opinion. A handful of answers is not sufficient indication of the opinion prevailing in the international community.

8. Some delegations in the sea-bed Committee have expressed doubts regarding the Committee's competence to study the limits of a zone which is apparently recognized by all States and which is the common heritage of mankind. Generally speaking, however, it was agreed that any delegation could refer to that subject and, in fact, some delegations have dwelt on the subject in greater or lesser detail.

9. My delegation believes that the question of the limits of the zone subject to international jurisdiction will have to be raised at some time, either because the Committee's terms of reference will be broadened and clarified or because the United Nations will determine what particular body should

examine the matter. The question is whether that time has come—since the study of questions related to the sea-bed is still in its infancy—in other words, whether the time has come to start thinking about convening a specialized conference. On this point my delegation has a different view. It feels that it is the sea-bed Committee which, in due course, should propose the holding of an international conference to establish a régime on the law of the sea and, ultimately, to define the region to which that law will apply.

10. If we carry out a survey on the desirability of such a conference, we shall be usurping one of the attributes of the sea-bed Committee. The First Committee would thus be anticipating action on a matter which the sea-bed Committee should consider and on which it should eventually make some recommendation. Moreover, if, in accordance with operative paragraph 2 of the Maltese draft resolution, the Secretary-General reports to the General Assembly, even if he does so through the sea-bed Committee, the question of limits would be given special and, at all events, separate treatment from the other problems relating to the sea-bed.

11. Although in my delegation's view the definition of those limits would help to define the region subject to the international régime, it should not be dealt with separately but should wait until the whole subject of the sea-bed is ready for consideration. The adoption of a specific method for examining the question of limits upsets the balance that has been established in dealing with the sea-bed question.

12. It is evident from the report of the sea-bed Committee [*A/7622 and Corr.1 and Add.1*] that the subject has barely begun to be studied. In the opinion of my delegation, it would be inconsistent to recognize, on the one hand, the embryonic stage of the study and, on the other, to request information concerning the possibility of holding a specialized conference which, even if it were not confined to the question of limits but included other aspects of maritime law as proposed in one of the amendments, would have to include among its basic subjects those relating to the régime for the sea-bed. Everybody knows that the study of such a régime is only in its early stages.

13. Draft resolution *A/C.1/L.473/Rev.2* does not refer specifically in the operative part to the Convention on the Continental Shelf, signed at Geneva¹ and ratified by less than one third of the Members of the United Nations, probably in an attempt to forestall any objections from States which are not parties to the Convention. However, the Convention is specifically mentioned in the preamble of the draft resolution. Again I say that, although it is not mentioned in the operative part, there is no doubt that the idea is to throw some light on the rules in the above-mentioned Convention.

14. The desirability of holding an international conference to revise this Convention, in order to define more precisely the limits of what we might call the international zone, concerns mainly the States which have ratified the Convention. In fact, in article 13 the Convention lays down the procedure for such a revision.

15. On the other hand, in the opinion of my delegation, the Convention is very specific as regards the establishment of the limits of the continental shelf. Technological advances, however, have introduced a continual variable in the legal definition of the rule; nevertheless, as it stands, this rule is very specific from the legal viewpoint.

16. The amendment submitted to the original Maltese draft resolution is unquestionably an improvement but, in the opinion of my delegation, it does not solve the difficulties raised by the original proposal because it takes up one very important aspect of the sea-bed question and gives it separate treatment. The feeling of unity which should prevail in the entire discussion of the sea-bed question is thereby destroyed, and this is not compensated by the possibility of extending the proposed conference to cover other items of maritime law.

17. My delegation, naturally, is gratified to see that the possibility of holding a third conference on the sea is being carefully studied. All matters relating to the sea are closely interconnected and therefore in an over-all study of the problems and related subjects an internal balance might be achieved and various interests could be reconciled. It might even be possible to come up with more balanced solutions than if each subject were dealt with separately. However, my delegation feels that, if a new conference on the sea is to be fruitful, the sea-bed Committee will have to have made substantial headway in carrying out its mandate. In other words, my delegation is really interested in a third conference on the sea, provided that all the outstanding problems of maritime law are considered at such a conference with a view to finding up-to-date and equitable solutions.

18. Mr. GAUCI (Malta): There now appear to be four main draft resolutions before us. The first is the one presented by my own delegation as subsequently revised [*A/C.1/L.473/Rev.2*]. Perhaps I should mention briefly that in this draft resolution my delegation sought to consolidate in non-controversial language the incontestable findings of the sea-bed Committee and to set in motion the first steps which would lead in due course to, and pave the way for, an international conference which would bring into effect an equitable régime for the area of the sea-bed and the ocean floor beyond national jurisdiction—which would be elaborated by the sea-bed Committee—and which would at the same time also reach agreement on the precise limits of this area over which the established régime would apply.

19. Two sets of amendments were submitted to our draft resolution. The first set, those presented by Cyprus [*A/C.1/L.476/Rev.1*] and by the Democratic Republic of the Congo [*A/C.1/L.481*], my delegation was quite happy to consider sympathetically and, in large measure, to accept, since they were specifically related to the subject we are now discussing. The second set of amendments [*A/C.1/L.475/Rev.3 and Add.1*] submitted by a number of countries, which raise some questions largely unrelated to the item under discussion, led to intense consultations with the proponents of the amendments.

20. It is perhaps sufficient for me to say that my delegation went far out of its way to reach agreement on a

¹ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

text which would command the support of the movers of the amendments without at the same time destroying the prospects of quasi-unanimous endorsement to which my own delegation attaches importance. In this effort, and certainly not through any lack of willingness on our part, I regret to say that we did not meet with the success we had hoped for, and consequently the second set of amendments, as revised, still stands.

21. We shall have to oppose those amendments and will formally make a request for a roll-call vote on them. If the amendments are adopted, my delegation will abstain on our own draft resolution as amended, since we do not see the necessity at this stage of raising controversial issues when all that is required is a neutral formula which will enable States to express their views as they deem appropriate.

22. We are thankful for the improvements suggested by the representative of Malaysia [*1708th meeting, para. 67-68*], which we can accept. The first amendment was one of the common findings of the sea-bed Committee, and the second suggested amendment is an added legal improvement. We have, in our draft resolution, enough references to the sea-bed Committee to emphasize its competence on these matters, and the deletion in the last operative paragraph is for purely practical reasons connected with timing.

23. If, as has been suggested, we were to wait indefinitely to start preparing for a conference, then we might well find that our deliberations here would be completely overtaken by events. Even as we stand now, we feel we have a considerably leeway to bridge. In fact, it is perhaps worth observing that some of the advocates of delay are also at the same time proposing restraint by technologically advanced countries.

24. As regards the verbal suggestions made this morning by the representative of Cyprus [*1708th meeting*] it is perhaps more appropriate for the movers of the amendments to comment on them.

