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Chairman: Mr. Radha Krishna RAMPHUL (Mauritius).

AGENDA ITEM 34 *(continued)**

Declaration of the Indian Ocean as a zone of peace: report of the Secretary-General (A/8809, A/C.1/L.631)

1. The CHAIRMAN: Before proceeding with our work I should like to announce that the delegations of Indonesia, Senegal, Sierra Leone, Swaziland, Malaysia, and Uganda have joined the list of sponsors of draft resolution A/C.1/L.631 on the Indian Ocean as a zone of peace.

2. I shall first give the floor to Mr. Amerasinghe of Sri Lanka, who will introduce the draft resolution.

3. Mr. AMERASINGHE (Sri Lanka): When the delegation of Sri Lanka, in association with the delegation of the United Republic of Tanzania, last year sought inscription on the agenda of the twenty-sixth session of the General Assembly of the item "Declaration of the Indian Ocean as a zone of peace", we were carrying forward a process that had been initiated at the Conference of Heads of State or Government of Non-Aligned Countries which was held in Cairo in 1964. That summit meeting adopted a declaration which called for the establishment of nuclear-free zones, of denuclearized zones. The next stage was reached at the Third Conference of Heads of State or Government of Non-Aligned Countries held in Lusaka in September 1970. The declaration adopted at that conference stated that a declaration should be adopted calling upon all States to consider and respect the Indian Ocean as a zone of peace from which great Power rivalries and competition, as well as bases conceived in the context of such rivalries and competition—either army, navy or air force bases—are excluded, and added that the area should also be free of nuclear weapons.

4. It was in pursuance of that declaration that we sought, along with the United Republic of Tanzania, the inscription of this item on the agenda of the twenty-sixth session of the General Assembly. In the meantime the General Assembly, at its twenty-fourth session, had adopted resolution 2606 (XXIV) on the strengthening of international security. This resolution called for new initiatives to promote peace, security, disarmament, and economic and social progress for all mankind.

5. The resolution was followed up with the adoption, at the twenty-fifth session, of resolution 2734 (XXV)—the Declaration on Strengthening of International Security. Paragraph 20 of the Declaration, which is most germane to the proposal that we have made, urged all States to make urgent and concerted efforts within the framework of the Disarmament Decade and through other means—I emphasize through other means—for the cessation and reversal of the nuclear and conventional arms race at an early date. For the first time the General Assembly conceived the idea that athletes run backwards. The main contributions purporting to be made to international security hitherto had been confined to reducing the threat of nuclear war; the declaration of nuclear-free zones, as for example, the Treaty of Tlatelolco[1] and Declaration of the Organization of African Unity, and the exclusion of nuclear weapons and weapons of mass destruction from certain areas, notably the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof *[resolution 2660 (XXV), annex]*.

6. All such measures persisted in the fallacy that disarmament, however rudimentary in form, could reduce tension and lead to peace. The approach of the non-aligned countries was quite different. It was a positive approach. The concept of a zone of peace is not a new one. It is inherent in the policy or philosophy of non-alignment which requires that the land territories, the air space and the territorial waters of non-aligned States must be declared out of bounds to great Powers as an area or arena for the projection of their conflicts and rivalries and that all areas under the jurisdiction of non-aligned States should therefore by definition be zones of peace.

7. Sri Lanka had already set the example in 1956 by requiring the removal of all foreign bases and foreign troops from its soil. This was almost the first act of the then Prime Minister, Mr. Bandaranaike, on his assumption of office. We considered foreign bases a permanent reminder of our colonial status and dependence and their continued

* Resumed from the 1899th meeting.

1 Treaty for the Prohibition of Nuclear Weapons in Latin America (United Nations, *Treaty Series*, vol. 634 (1968), No. 9068).

presence on our soil to be incompatible with the policy of genuine non-alignment. We put our faith in the United Nations Charter and in 16 years have found that faith to have been justified. We treat peace not as an interlude between wars, but rather as a permanent feature of the human condition. The disarmament approach to peace and security we consider totally inadequate and some of the measures undertaken under that approach we consider to be blissfully irrelevant: blissfully because they create a false sense of security and lull the world into complacency; irrelevant for the reason that they call for the renunciation of what has already become obsolete or unnecessary, or impose limitations or reductions that in no whit reduce the arms race.

