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Gentlemen:

I enclose herewith a copy of a U.N. press release dated December 2 regarding the four resolutions recently adopted by the U.N. First Committee with respect to the seabeds and a United States press release of the same date setting forth the statement made by Ambassador Christopher H. Phillips regarding such resolutions.

The polarization between the developed and the undeveloped countries in voting on these resolutions is

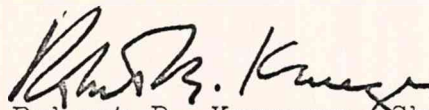
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noteworthy. It is also interesting that Ambassador Phillips indicated that the United States would regard the subject matter of the resolutions as presenting important questions at the time the same is considered by the U.N. General Assembly. Under paragraph 2 of Article 18 of the United Nations' Charter decisions by the General Assembly "on important questions shall be made by a two-thirds majority of the members present and voting."

Any comments that you might have would be appreciated.

Yours very truly,



Robert B. Krueger, Chairman  
Committee on Marine Resources Liaison

RBK/cma  
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UNITED NATIONS

Press Services  
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(FOR USE OF INFORMATION MEDIA -- NOT AN OFFICIAL RECORD)

Twenty-fourth General Assembly  
First Committee, 1709th Meeting  
PM SUMMARY

Press Release GA/PS/1582  
2 December 1969

FIRST COMMITTEE ADOPTS FOUR DRAFT RESOLUTIONS  
ON PEACEFUL USES OF THE SEA-BED

The First Committee (Political and Security) this afternoon adopted four resolutions on the item concerning the reservation of the sea-bed beyond national jurisdiction for peaceful purposes.

The resolutions adopted were on the following subjects:

-- a request to the Secretary-General to ascertain the views of Member States on the possible convening of a conference on the Law of the Sea with a view to arriving at a definition of the sea-bed lying beyond national jurisdiction;

-- on the future work of the Committee on the Peaceful Uses of the Sea-Bed;

-- a request to the Secretary-General to prepare a further study on international machinery for the sea-bed;

-- a declaration that States should refrain from all activities on the environment beyond the limits of national jurisdiction and that no claim to any part of that area shall be recognized.

On the first subject, the Committee adopted, by a vote of 58 to 13, with 40 abstentions, a draft originally proposed by Malta (document A/C.1/L.473/Rev.2 as amended by 14 countries (document A/C.1/L.475/Rev.3). The amendment was adopted by a roll-call vote of 56 in favour, 25 against and 32 abstentions.

The operative part of the draft resolution as amended and adopted reads:

"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 regimes 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,

(more)

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 regime 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."

The second resolution (document A/C.1/L.474/Rev.1), presented by 37 countries was adopted unanimously by a vote of 112 to none against, with no abstentions after it had been amended by an 18-Power draft (document A/C.1/L.482) which was adopted by 98 in favour, none against with 15 abstentions.

The text of the operative part, as amended, reads:

"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, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries, whether landlocked or coastal;

"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 regime to be set up."

(more)

The third resolution, on machinery (document A/C.1/L.477), was presented by 49 developing countries and was orally amended at this morning's meeting. It was adopted, as amended, by a roll-call vote of 99 in favour, 1 against with 13 abstentions.

The text reads in its operative part:

"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 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, whether landlocked or coastal;

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

Finally, the draft on a moratorium on activities and claims (document A/C.1/L.480/Rev.1) was submitted by eleven countries and was adopted by a roll-call vote of 52 in favour, 27 against with 35 abstentions.

It declares that, pending the establishment of the international regime:

"(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."

The Committee will meet again at 10:30 a.m. tomorrow to resume the disarmament debate.

(A MORE DETAILED ACCOUNT OF THE MEETING APPEARS IN TAKES 1-11 OF THIS RELEASE)

FIRST COMMITTEE -- TAKE 1

The First Committee (Political and Security) met this afternoon to conclude the consideration of the item on the reservation for peaceful purposes of the sea-bed.