25. As co-sponsors of draft resolution A/C.1/L.474/Rev.1 and Add.1-3, we will naturally support it.

26. The third draft resolution is the one dealing with machinery, contained in document A/C.1/L.477 and Add.1-4. My delegation approves the concept behind the draft resolution, but I regret that its formulation presents us with some difficulty. We made informal suggestions to the co-sponsors which we believed would make the necessary improvements. We were told that they were sympathetically received, but nevertheless they were totally rejected. We did not resort to submitting an official amendment.

27. The basic defect, as we see it, is that the proposed draft resolution focuses the request for study by the Secretariat only on the exploitation of resources rather than on the management of the area beyond national jurisdiction, and exploitation of resources is but one facet of future activities in that area.

28. Another point is that the present text gives the unfortunate impression that what is envisaged is a vast,

complex and burdensome administrative organization, which, of course, is probably not in the minds of the co-sponsors. These defects diminish the value of the draft resolution, in our eyes, and we regret therefore that it is impossible for us to support it, although we shall not oppose it.

29. The amendment announced by the representative of Kuwait [*ibid., para. 72*] would appear to indicate the possibility of a proliferation of theoretical studies by the Secretariat, which may not necessarily help the sea-bed Committee in its task. We shall therefore abstain on that draft resolution.

30. The last draft resolution is the one contained in document A/C.1/L.480/Rev.1 and Add.1 and 2. Again with much regret, we find we cannot support that draft resolution. In the first place, it is well known that there are States that recognize only criteria of exploitability with regard to exploitation of resources on the continental shelf. Such States can never exploit resources beyond the limits of national jurisdiction since their national jurisdiction is continuously extended with the progress of technology. Secondly, and perhaps more important, the draft resolution indirectly confers a tinge of validity on claims of national jurisdiction that are already very extensive, and we have heard several statements in the course of our debate, including one this morning, concerning that matter. At the same time, the draft resolution, as presented, tends to penalize those States that have refrained from making extensive claims to national jurisdiction. In our view, the best way to establish a freeze is to follow the approach suggested by the delegation of Cyprus of establishing precise limits beyond which the ocean floor is unquestionably beyond national jurisdiction.

31. Mr. HAMBRO (Norway): It is quite clear that our delegation is going to vote in favour of the draft resolution of which we are a co-sponsor [*A/C.1/L.474/Rev.1 and Add.1-3*]. We are also in favour of asking the Secretary-General to make a further study of machinery. The only draft resolution that I want to touch on in explanation of vote is the one in document A/C.1/L.480/Rev.1 and Add.1-2.

32. It is quite clear that our Government's attitude is that urgent steps should be taken to avoid a race for occupation of the ocean floor. The area beyond the limits of national jurisdiction must be reserved for the benefit of mankind as a whole, and we think that that can best be achieved by defining the area and, at the same time, reaching an agreement on a régime for that area. To my mind, considerable progress towards that goal has been made. We do not think that this draft resolution will in any way contribute towards reaching that goal.

33. I should like to state immediately that my explanation of vote on this particular draft resolution is given not only on behalf of my own delegation, but also on behalf of the delegations of Denmark and Iceland. To a very large extent our feelings about the draft resolution are the same as those which have already been so ably explained by the representatives of Belgium and Malta.

34. As to the question of having a moratorium for the area of the sea-bed and the ocean floor, and the subsoil thereof,

beyond the limits of national jurisdiction, it is to my mind quite clear that this has no meaning whatsoever when it is a question of the parts of the sea-bed which can be exploited close to national shores, because, in accordance with the exploitation criterion, those matters are already within the national jurisdiction of the coastal States; so that the text of the draft resolution would have no meaning whatsoever in that particular respect.

35. When it comes to the parts of the sea-bed which are not adjacent to the national coast, which cannot in any circumstances be considered to be a part of the continental shelf and for that reason are not subject to national jurisdiction, I would venture to suggest that it is already part of international law that no claim to any of those parts of the sea-bed can truly be made because it is already a recognized fact that they belong to all mankind. We agree with other representatives, that the effect of adopting such a resolution might too easily be that certain nations would feel that it was necessary for them, indeed incumbent upon them to enlarge to the utmost the limits of their continental shelf in order to protect their national interests. That would mean that this resolution would have an effect exactly opposite to the one we had hoped to achieve.

36. For that reason our delegations will reluctantly be forced to vote against this draft resolution. I should like to add that we shall do so with very great regret, because we want if possible to have resolutions in this field adopted by the largest possible majority and if possible by consensus. In view of the fact that that will not happen in this case, needless to say we should be extremely happy if this particular draft resolution were not pressed to a vote—which would show that there was disagreement in the General Assembly—but if instead it were transmitted to the sea-bed Committee to work on further and perhaps reach a consensus on this important matter.

37. Mr. ÅSTROM (Sweden): The Swedish delegation will vote in favour of the draft resolutions contained in documents A/C.1/L.474/Rev.1 and Add.1-3, A/C.1/L.477 and Add.1-4, A/C.1/L.473/Rev.2 and A/C.1/L.480/Rev.1 and Add.1-2. We are not able to support the amendment in document A/C.1/L.475/Rev.3 and Add.1, which we think goes too far, in the context of the item before us, and which in our view needs further study.

38. The reasons for our vote are clear in the light of the general position taken by my Government in these matters and in the light of the statement made during the debate by Mrs. Alva Myrdal, Minister without Portfolio in the Swedish Government [*1680th meeting*]. In particular, I should like to make the following brief comment with regard to draft resolution A/C.1/L.480/Rev.1 and Add.1-2. Ever since our debate in the United Nations started two years ago, Sweden has consistently spoken in favour of some type of freeze or moratorium on national exploitation of the sea-bed and ocean floor beyond present national jurisdiction, pending the establishment of an agreed international régime. Mrs. Myrdal, as early as 1967, called for a “gentleman’s agreement” to that effect. We are not unaware, of course, that the wording of the Geneva Convention on the Continental Shelf² creates certain problems in this respect

² *Ibid.*

inasmuch as the relevant provisions are vague, exploitability having been made one of the criteria. However, we are convinced that given a political will to act, it would not be impossible to agree on a demarcation line taking into account where technical exploitability stops today—or presently, to use the words of some draft resolutions on the matter which have been before this Committee. Such an agreement would be designed to prevent effectively any unilateral occupation.

39. We have therefore welcomed the proposal of Malta contained in document A/C.1/L.473/Rev.2, which we view as a first step on the road towards such an agreement. It is indeed desirable for many reasons that a clear, precise and internationally acceptable definition be brought about concerning the area of the sea-bed and the ocean floor. While we await agreement on such a definition, it is equally desirable that no claims to that area or to its resources be recognized.