Before the Committee are the following draft resolutions on which the Committee is expected to vote:

1. A draft resolution by Malta (document A/C.1/L.473/Rev.2) which would request the Secretary-General to ascertain the views of Members on the possible convening of a conference particularly for the purpose of arriving at a definition of the sea-bed beyond national jurisdiction, taking into account the present work of the Sea-Bed Committee on the establishment of a regime covering the use of the environment. The Secretary-General would be requested to report to the next session.
2. A 17-Power amendment to this draft by 14 African, Asian and Latin American countries (document A/C.1/L.475/Rev.3) which would amend the Maltese text to request the Secretary-General to ascertain the views of Member States on the convening of a conference on the Law of the Sea which would review the regimes of the high seas, the continental shelf, the territorial seas, fishing and conservation, in order to arrive at a definition of the above mentioned area.
3. A 37-Power draft (document A/C.1/L.474/Rev.1) which would take note of the Sea-Bed Committee's report; invite it to consider further the questions assigned to it; note with interest the synthesis, included in its report (document A/7622) on legal principles; request it to expedite its work on a statement of principles and to submit a draft declaration at the next session, take note of the suggestions in the report of its Economic and Technical Sub-Committee; and request it to formulate recommendations on the conditions and rules for the exploitation of the resources of the sea-bed "in the context of the regime to be set up".
4. An amendment to that draft by 17 developing countries (document A/C.1/L.482) which would add a reference to the needs of developing countries in the third operative paragraph.

(more)

5. A draft by 44 developing countries (document A/C.1/L.477 and Add.1-3), amended orally this morning, requesting the Secretary-General to prepare an in-depth study on international machinery having jurisdiction over the sea-bed, including the power to regulate, co-ordinate, supervise and control its exploration and exploitation; to submit the report to the Sea-Bed Committee in 1970; and calling on the Committee to report on this question at the next General Assembly session.

6. A draft by 10 African, Asian and Latin American countries (document A/C.1/L.480/Rev.1 and Add.1) which would declare that, pending the establishment of a regime, States and persons should refrain from all activities of exploitation of sea-bed resources beyond the limits of national jurisdiction; and that no claim to any part of the area or its resources would be recognized.

7. A statement by the Secretary-General (document A/C.1/L.496) on the financial implications of the draft resolution in document A/C.1/L.477. The statement says that the cost of the study proposed in that draft is estimated at \$6,000.

(END OF TAKE 1)

FIRST COMMITTEE -- TAKE 2

The Chairman, AGHA SHAHI (Pakistan) called the meeting to order at 3:23 p.m.

The Committee proceeded to hear further explanations of vote before the vote.

REYNALDO GALINDO POHL (El Salvador) said the revised text by Malta (document A/C.1/L.473/Rev.2) would have a definite effect on the future work of the United Nations regarding the sea-bed.

Receiving just a few replies, as was possible under the Malta draft, which would request the Secretary-General to ascertain the views of Members on the question of convening a conference on sea-bed questions, was not the best way to decide on what should be done, he said.

It was the Sea-bed Committee itself, he said, that should propose, in due time, a conference such as that suggested. The First Committee should not anticipate action which the Sea-bed Committee should take eventually.

Definition of the area involved outside natural jurisdiction was necessary, but it should not be separate from everything being considered by the Sea-bed Committee, he stated.

Mr. GALINDO POHL said a revision of the Convention on the Continental Shelf fell within the competence of the ratifying States, not others.

VICTOR J. GAUCI (Malta) said that, in its draft, his delegation had sought to consolidate in non-controversial language the incontestable findings of the Sea-bed Committee.

He noted that his delegation had accepted, to a large measure, the amendments of Cyprus and the Democratic Republic of the Congo. The second set of amendments had been the subject of consultation, he added, but his delegation could not accept them.

He asked for a separate roll-call vote on the amendments contained in document A/C.1/L.475/Rev.3 and said that if they were accepted, his delegation would have to abstain on its own amended resolution.

(END OF TAKE 2)



FIRST COMMITTEE -- TAKE 3

Mr. GAUCI went on to say that a conference as proposed should not be further delayed.

On the draft regarding machinery, he said that it referred but to one facet of the problem, namely the exploitation of the resources of the area. In view of this and other deficiencies, his delegation could not support it; he would abstain, he said. Neither could he support the draft on a moratorium (document A/C.1/L.480/Rev.1), chiefly because the draft tended to penalize the States that have not established claim to areas beyond national jurisdiction.

EDVARD HAMBRO (Norway) said regarding the 10-Power draft (document A/C.1/L.480/Rev.1) that it would in no way contribute to the desired goals.

He said he was speaking on behalf also of Denmark and Iceland in stating his views.

A "moratorium" had no meaning in relation to exploitation of areas already within the competence of the coastal States, he said. As for areas outside national jurisdiction, it was already recognized that the area involved was the area of all mankind, he said.