40. At the same time I wish to say that a moratorium does not in our view in any way imply recognition of excessive territorial claims over the sea. That is a problem which we think should be settled in another context. We are in entire agreement with the remark made by the representative of Ceylon this morning that draft resolution A/C.1/L.480/Rev.1 and Add.1 and 2 should be viewed first of all as a call for self-restraint. We believe that its adoption by a large majority would have a not negligible psychological impact. At the same time, we do not consider that it would hinder or set back any useful work for the exploration or the exploitation of the sea-bed now in progress or planned. It is our hope, of course, that the international régime which is mentioned in the draft resolution will be worked out and agreed upon with all necessary dispatch. That is how we understand the draft resolution and it is in that spirit that we shall vote in favour of it.

41. Mr. PHILLIPS (United States of America): I should like briefly to explain the vote of the United States delegation on the draft resolutions and amendments pending before us.

42. May I reiterate at the outset what we have said on earlier occasions: that the United States believes that the tasks to be performed by the Assembly in connexion with the sea-bed item should be largely procedural in character. The Assembly has established a special body to deal with the substance of the wide and complex range of issues falling within the scope of that item, and it is only good business, we believe, to leave substantive decisions on those issues to be taken first in the sea-bed Committee.

43. Proceeding from that premise, we find it useful and proper for the Assembly to take action with respect to the continuing work of the sea-bed Committee, such as is envisaged in the draft resolution sponsored by Belgium and a number of other delegations, which is contained in document A/C.1/L.474/Rev.1 and Add.1-3. The guidance contained in that draft resolution will doubtless be helpful to the Committee in its further work during the coming year.

44. In this connexion my delegation is able to support the amendment proposed to the draft resolution and contained

in document A/C.1/L.482 and the wording accepted by the delegation of Afghanistan concerning landlocked countries [1708th meeting, paras. 64 and 177].

45. Similarly, the United States delegation would be able to support a procedural action directing the Secretary-General to prepare a further study regarding the question of international machinery. Indeed, he has already been so requested in Part One, paragraph 19, of the report [A/7622 and Corr. 1] of the sea-bed Committee—a request which the United States delegation supported at the time of the adoption of the report. Such a request is a purely procedural action, and properly so. We think it is beyond any question that even the sea-bed Committee itself, to say nothing of the General Assembly, is still some distance away from the point in its deliberations on the question of international machinery at which it will be able to begin to take informed substantive decisions as to the nature of the machinery which should be created under an agreed régime.

46. A further study by the Secretary-General, such as is envisaged in Part One, paragraph 19, of the report of the sea-bed Committee, would in all probability be useful to the Committee in its consideration of the substance of the issue. This being the case, we are able to support the draft resolution sponsored by Kuwait and a number of other countries [A/C.1/L.477 and Add.1-4], as it has now been amended [1708th meeting, para. 72]. The draft resolution now directs the Secretary-General to include in his study a variety of forms of possible international machinery. We would expect that in determining the forms to be covered in addition to that type expressly mentioned in operative paragraph 1 of the draft resolution, the Secretary-General would be guided in the first instance by the discussions which took place in the sea-bed Committee and in the General Assembly.

47. The study would thus clearly cover those forms of international machinery which received significant support in those discussions, including, for example, the kind of a machinery described in some detail by my own delegation. It goes without saying that our support for the present draft resolution does not indicate support for the kind of elaborate machinery which has been singled out for express mention in the draft resolution. Our reasons for opposing this particular type of machinery have been set forth clearly in the records of the sea-bed Committee and in statements before this Committee.

48. The remaining draft resolutions pending before the First Committee involve, in varying degrees, decisions which my delegation believes would be much better considered in the sea-bed Committee than in the General Assembly. Consequently, we would have preferred that all of these draft resolutions be first considered in the sea-bed Committee, where they could be given the kind of careful and expert scrutiny which is, unfortunately, not possible in the General Assembly, and which has been particularly lacking in consideration of the item at the present session of the General Assembly, due, as we all appreciate, to the exceedingly heavy burden of work placed on representatives of this Committee.

49. What I have just said would apply to the draft resolution of Malta [A/C.1/L.473/Rev.2], even though my

delegation is willing to support and vote for that draft resolution if it is put to the vote in unamended form, on the assumption that the majority of Members of the Assembly wish to have the action which it envisages gotten under way. Members of the Committee are doubtless aware that the United States has held, almost from the very outset of the United Nations deliberations on the sea-bed question, that the international community should address itself to the problem of arriving at a precise definition of the limits of the area of the sea-bed and ocean floor beyond national jurisdiction with all the dispatch that the complexity of this issue and the closely related issue of the international régime for the area beyond national jurisdiction will permit.

50. While we had thought that it would probably be premature to set in train a canvass of views on a possible international conference which is envisaged in the Maltese draft resolution, and that the limits and régime issues should be left for further discussion in the sea-bed Committee for the immediate future, we are, as I have just indicated, willing to support the Maltese draft resolution in its present form. We understand that the results of the Secretary-General's canvass, in so far as they bear on the questions of the limits of the sea-bed beyond national jurisdiction and thus fall within the sea-bed Committee's competence, will be available to the sea-bed Committee for use in its further deliberations.

51. We are unable, however, to support the amendments contained in document A/C.1/L.475/Rev.3 and Add.1 which envisage a conference covering all law-of-the-sea issues arising under any of the various régimes of the law of the sea; we are in fact strongly opposed to these amendments, and we will vote against them. Briefly, our reasons are the following. First, we feel that the previous experience of the international community in endeavouring to grapple with the enormously difficult issues of the law of the sea teaches the very clear lesson that these issues must be divided into manageable packages if they are to be dealt with with any reasonable expeditiousness and a chance of success. Such an omnibus conference as is envisaged in the amendments will take many years to prepare, with preparation on all of the issues involved being slowed, inevitably, to the pace necessary for the most difficult.

52. Our second reason for opposition flows from the first. We have been most concerned, as we had assumed most members of the Assembly were, that the United Nations continue without interruption or delay to work towards the establishment of a legally effective international régime for the sea-bed in the foreseeable future. This, indeed, is the very *raison d'être* of the special Committee on the sea-bed. It is, of course, clear that the question of the limits of the area to which such a régime will apply is an integral part of the complex of issues which must be resolved before this objective can be achieved. The sea-bed Committee could in theory, of course, draft any number of régimes on paper; there will, however, be no régime in fact until the area of its application is decided.

53. Consequently, we would be most disturbed at any indication that the United Nations was willing to take an integral part of the sea-bed issue—the question of limits—and merge it inextricably with the whole range of the

law-of-the-sea issues generally, with the result that it could be acted on effectively only when all issues of the law of the sea were themselves capable of resolution. Such a signal from the United Nations that it was willing to postpone effective agreement on an international régime into the indefinite future would, we believe, have the most deleterious effects. Consequently, we will oppose the amendments contained in document A/C.1/L.475/Rev.3 and Add.1.

54. Finally, I turn to the draft resolution contained in document A/C.1/L.480/Rev.1 and Add.1-2 co-sponsored by Mexico and a number of other delegations. This draft resolution would have the Assembly declare 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 . . .

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

55. This draft resolution has been described to us as intended to prevent national action which would be prejudicial to the solution of issues currently pending before the sea-bed Committee. But I suggest that however well intentioned the draft resolution may be, its practical effect is very likely to be precisely the opposite. Its practical effect, in our view, is likely to be to encourage some States that feel it useful or necessary to engage in exploration or exploitation of sea-bed resources to move towards unjustifiably expansive claims of national jurisdiction and to enter a race to grab and hold the sea-bed in order to legitimize those activities of exploitation and save them from the proscription contained in the draft resolution before us. That can only make the sea-bed issue more difficult to solve, rather than less so.

56. Moreover, it appears to us that the premise from which the draft resolution proceeds—namely, that it would be of some utility to the international community to retard the development of sea-bed exploitation and, necessarily, the development of technology to that end—is an unsound one. Indeed, it seems to us contrary to the position taken by the General Assembly in resolution 2467 A (XXIII), by which the Committee was established.

57. In that resolution, it will be recalled, the General Assembly considered “that it is important to promote international co-operation for the exploration and exploitation of the resources of this area”. If the technology of exploration and exploitation does not move forward, there will be simply no exploitation of the resources of this area.

58. Consequently, my delegation earnestly suggests to the sponsors of this draft resolution that the proper objective with respect to exploitation of sea-bed resources, pending the establishment of the international régime, is not to retard the development of techniques for such exploitation, but rather to ensure that any such activities which do take place do not prejudice the solution of issues currently under examination and negotiation in the sea-bed Committee.

59. I might mention that that is precisely the intent of certain provisions proposed by my delegation for inclusion in a statement of legal principles on the sea-bed—for example, that activities which take place during this period shall not prejudice the eventual location of the boundary; and also that the international régime eventually established shall provide due protection for investments in activities in the area undertaken prior to the establishment of the boundary. We do not believe that it is in the interests of the international community either to retard the development of sea-bed technology or to produce a further hardening of national positions on certain of the sea-bed issues now under negotiation. We shall therefore vote against the draft resolution contained in document A/C.1/L.480/Rev.1 and Add.1 and 2.

60. By far the wiser disposition of this draft resolution by the Assembly would be, we believe, to refer it, along with the records of the debate in the First Committee, to the sea-bed Committee, where it can receive the considered examination which the sweeping importance of the questions it raises require. And I would emphasize that, notwithstanding the draft resolution’s lack of any binding legal effect, which has been remarked upon today, these questions are indeed important ones within the meaning of the Charter and the Assembly’s rules of procedure. Should the draft resolution be adopted today, it will of course have to be considered in that light when it comes to the General Assembly for final action.

61. The CHAIRMAN: I call on the representative of Liberia on a point of order.

62. Mr. HOLDER (Liberia): I actually wished to give an explanation of vote, but also to speak about draft resolution A/C.1/L.477 and Add.1-4. Looking at the rules of procedure, I note that rule 129 reads as follows:

“After the Chairman has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting. The Chairman may permit members to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The Chairman may limit the time to be allowed for such explanations. The Chairman shall not permit the proposer of a proposal or of an amendment to explain his vote on his own proposal or amendment.”

63. I have listened to several representatives who, during explanations of votes, have made proposals and submitted amendments. I should like to know from you, Mr. Chairman, whether I would be permitted, as a co-sponsor of draft resolution A/C.1/L.477 and Add.1-4, to take advantage of this lapse.

64. The CHAIRMAN: I thank the representative of Liberia for drawing the attention of the Committee to rule 129 of the Rules of Procedure. It behoves me, as Chairman of the Committee, to apply that rule. If there was a lapse, I regret that I did not point it out, and I would have been grateful to have had my attention drawn to it at that very moment. But one lapse will not justify another. Therefore, with apologies to the representative of Liberia, I should like to tell him that he is at liberty to explain his vote before or

after the vote. If he wishes to explain his vote before the vote, I shall give him the floor after the two remaining representatives who have asked to speak in explanation of vote before the vote have spoken.

65. Mr. CAPLAN (Canada): Like many delegations which have spoken before mine, my delegation will be obliged to vote against the draft resolution contained in document A/C.1/L.480/Rev.1 and Add.1-2. We do so although, as I indicated in the general debate, we firmly support the proposition that there is an area of the sea-bed and ocean floor beyond the limits of national jurisdiction.

66. In our view—and many others have made the same observation—this draft resolution will not advance that proposition. It may in fact be counter-productive and lead to encroachments upon the very area we seek to protect. In addition, it may prejudice future decisions to be taken establishing the limits of the international area.

67. In my statement of 10 November in this Committee [1682nd meeting] I suggested informally the possibility of making a new approach to the limits of the international area by reserving as that area a given percentage of all sea-beds of the world measured from their mid-points. Such an approach contains its own moratorium, different in concept from that of the draft resolution.

68. For those reasons my delegation is obliged to vote against the draft resolution.

69. Mr. TSURUOKA (Japan): The delegation of Japan participated in the general debate in this Committee [1678th meeting] on the important question of the peaceful uses of the sea-bed and the ocean floor and it expressed its views on various aspects of this complicated question. In the light of those views expressed, the votes that my delegation is going to cast on the various draft resolutions should be self-explanatory and need no further comments. However, there is one point on which my delegation would like to offer a few comments by way of explanation of its vote to clarify the situation.

70. My delegation is constrained to vote against the draft resolution in document A/C.1/L.480/Rev.1 and Add.1-2 on a moratorium because, in its view, the draft resolution falls short of its professed purpose and instead brings undesirable elements into our work on the peaceful uses of the sea-bed and ocean floor.

71. My delegation supports the basic principle that the area of the sea-bed and ocean floor beyond the limits of national jurisdiction should be utilized for the benefit of mankind as a whole and that it should not be subject to appropriation by any individual State. For this reason my delegation has repeatedly voiced in the past, both in this Committee and in the sea-bed Committee, the need to have a freezing of claims over the area pending the establishment of an international régime. In the view of my delegation a freezing of claims or a moratorium, in order to be effective, should have a clear and concrete delimitation of the area to which the moratorium should apply.

72. However, the draft resolution fails to set a concrete scope for its application. Instead, it sets out the criterion of

“the area . . . beyond the limits of national jurisdiction”. It begs the whole question in that the limits of national jurisdiction are yet to be defined. Moreover, the language employed may well imply that the limits are those at present claimed by each State. Thus it may have the effect, wittingly or unwittingly, of legitimizing the arbitrary claims of some countries over a wide expanse of the sea and the sea-bed subjacent to it, unless express language like “the internationally recognized limits of national jurisdiction” is employed.

73. For these reasons my delegation cannot support the draft resolution, in the absence of a more precise delimitation of the scope and the objects of the moratorium. In view of the complexities involved, which can be technical, legal and political at the same time, my delegation would wish to see this whole question on moratorium referred to the sea-bed Committee for further careful and mature reflection before we come to any definitive conclusion.