The draft resolution could therefore have the opposite effect than that desired in forcing countries to make further claims, he said.

He announced he would vote against the draft if it were put to the vote, but he hoped it would be withdrawn and submitted for further consideration to the Sea-Bed Committee.

SVERKER ASTROM (Sweden) said he would vote for the four drafts contained in documents A/C.1/L.473, 477, 478 and 480. He could not support the amendments in document A/C.1/L.475 which in his view went too far.

He said Sweden had always favoured a moratorium on claims. This did not however involve recognition of "excessive claims over the territorial sea", he added.

CHRISTOPHER H. PHILLIPS (United States) said that resolutions taken in the Committee should be largely procedural; substantive decisions should be left to the Sea-Bed Committee, he urged.

The guidance contained in the 37-Power draft (document A/C.1/L.474) would be helpful to that Committee and his delegation would vote for it. He would also support the resolution on a further study on machinery (document A/C.1/L.477), which was equally procedural, he added.

In preparing such a study, the Secretary-General would be expected to be guided by the discussion in the Sea-Bed Committee and in the General Assembly.

Mr. PHILLIPS said his delegation's vote would not imply support for any type of machinery.

FIRST COMMITTEE -- TAKE 4

As to remaining drafts, Mr. PHILLIPS said the United States delegation would prefer that they be first considered in the Sea-bed Committee, that applied to the draft resolution of Malta. Even if his delegation was prepared to vote for it in its unamended form, he added, the results of the requested inquiry by the Secretary-General should be made available to the Sea-bed Committee.

He expressed opposition to the amendment to the Malta draft (document A/C.1/L.475/Rev.3), since an "omnibus" conference such as it envisaged would take years to prepare and would, in fact slow down the attainment of the objective, namely, the definition of the area.

Also, its adoption would mean that the United Nations was prepared to postpone the establishment of a regime indefinitely, said Mr. PHILLIPS.

As to the draft on a moratorium on exploitation and claims, Mr. PHILLIPS stated that its practical effect would be to encourage exploitation and expansive claims to national jurisdiction. It was also contrary to the General Assembly resolution which had established the Sea-bed Committee, he said.

He suggested the issues now under examination would be prejudged by the decision. It would be wiser to refer the draft to the Sea-bed Committee, said the representative of the United States.

On a point of order, BURLEIGH HOLDER (Liberia) said a number of representatives had explained their votes on their own proposals, contrary to the rules of procedure. Could he take advantage of the lapse to explain his vote on a draft on which he was a co-sponsor?

The CHAIRMAN said he was grateful to the representative of Liberia for drawing his attention to any lapse, but "one lapse does not excuse another". He said the representative of Liberia could explain his vote on other drafts whenever he wished to take the floor.

ROBERT KAPLAN (Canada) said that he would vote against the draft on a moratorium which, in fact, might be counter-productive and lead to encroachments on the area which the Assembly was trying to protect. He would vote against the draft, he said.

(END OF TAKE 4)

FIRST COMMITTEE -- TAKE 5

SENJIN TSURUOKA (Japan) said he would vote against the 10-Power draft (document A/C.1/L.480/Rev.1).

The area of the sea-bed beyond national jurisdiction should not be subject to appropriation by any State and claims should be frozen, he said.

However, a clear delimitation of an area to which a moratorium should apply was necessary, he said. The 10-Power draft did not do this and therefore begged the whole question and could legitimize the arbitrary claims of some States to wide areas of the sea, he observed.

He suggested that the question of a freeze of claims should be referred to the Sea-Bed Committee for further consideration.

The CHAIRMAN said he had no way of knowing, when a speaker asked for the floor, on what draft a speaker would speak. He expected speakers to abide by the rules of procedure, he stated.

BURLEIGH HOLDER (Liberia) said that he had hoped that this was an area in which co-operation among nations could move forward; unfortunately, however, "blocs" had been formed, and progress had been prevented, he asserted.

Mr. HOLDER stated that the Malta draft, even as revised, was not completely satisfactory but it showed considerable compromise. However, the draft did not require the Secretary-General to report to the Sea-Bed Committee.

The amendment in document A/C.1/L.475/Rev.3, he said, would tend to delay work on the Sea-Bed Committee. He could not support it, he declared.

The draft on the moratorium did not specify the means by which national jurisdiction could be expanded, he said. States could simply include in the area, under their jurisdiction, areas to which they were laying claims.