74. The CHAIRMAN: Before calling on the representative of Liberia, I should like to explain to the Committee that when a delegation wishes to speak I have no way of knowing on which draft resolution or amendments it will speak. I do expect that speakers will abide by the rules of procedure and will not proceed to explain their votes on their own proposals or amendments.

75. Mr. HOLDER (Liberia): I am going to address myself to one or two of the draft resolutions before us. But in doing so, I should like to explain my vote in a very general way.

76. I shall go back as far as the *Ad Hoc* Committee², in which I was fortunate to represent my country. At the time when the Committee was first appointed, it was the hope of my Government, my delegation and myself that this was an area in which co-operation among the nations of the world could move in the right direction. The Liberian delegation had hoped that because this area was a new one, there would be an open door for greater co-operation among nations. Unfortunately, over the past two years, it has appeared that States or groups of States have got together and formed blocs. As a result, we have developed in our work here considerable difficulty which prevents the kind of progress we should like to see.

77. Having said that, I shall refer to the draft resolution proposed by the delegation of Malta in document A/C.1/L.473/Rev.2. When the draft resolution was first proposed in document A/C.1/L.473, it was objectionable because the second part of operative paragraph 1 seemed to deprive the sea-bed Committee of its work by transferring it to a general conference. In the negotiations that followed, my delegation expressed its unwillingness to support that draft resolution on that basis.

78. I note that that draft has now been revised twice, but even as revised it is not completely satisfactory. Nevertheless, the draft resolution proves that considerable compromise has been reached. To that extent, my delegation

³ *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

would form no serious objection to the draft resolution as it stands.

79. However, operative paragraph 2 of the draft resolution states that the General Assembly requests the Secretary-General to report on the results of his consultations to the General Assembly. I should have thought that as the sea-bed Committee was seized of the question of the sea-bed all reports dealing with that subject and based on a request to the Secretary-General would first be submitted to the sea-bed Committee and then to the General Assembly. Unfortunately, that is not provided for in this draft.

80. But if we take that draft resolution together with the amendments that have been proposed in document A/C.1/L.475/Rev.3 and Add.1, we find that, between two evils it is perhaps better to choose the lesser evil. The lesser evil appears to me to be draft resolution A/C.1/L.473/Rev.2. I cannot see that calling a conference on the whole of the area of the high seas, including the superjacent waters and all the regions that apply to it, would serve the purpose of the sea-bed Committee. The draft resolution is headed: "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".

81. And then, as amended, it would go on to request

“... the Secretary-General to ascertain the views of Member States on the desirability of convening ... a conference on the ... continental shelf, the territorial sea and the contiguous zone, fishing and conservation of living resources ...”.

82. It appears to me that this amendment would produce a tendency to delay work in the sea-bed Committee, and because it takes into account too much of what is not really part of the work of the sea-bed Committee, my delegation finds it very difficult to support the amendment contained in document A/C.1/L.475/Rev.3 and Add.1.

83. The draft resolution contained in document A/C.1/L.480/Rev.1 and Add.1-2 is one which is a little tricky. The sponsors of that draft resolution have indicated the desirability of freezing the area beyond the limits of national jurisdiction. However, to achieve that it would have been more appropriate to have spelled out the entire area of national jurisdiction, in the sense that wherever national jurisdiction applies some word or phrase in the draft resolution should be included in the paragraph to take care of that event. By that I mean that this draft resolution does not take into account the possibility of the extension of national jurisdiction by way of the extension of territorial waters. It merely says that there shall be a freezing of claims beyond the limits of national jurisdiction, without actually specifying the means by which national jurisdiction may be extended. In other words, should this draft resolution be adopted, the position will remain the same or may even become worse. All that State A, which has laid a claim to an area which presently lies beyond its territorial limits, would have to do would be to extend its territorial limits to take into account the area which it

claims. On that basis my delegation finds it very difficult to support this draft resolution.

84. On the question of the draft resolution submitted by Belgium and others in document A/C.1/L.474/Rev.1 and Add.1-3, we had hoped that the operative paragraphs of that draft resolution would have excluded operative paragraphs 1, 3 and 5. The reason is this: those apparently operative paragraphs really belong to the preambular part. For example, operative paragraph 1 begins with “takes note”; operative paragraph 3 begins with “notes with interest”; operative paragraph 5 begins with “takes note”. I think that those three operative paragraphs should form part of the preamble. However, again in the spirit of co-operation which usually characterizes the efforts of my delegation in this Committee, we would go along with this and support the draft resolution.

85. Finally, in keeping with the request I made to you earlier, Mr. Chairman, and in accordance with the rules of procedure laid down in rule 129, I shall not address myself to the draft resolution contained in document A/C.1/L.477 and Add.1-4 with the amendment to which my delegation already subscribes. However, leaving aside the amendment, I should like to say a word on the draft resolution as it is because we did not support the draft resolution without the amendment. It has been stated here that one of the reasons why there was opposition to this draft resolution was that its operative paragraph 1 was not balanced. My delegation takes the view that while it is true that the Secretary-General has in fact submitted a study on an international machinery [*A/7622 and Corr.1, annex II*] and while it is also true that, as shown in the records of the sea-bed Committee, delegations stated that the report had not been studied in depth, my delegation does not see why any particular group of representatives here cannot in fact make a special request to the Secretary-General for a particular kind of study. It was in the light of that type of consideration that the original draft resolution was presented, but my delegation did not support it.

86. Furthermore, the second point is that by requesting the Secretary-General to prepare a specific report this text did not preclude any other group of States from making a request to the Secretary-General for a study on a particular aspect of an international machinery. In view of that, I would therefore ask those who oppose the original draft resolution, as I did, to take into account the amendment which has been submitted.

87. Mr. HILDYARD (United Kingdom): I should like to explain briefly the votes of my delegation, particularly our vote on the draft resolution contained in document A/C.1/L.480/Rev.1 and Add.1 and 2.

88. I think that most, if not all, of us support what I take to be the basic concept behind this draft resolution, that is, the non-appropriation of an area beyond national jurisdiction which should be regarded as the common heritage of mankind, however this may be defined. However, my delegation shares many of the objections or reservations to this draft resolution which previous speakers have expressed. We believe indeed that it goes about the problem in very much the wrong way.

89. My delegation has made clear how it believes the sea-bed Committee and this Committee can best proceed. We believe that we all ought to try to reach general agreement on principles which could underlie arrangements for an area beyond national jurisdiction on the nature of an international régime and on the delimitation of the area concerned. Despite the difficulties of reaching general agreement we all know that we cannot hope to achieve any worthwhile results without it.

90. The draft resolution cuts across the careful and important work of the sea-bed Committee and of this Committee. It purports to stop all activities of exploitation for an uncertain period except those in the area subject to national jurisdiction. How can a moratorium be effective if the limits to which it is to apply are not agreed? My delegation does not see how a statement that "No claim to any part of [the] area [under reference] or its resources shall be recognized" can be meaningful when there is no agreement as to the limits of the area.