He would support the 36-Power draft, he said. The draft on machinery, as amended, should be acceptable, he added.

(END OF TAKE 5)

FIRST COMMITTEE -- TAKE 6

DAVID HILDYARD (United Kingdom) said most agreed that there was an area that was the common heritage of mankind. However, the 10-Power draft (document A/C.1/L.480/Rev.1) went about the problem in the wrong way, he said.

It cut across the careful work of the Sea-bed Committee and the First Committee, he declared. A moratorium could not be effected without defining the area involved, he said.

He would support the Maltese draft, which aimed at getting such a definition, if it remained in its original form. However, he could not support it if the amendments to it were adopted, he stated.

He foresaw that a considerable number of delegations would vote against the 10-Power draft and a large number would abstain. This would cast doubt on the whole cause of non-appropriation, he said.

The 10-Power draft should be sent to the Sea-bed Committee for further study, within the whole context of the questions involved, he said. If it was put to the vote, he would vote against it.

(END OF TAKE 6)

FIRST COMMITTEE -- TAKE 7

The Committee then proceeded to the vote.

It voted first on the 17-Power amendments (document A/C.1/L.475/Rev.3) to the draft from Malta (document A/C.1/L.473/Rev.2).

The amendments were adopted by a roll-call vote of 56 in favour to 25 against, with 32 abstentions.

The roll call was as follows:

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, 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, Byelorussia, China, Czechoslovakia, El Salvador, France, Gabon, Hungary, Ireland, Israel, Italy, Japan, Malta, Mongolia, Netherlands, New Zealand, Poland, Portugal, Romania, South Africa, Ukraine, USSR, United States.

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, Uruguay, Venezuela.

Absent: Albania, Botswana, Burundi, Cambodia, Congo (Brazzaville), Dominican Republic, Equatorial Guinea, Gambia, Guinea, Laos, Luxembourg, Malawi, Upper Volta.

(END OF TAKE 7)

FIRST COMMITTEE -- TAKE 8

The Committee then voted on and adopted the Malta draft (document A/C.1/L.473/Rev.2) as just amended.

It was adopted by a show of hands vote of 58 in favour to 13 against, with 40 abstentions.

The Committee then voted on the 18-Power amendments (document A/C.1/L.482), as orally amended this morning, to the 37-Power draft (document A/C.1/L.474/Rev.1).

They were adopted by a show of hands vote of 98 in favour to none against with 15 abstentions.

The Committee then took a separate vote on the amended operative paragraph 3 of the 37-Power draft (document A/C.1/L.474/Rev.1).

It was adopted by a show of hands vote of 101 in favour to none against with 11 abstentions.

The Committee then unanimously adopted the amended 37-Power draft as a whole by a show of hands vote of 112 in favour to none against and no abstentions.

Next, the Committee voted on the 49-Power draft (document A/C.1/L.477) as orally amended this morning.

A separate vote was requested by the Soviet Union on that part of operative paragraph 1 covering the first two lines reading: "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 ..."

VLADIMIR PAVICEVIC (Yugoslavia) opposed the request for a separate vote. Operative paragraph 1 had been carefully worked out, he said.

ANAND PANYARACHUN (Thailand) also opposed the request for a separate vote on parts of the paragraph. He would not object to a separate vote on the paragraph as a whole, he said.

The Committee then rejected the request for a separate vote on part of operative paragraph 1 by a show of hands vote of 11 in favour to 46 against with 45 abstentions.

FIRST COMMITTEE -- TAKE 9

The 49-Power draft (document A/C.1/L.477) as a whole, as orally amended this morning, was then adopted by a roll-call vote of 99 in favour to 1 against, with 13 abstentions.

The roll call 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, Maldives, 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, United Republic of Tanzania, United States, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Mongolia.

Abstaining: Bulgaria, Byelorussia, Cuba, Czechoslovakia, Hungary, Malta, Poland, Portugal, Romania, Saudi Arabia, South Africa, Ukraine, USSR.

Absent: Albania, Botswana, Burundi, Cambodia, Congo (Brazzaville), Equatorial Guinea, Gambia, Guinea, Laos, Luxembourg, Malawi, Singapore, Upper Volta.

FIRST COMMITTEE -- TAKE 10

The CHAIRMAN said Guyana was now a co-sponsor of the former 10-Power draft (document A/C.1/L.480/Rev.1), bringing the total co-sponsorship to 11.

The 11-Power draft (document A/C.1/L.480/Rev.1) was adopted by a roll-call vote of 52 in favour to 27 against, with 35 abstentions.

The roll call 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, Maldives, 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, Byelorussia, Canada, China, Czechoslovakia, Denmark, France, Hungary, Iceland, Ireland, Italy, Japan, Liberia, Malta, Mongolia, Netherlands, New Zealand, Norway, Poland, Portugal, South Africa, Ukraine, USSR, United Kingdom, United States.

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.

Absent: Albania, Botswana, Burundi, Cambodia, Congo (Brazzaville), Equatorial Guinea, Gambia, Guinea, Laos, Luxembourg, Malawi, Upper Volta.

(END OF TAKE 10)



FIRST COMMITTEE -- TAKE 11

The CHAIRMAN said that explanation of the vote would be heard.

ALAIN DEJAMMET (France) said that the moratorium, contained in document A/C.1/L.480/Rev.1, also provided for refraining from all activities in the area, and that, he said, was unacceptable. Also, the prohibition was meaningless if the limits of national jurisdiction were not known.

Moreover, he said, the resolution would run counter to its objective and might tempt some States to expand their national jurisdiction. His delegation, therefore, had voted against the resolution.

ALEJANDRO D. YANGO (Philippines) said he had abstained on the 11-Power draft (document A/C.1/L.480/Rev.1) because it was not clear what was the area involved.

HARALDUR KROYER (Iceland) said he would have voted for the Maltese draft if it had not been amended. However, the idea now was to consider a conference on the law of the sea at an early date. This required full preparation and went beyond the scope of the item and the competence of the First Committee, he said.

MANGALYN DUGERSUREN (Mongolia) said he wished to correct his vote. He had voted against the resolution in document A/C.1/L.477 by mistake. He had meant to abstain, he said.

The CHAIRMAN said the correction would be noted in the record.

The Committee adjourned at 6:04 p.m. until 10:30 a.m. tomorrow.

(END OF TAKE 11 AND OF PRESS RELEASE GA/PS/1582)



UNITED STATES MISSION TO THE UNITED NATIONS

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PRESS RELEASE

FOR IMMEDIATE RELEASE

Press Release USUN-183(69)  
December 2, 1969

Statement by Ambassador Christopher H. Phillips, United States  
Representative in Committee I in Explanation of Vote on  
Resolutions Dealing with the Seabeds Item, December 2, 1969.

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I should like briefly to explain the vote of the United States  
Delegation on the resolutions and amendments pending before us.

I should say at the outset that, as we have indicated on  
earlier occasions, the United States believes that the tasks to be  
performed by the Assembly in connection with the Seabeds items  
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 this item,  
and it is only good business to leave substantive decisions on  
these issues to be taken first in the Seabeds Committee.

Proceeding on this premise, we find it useful and proper for  
the Assembly to take action with respect to the continuing work  
of the Seabeds Committee, such as is envisaged in the resolution  
sponsored by Belgium and a number of other delegations, contained  
in Document L.474/Rev.1; the guidance contained in that resolution  
will doubtless be helpful to the Committee in its further work  
during the coming year. In this connection, my Delegation is  
able to support the amendment proposed to the resolution in  
Document L.482, and the wording accepted by Afghanistan concerning  
land-locked countries.

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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 paragraph 19 of the report of the Seabeds 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 Seabeds 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 regime. A further study by the Secretary-General such as is envisaged in paragraph 19 of the Seabeds Committee report 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 resolution sponsored by Kuwait and a number of other countries, contained in Document L.477, as it has now been revised. The 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 resolution, the Secretary-General would be guided in the first instance by the discussions which took place in the Seabeds Committee and in the General Assembly. The study would thus clearly cover those forms of international machinery which received significant support in those discussions -- including, for example, the kind of machinery described in some detail by my own Delegation. It goes without saying, of course, that our support for the present resolution does not indicate support for the kind of elaborate machinery which has been singled out for express mention in the resolution. Our reasons for opposing this particular type of machinery have been set forth clearly in the records of the Seabeds Committee and in statements before this Committee

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The remaining resolutions pending before the First Committee involve, in varying degrees, decisions which my Delegation believes would be much better considered in the Seabeds Committee than in the General Assembly. Consequently, we would have preferred that all of these resolutions be first considered in the Seabeds 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 General Assembly due, as we all appreciate, to the exceedingly heavy burden of work placed on representatives of the First Committee.