91. It is precisely the extent of this area which is one of the main issues which we all have to resolve. This is indeed the basic issue behind the Maltese draft resolution contained in document A/C.1/L.473/Rev.2, which my delegation will certainly support if it remains in its original form, even if our reservations about broadening out the scope of the inquiry in the way proposed in the amendments would make it impossible for us to support it if it were amended.

92. There is a further point to which my delegation attaches great importance. We do not believe that the General Assembly can or should by its recommendations purport to modify existing international law. In this respect I should say that we share the view expressed so clearly by the representative of Ceylon [1708th meeting]. If the members of this Committee wish to modify or add to existing international law, they can recommend appropriate procedures. To take decisions which have limited support does not have any effect but merely registers dissent and disagreement. In our view, moreover, not only is such action inappropriate, but it can be damaging.

93. It is clear that this draft resolution has very far from general support. Indeed, a considerable number will certainly vote against it and a large number may abstain. Therefore not only will it achieve nothing positive but doubt will be thrown on the whole concept of non-appropriation lying behind it, not necessarily because those who cannot support the draft resolution disagree with the concept of non-appropriation but because they believe the resolution is the wrong way to go about the problem. The draft resolution will not do any service to the cause which the sponsors have told us they seek to promote. Rather, it will do a disservice.

94. My delegation, therefore, would like to join those who have urged that it should be sent to the sea-bed Committee for further and careful study in the framework of all the rest of the Committee's work, rather than be put to the vote. If it is put to the vote, however, my delegation will vote against it.

95. The CHAIRMAN: The Committee will now proceed to vote on the various draft resolutions before it, in the

light of the statements made at this morning's meeting and also at this meeting. There are now four draft resolutions, and amendments to them.

96. We have before us the draft resolution submitted by Malta in document A/C.1/L.473/Rev.2, as orally amended by Malaysia [1708th meeting, paras. 67-68]. The amendments proposed by Malaysia have been accepted by the Maltese delegation. The amended text of the Maltese draft resolution will read as follows in the relevant parts.

97. The sixth preambular paragraph will read:

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

98. In line 3 of operative paragraph 1 the word "acceptable" is to be replaced by the word "accepted".

99. Before we proceed to vote on the Maltese draft resolution in document A/C.1/L.473/Rev.2, I shall put to the vote the amendments to it contained in document A/C.1/L.475/Rev.3 and Add.1. A roll-call vote has been requested on the amendments.

100. I now invite the Committee to vote on these amendments. Is there any objection to voting on the two amendments together?

101. Mr. BADAWI (United Arab Republic): I would like to suggest to the Committee that we adjourn the meeting for about ten minutes. There is a possibility that we could reach an agreement on a draft resolution with the amendments submitted.

102. The CHAIRMAN: As the voting has begun, I am afraid that it will not be possible for me to stop the voting now. I now put to the vote together the two amendments in document A/C.1/L.475/Rev.3 and Add.1.

A vote was taken by roll-call.

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

In favour: Yemen, Yugoslavia, Zambia, 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, 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.

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, South Africa, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America.

Abstaining: Venezuela, 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.

The amendments were adopted by 56 votes to 25, with 32 abstentions.

103. The CHAIRMAN: I now invite the Committee to vote on the Maltese draft resolution in document A/C.1/L.473/Rev.2, as amended orally by Malaysia and by the amendments which have just been adopted.

The draft resolution, as amended, was adopted by 58 votes to 13, with 40 abstentions.

104. The CHAIRMAN: I now invite the Committee to proceed to a vote on draft resolution A/C.1/L.474/Rev.1 and Add.1-3. But first the Committee will vote on the amendment to that draft resolution contained in document A/C.1/L.482 and Add.1 which has been revised by its sponsors [1708th meeting, para. 177] to read as follows:

“At the end of operative paragraph 3, replace the semi-colon 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, whether land-locked or coastal;”

The amendment was adopted by 98 votes to none, with 15 abstentions.

105. The CHAIRMAN: We shall now proceed to a vote on draft resolution A/C.1/L.474/Rev.1 and Add.1-3, as amended by the amendment just adopted. A separate vote on the amended operative paragraph 3 has been requested by the Soviet delegation. We shall therefore vote first on operative paragraph 3, as amended.

Operative paragraph 3, as amended, was adopted by 101 votes to none, with 11 abstentions.

106. The CHAIRMAN: I now put to the vote draft resolution A/C.1/L.474/Rev.1 and Add.1-3 as amended.

The draft resolution, as amended, was adopted by 112 votes to none.

107. The CHAIRMAN: I now invite the Committee to proceed to a vote on draft resolution A/C.1/L.477 and Add.1-4, as orally amended by its sponsors [1708th meeting, paras. 58 and 72] to read in operative paragraph 1 as follows:

“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;”.

108. In this connexion I invite the attention of the Committee to the administrative and financial implications [A/C.1/L.496] of the draft resolution.

109. Two separate votes have been requested on operative paragraph 1, with the amendments I have just read out. I would invite the Committee to vote first on the following words:

“particularly a study covering in depth the status, structure, functions and powers”,

and so forth. First, however, I would invite the representative of the Soviet Union to tell us whether I have correctly understood his request.

110. Mr. STASHEVSKY (Union of Soviet Socialist Republics) (*translated from Russian*): Would it not be possible to put to the vote first the following words:

“Requests the Secretary-General to prepare a further study on various types of international machinery, . . . covering in depth the status, structure, functions and powers of an international machinery”.

I would also ask for a vote on the words “particularly a study” and then the words “having jurisdiction over the peaceful uses of the sea-bed” and so forth.

111. Mr. HOLDER (Liberia): I wonder whether the representative of the Soviet Union could tell us whether he is changing his original request or is now making a new one, or is still asking for his earlier amendment; because it seems to me that there is a difference between his amendment and the present suggestion.

112. The CHAIRMAN: If the representative of Liberia will have a little patience with me I shall put the original wording to the vote. I invite the Committee to vote on the following words in operative paragraph 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”.

113. I call on the representative of Kuwait on a point of order.

114. Mr. KHANACHET (Kuwait) (*translated from French*): I believe that, in accordance with the rules of procedure, it would be more proper to put to the vote that part of the paragraph to which there is objection. There is no objection to the first part of the paragraph, and I fail to see why we should take a separate vote on it. That part will be voted on at the same time as the paragraph as a whole, after it has been amended or left unamended. I believe that,

according to the rules of procedure, we should vote on the part to which there is opposition and not on the part to which there is none.

115. The CHAIRMAN: In reply to the point of order raised by the representative of Kuwait, I should like to recall that I read out the amendment proposed by him to operative paragraph 1 of draft resolution A/C.1/L.477 and Add.1-4 and with reference to the amended operative paragraph 1 of that draft resolution the representative of the Soviet Union has asked for a vote by division.