What I have just said would apply to the resolution of Malta contained in L.473/Rev. 2, even though my Delegation is willing to support and vote for that resolution if it is put to a 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 United Nations deliberations on the Seabeds question, that the problem of arriving at a precise definition of the limits of the area of the seabed and ocean floor beyond national jurisdiction should be addressed in the international community. It should be addressed with all the despatch that the complexity of this issue and the closely related issue of the international regime for the area beyond national jurisdiction would permit. While we had thought that it would probably be premature to set in train the canvass of views on a possible international conference which is envisaged in the Maltese resolution, and that the limits and regime issues should be left for further discussion in the Seabeds Committee for the immediate future, we are--as I have just indicated--willing to support the Maltese resolution in its present form. We understand that the results of the Secretary General's canvass, insofar as they bear on the question of the limits of the seabed beyond national jurisdiction and thus fall within the Seabeds Committee's competence, will be available to the Seabeds Committee for use in its further deliberations.

We are unable, however, to support the amendments to that resolution contained in Document L.475/Rev.3, which envisage a conference covering all Law-of-the-Sea issues arising under any of the various regimes of the high seas; we are in fact strongly opposed to these amendments, and will vote against them. Briefly, our reasons are the following: first, Mr. Chairman, we feel that the previous experience of the international community in endeavoring to grapple with the enormously difficult issues of 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 any reasonable expeditiousness and chance of success. Such an omnibus conference as is envisaged in the amendments in L.475 would take many years to prepare, with preparation on all of the issues involved being slowed inevitably to the pace necessary for the most difficult.

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 toward the establishment of a legally effective international regime for the seabeds in the foreseeable future. This indeed is the very raison d'etre of the Special Committee on the Seabeds. It is of course clear that the question of the limits of the area to which such a regime will apply is an integral part of the complex of issues which must be resolved before this objective can be achieved. The Seabeds Committee could in theory, of course, draft any number of regimes on paper; there will, however, be no regime in fact until the area of its application is decided. Consequently, we would be most disturbed at any indication that the United Nations was willing to take an integral part of the Seabeds issue -- the question of limits -- and merge it inextricably with the whole range of 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 regime into the indefinite future would, we believe, have the most deleterious effects. Consequently, Mr. Chairman, we will oppose the amendments contained in Document L.475/Rev.3.

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Finally, Mr. Chairman, I turn to the resolution contained in L.480/Rev. 1, cosponsored by Mexico and a number of other delegations. This resolution would have the Assembly declare that, pending the establishment of the aforementioned international regime:

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

This 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 Seabeds Committee. May I suggest, however, that however well-intentioned the 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 for seabeds resources to move toward unjustifiably expansive claims of national jurisdiction -- and to enter a race to grab and hold the seabed -- in order to legitimize these activities of exploitation and save them from the proscription contained in the resolution before us. This can only make the Seabeds issues more difficult to solve, rather than less so.

Moreover, Mr. Chairman, it appears to us that the premise upon which the resolution proceeds -- namely, that it would be of some utility to the international community to retard the development of seabed 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 2467A by which the Committee was established. In that resolution, it will be recalled, the General Assembly considered "that it is important to promote international cooperation for the exploration and exploitation of the resources of this area". If the technology of exploration and exploitation does not move forward, there simply will be no exploitation of the resources of this area. Consequently, Mr. Chairman, my Delegation earnestly suggests to the cosponsors of this resolution that the proper objective, with respect to exploitation of seabed resources pending the establishment of the international regime, 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 Seabeds Committee. I might mention that this is precisely the intent of certain provisions proposed by my Delegation for inclusion in a statement of legal principles on the seabeds,

which state, for example, that activities which take place during this period shall not prejudice the eventual location of the boundary, and which provide also that the international regime 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 it is in the interest of the international community either to retard the development of seabed technology or to produce a further hardening of national positions on certain of the seabeds issues now under negotiation. We will, therefore, vote against the resolution contained in L.480/Rev.1. By far the wiser disposition of this resolution by the Assembly would be, we believe, to refer it along with the records of debate in the First Committee to the Seabeds 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 resolution's lack of any binding legal effect, which has been remarked on today, these questions are indeed important ones within the meaning of the Charter and the Assembly's rules of procedure. Should the 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.

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