116. In this connexion let me read out rule 130 of the rules of procedure:

“A representative may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.”

117. I assume that the representative of Kuwait is opposed to separate votes on parts of operative paragraph 1 as requested by the representative of the Soviet Union.

118. Mr. KHANACHET (Kuwait) (*translated from French*): I shall explain my objection, Mr. Chairman. You asked us to vote on the first part of the paragraph. In my delegation's opinion, there had been no objection to that part of the paragraph, such an objection being necessary for a separate vote on the passage. The part to which there is objection and on which a separate vote has been requested is the second part. I therefore believe that it would be superfluous to put the first part to the vote twice. What we could do—and to this I have no objection—is vote on the second part of the paragraph, which has been opposed and on which a separate vote has been requested.

119. The CHAIRMAN: As Chairman I am bound to apply the rules of procedure as they have been laid down; but in order that the Committee may be quite clear about the exact purport of the request of the representative of the Soviet Union, may I ask him to restate his proposal for voting by parts.

120. Mr. STASHEVSKY (Union of Soviet Socialist Republics) (*translated from Russian*): My request was very simple and, I thought, clear. It should hardly cause any difficulties. I asked that a vote should be taken first on the first part of operative paragraph 1 of the draft resolution, and then on the second part of that paragraph, as amended by the Kuwait representative. I see no difficulty in voting on this paragraph in parts.

121. Mr. PAVICEVIC (Yugoslavia): On the basis of rule 130 of the rules of procedure, my delegation objects to the dismemberment of the operative part of the draft resolution concerning international machinery, in view of the fact

that my delegation is a co-sponsor of that draft resolution and having in mind that the present text was agreed upon among almost all groups present in the First Committee.

122. The CHAIRMAN: In accordance with rule 130 the representative of Yugoslavia has opposed the request for division. Therefore, in accordance with the rule, we shall proceed to vote upon the motion for division. The rule says:

“If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against.”

123. I shall now give the floor to two delegations that wish to speak in favour of the division.

124. Mr. SAMUELS (Guyana): On a point of information, Mr. Chairman, would you ask the representative of the Soviet Union to state whether he is challenging the first part of paragraph 1?

125. The CHAIRMAN: If I may explain, the question of challenge is not mentioned in rule 130 of the rules of procedure. This rule lays down precisely the procedure to be adopted to solve the situation. Therefore whether the Soviet Union proposal for division is to be accepted or not must be decided in accordance with rule 130. I shall give the floor to two speakers who favour the motion for division. Those who would like to speak in favour of the Soviet proposal for division may do so. As there appears to be no representatives wishing to speak in favour, do any wish to speak against division?

126. Mr. PANYARACHUN (Thailand): Mr. Chairman, I beg your forgiveness for not having had the patience to wait until you had finished your statement. I was merely trying to abide by rule 130 in becoming the second speaker wishing to speak against the motion for division. For the reasons explained to the Committee by the representative of Yugoslavia, my delegation likewise has an objection to the request for division in the vote on operative paragraph 1. We feel that operative paragraph 1 has been carefully worked out and has been agreed to by the overwhelming majority of the delegations. We feel that it would be redundant to have a separate vote on it. My delegation would have no objection if there were a request for a separate vote on the paragraph as a whole but we should have reservations on a separate vote on a separate part of the operative paragraph.

127. The CHAIRMAN: I shall put to the vote the Soviet delegation's motion for division.

The motion was rejected by 46 votes to 11, with 45 abstentions.

128. The CHAIRMAN: I now invite the Committee to vote on draft resolution A/C.1/L.477 and Add.1-4, as amended by its sponsors.

129. Mr. KHANACHET (Kuwait): I request that a roll-call vote be taken.

A vote was taken by roll-call.

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

In favour: Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Maldives 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, 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.

Against: Mongolia.

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

The draft resolution, as amended, was adopted by 99 votes to 1, with 13 abstentions.

130. The CHAIRMAN: Before we proceed to vote on the next draft resolution, that in document A/C.1/L.480/Rev.1 and Add.1, I should like to inform the Committee that Ghana wishes to be added as a co-sponsor of that draft resolution.

131. I was given to understand that the representative of Mexico would like to speak on a point of order.

132. Mr. GARCIA ROBLES (Mexico) (*translated from Spanish*): Before we started voting, I thought that I might exercise my right of reply since my delegation had been mentioned. However, at this stage I think that the vote will speak for itself.

133. The CHAIRMAN: The Committee will now vote on draft resolution A/C.1/L.480/Rev.1 and Add.1 and 2. A roll-call vote has been requested.

A vote was taken by roll-call.

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

In favour: 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, Maldives, Mauritania, Mexico, Morocco, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Paraguay, Peru, Rwanda, Singapore, Somalia, Southern Yemen, Sweden, Thailand, Trini-

dad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Venezuela, Yugoslavia, Zambia, Afghanistan.

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.

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.

The draft resolution was adopted by 52 votes to 27, with 35 abstentions.

134. The CHAIRMAN: Since the voting has been concluded, I now invite those representatives who wish to explain their votes after the vote to do so.

135. Mr. DEJAMMET (France) (*translated from French*): My delegation deems it necessary to explain its vote on draft resolution A/C.1/L.480/Rev.1 and Add.1 and 2. Its concern, which it believes it shares with many other delegations, some of them sponsors of the draft just adopted, is to make the exploration of sub-marine resources subordinate to the establishment of an international régime. My delegation expressed this concern in its statement, in which it asked that the declaration of principles should make it clear that exploitation activities must be carried out in conformity with principles clearly laying down the groundwork for an international régime. I therefore understand that many delegations are anxious that it should be very clearly stated that only the establishment of an international régime can provide a fully satisfactory legal basis for exploitation activities beyond the limits of national jurisdiction.

136. In this connexion, I think that the many statements to that effect in the course of our debate were particularly useful. They should serve as a warning and should encourage us to establish at the earliest date that equitable international régime which we so desire. I do not, however, think that draft resolution A/C.1/L.480/Rev.1 and Add.1 and 2 expresses that idea in the best manner.

137. My objections are twofold. Firstly, my delegation is somewhat surprised at the broad scope of the prohibition in preambular paragraph (a). The French text—and, obviously, that is the only text, the only version, that my delegation considers—states that “*les Etats . . . sont tenus de s’abstenir de toute activité relative à l’exploitation des ressources . . .*”. In those terms, any nautical activity in the broadest sense which could in one way or another be regarded as relating to the exploitation of the resources of the sea-bed and the ocean floor would be prohibited, even if it was demonstrated that the activity was so planned as to be subsequently carried out in the framework of an international régime. This ambiguity is untenable and unacceptable.

138. My delegation's second objection, however, is more serious, and it, in fact, accounted for our negative vote. The ambiguity with regard to the limits of national jurisdiction has been repeatedly deplored in this Committee. What is the point of prohibiting certain activities, if the limits of national jurisdiction are unknown? This remark is particularly pertinent when we refer to the 1958 Geneva Convention on the Continental Shelf,⁴ for everyone knows that under that Convention the mere fact of exploiting or having the technical capacity to exploit the resources of the continental shelf may serve as a basis for claiming national jurisdiction. My delegation, for its part, cannot accept an indefinite extension of such claims and that is why, in acceding to the 1958 Geneva Convention, France expressed a reservation to the effect that the idea of contiguity contained in the Convention should preclude any such extension. Thus, in the present state of the law, where this limit is so poorly established, except in the case of a few countries, the draft resolution would have little meaning.

139. Nevertheless, what compelled and decided my delegation to cast a negative vote was the idea that the draft resolution could actually defeat its own purpose, which of course should be to protect the interests of the international community. Some States might, in fact, be tempted to extend their national jurisdiction. The omission of the word "present" before the words "national jurisdiction" in operative paragraph (a) seems to us particularly unfortunate since that adjective having been deleted, it is no longer clear that the purpose of the moratorium is to freeze activities at a given moment in history. Quite the contrary, this could lead to a race to extend the limits of national jurisdiction, thereby—as has been repeatedly pointed out—reducing to a minimum the part reserved for all mankind.

140. For reasons of principle and in order to make it very clear that until a decisive effort has been made to define both the international régime and the limits of national jurisdiction we can take no other attitude, we were compelled to vote against the draft resolution.

141. Mr. YANGO (Philippines): My delegation abstained on draft resolution A/C.1/L.480/Rev.1 and Add.1 and 2 because in our view the phrase "area of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction", as contained in sub-paragraph (a) of the operative paragraph is undefined and ambiguous. It does not specify whether the limits referred to relate to the territorial sea or to the continental shelf.

142. Inasmuch as the international régime encompasses the continental shelf beyond the limits of the territorial sea, the operative paragraph is restrictive of the executive proclamation issued by the President of the Philippines on 20 March 1968, which provides that all the mineral and other natural resources in the sea-bed and subsoil of the continental shelf adjacent to the Philippines but outside the area of its territorial sea, to where the depth of the superjacent waters admits of the exploitation of such resources, including living organisms belonging to sedentary species, appertain to the Philippines and are subject to its exclusive jurisdiction and control for purposes of exploration and exploitation.

143. In our view this executive proclamation is sanctioned by international law and, as a matter of fact, is a principle embodied in the Convention on the Continental Shelf of 29 April 1958.⁵

144. A copy of this executive proclamation was furnished to the Secretary-General of the United Nations on 16 April 1968.

145. Mr. KROYER (Iceland): I should like to explain very briefly the vote my delegation cast on the draft resolution submitted by Malta in document A/C.1/L.473/Rev.2 and on the amendments to that draft resolution contained in document A/C.1/L.475/Rev.3 and Add.1, which were introduced by Trinidad and Tobago on behalf of their co-sponsors. My delegation would have voted in favour of the Maltese draft resolution if it had been put to the vote in its unamended form.

146. The amendments proposed that the Secretary-General

“...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 . . .”

—in other words, to review all the conventions on the sea in existence.

147. My delegation is sympathetic to the idea of convening, at a proper date and after due and thorough preparation, a new Conference on the Law of the Sea to review existing Conventions. However, we found ourselves unable to vote in favour of the said amendments for the following reasons. First, in the view of my delegation, a decision to request the Secretary-General to ascertain the views of Member Governments on the desirability of convening a general conference on the Law of the Sea goes clearly beyond the scope and framework of the item under consideration. Second, my delegation is not convinced that the First Committee of the General Assembly is the proper or competent organ of the General Assembly to make decisions with regard to the convening of such a conference. Third, my delegation fears that by now adopting a resolution setting in motion, directly or indirectly, the complicated process of preparing for the convening of a conference with such wide terms of reference, the General Assembly would perhaps not be providing for the necessary and careful preparation needed to ensure the success of such a conference.

148. For those reasons, my delegation abstained on the amendments and on the draft resolution as a whole thus amended.

149. Mr. DUGERSUREN (Mongolia): I would just like to place on the record of the Committee a correction of a mistake in voting. By mistake, I cast a negative vote on the draft resolution contained in document A/C.1/L.477 and Add.1-4. Our delegation was going to abstain on that draft

⁴ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

⁵ *Ibid.*

resolution. The error occurred because I had mixed up the numbers of the draft resolutions.

150. The CHAIRMAN: The correction made by the representative of Mongolia with regard to his vote will be noted in the record.

151. Mr. GARCIA ROBLES (Mexico) (*translated from Spanish*): I, too, have asked for the floor in order to make a correction, although it is of a different kind.

152. The representative of France referred a few moments ago to the French text of draft resolution A/C.1/L.480/Rev.1 and Add.1 and 2. My delegation has just looked at the text and wishes to point out that the French translation does not correspond to the original text which, as is stated in the document, is in English and Spanish.

153. Indeed, to say “refrain from all activities of exploitation” or “*están obligados a abstenerse de cualesquiera actividades de explotación*”, as in the Spanish text, is quite different from saying “*s’abstenir de toute activité relative à l’exploitation*”. The latter version is evidently much broader. I believe the Secretariat could arrange for the French text to be brought into line with the original Spanish and English wording.

154. Although I realize perfectly well—as the representative of France himself said—that this was not the only concern which made him vote as he did, I hope that what I have just said may at least eliminate that objection on the part of his delegation.

155. Mr. DEJAMMET (France) (*translated from French*): I am grateful to the Mexican representative for drawing attention to the inaccuracy. Nevertheless, my delegation can only take the view that the official languages of the United Nations are well known, that they include French,

and that when we look at a document, we make no distinction between originals and translations. As far as we are concerned, all Secretariat documents have the same value.

156. This is why corrections should, as far as possible, be made before the texts are produced, for we vote—I repeat—on texts circulated to us in the French language without taking into account versions which other delegations term “original”. The expression “original” is neither acceptable nor understandable to my delegation.

157. I nevertheless feel that the point raised by the Mexican representative is entirely valid, and I have no objection to the text submitted to the General Assembly being in conformity with the version he has given.

158. The CHAIRMAN: The Secretariat has noted the point made by the representative of Mexico.

159. Mr. STASHEVSKY (Union of Soviet Socialist Republics) (*translated from Russian*): My delegation regrets that it was denied an opportunity to state its position with regard to the voting on paragraph 1 of draft resolution A/C.1/L.477 and Add.1-4 as amended.

160. As it said in its explanation of vote, my delegation, if it had been able to do so, would have voted against the second part of the paragraph, from the words “having jurisdiction” to the end of that paragraph, for reasons stated earlier.

161. The CHAIRMAN: Three meetings of the Committee are scheduled for tomorrow in order to conclude the general debate on the disarmament items. There are eighteen speakers to be heard.

The meeting rose at 6.5 p.m.