8. There had to be a different, a positive approach, and that was the creation of a climate of peace which would render armaments unnecessary and redundant. This would best be achieved by establishing zones of peace in vital areas of the world.

9. A zone of peace had to satisfy the criteria defined in the Lusaka Declaration of non-aligned countries of 1970. The new concept had to find a habitation and a home – rather like an unwanted mongrel, which was how it was treated by the great Powers. Hence our initiative, taken together with Tanzania, to introduce the item last year. Conditions in the Indian Ocean area were ideal for the application of the concept and the proposal was consistent with the avowed aims of the great Powers themselves regarding the cessation of the arms race. Our reasons were set out in a letter of 1 October 1971,[2] in which we requested the Secretary-General to seek inscription of the item on the agenda of the twenty-sixth session of the General Assembly.

10. If I may refer briefly to our reasons for considering the Indian Ocean to be the most appropriate area for the practical application of this concept, I will quote from that letter, in which we stated that:

> "Existing circumstances in the Indian Ocean, as distinct from other oceans of the world, are specially conducive to the application of this policy to the area. The presence of the military and naval forces of the great Powers in the Indian Ocean areas has not yet assumed significant proportions."

That was a remarkable understatement.

> "None of the great Powers nor any of the medium Powers are contiguous States. The major maritime nations are geographically remote from the Indian Ocean area nor are the economic interests of the great Powers involved to any appreciable degree in the area.
>
> "The countries of the Indian Ocean need conditions of peace and tranquillity in which to transform and modernize their economies and societies. It is imperative to the success of these efforts that the Indian Ocean should be preserved as an area of peace.
>
> "Immediate action is considered necessary to arrest and reverse certain trends which have lately become manifest and which, if allowed to continue, would render the progressive militarization of the Indian Ocean unavoidable."

11. At the twenty-sixth session, General Assembly resolution 2832 (XXVI) was adopted, 61 nations voting for it and 55 abstaining. There were no negative votes. Some of the abstentions were due to the fear that the plague of peace would become infectious. Other abstentions were due to the fear of some littoral and hinterland States that adoption and implementation of the Declaration would interfere with their vital security interests and arrangements.

12. The first objection would imply that peace is entirely beyond our reach. As far as the great Powers were concerned, the opposing factions could not see their way to supporting the Declaration, for what appeared to be entirely opposite reasons: one faction because it had an advantage over the other in the Indian Ocean and did not wish to forgo that advantage; the other faction because it was at a disadvantage and wanted time to establish an equilibrium of force in the Indian Ocean area. Regrettably, both factions, despite their diametrically opposed ideologies, seemed to worship at the same altar, the altar of power, and to offer incense to Mars—or should I say Uranus, the son of Earth, according to Greek mythology, now seemingly bent on destroying his mother.

13. The abstentions of the second group, however, merit sympathy and understanding. They stem from fears for their national security, and we must seek to allay those fears if we wish to advance the proposal. At the same time, we would point out that those who entertain such fears themselves ardently desire to be at peace, to be free and to be neutral in their area. I refer to the Association of Southeast Asian Nations Declaration of 27 November 1971, in which five States of South-East Asia namely, Indonesia, Malaysia, the Philippines, Singapore and Thailand, expressed their determination to exert initially the necessary efforts to secure recognition of and respect for South-East Asia as a zone of peace, freedom and neutrality, free from any form or manner of interference by outside Powers. That is precisely what we ourselves seek. In its conceptual scope and in its intent and objectives, the Declaration is identical with the Declaration of the Indian Ocean as a zone of peace.

14. Military experts share our anxiety in regard to the future of the Indian Ocean. Writing in *The New York Times* on 20 March 1972, Hanson Baldwin stated that in the age of the missile and the nuclear warhead the Indian Ocean, the world's third largest, represents a vast launching-pad for missile-firing submarines, with its 28,350,000 square miles of what he described in almost lyrical language as "opaque blue water". He described the Indian Ocean as becoming increasingly important in the balance of terror. Our Declaration seeks to diminish its importance in that respect and to enhance its significance in the equilibrium of peace. General Assembly resolution 2832 (XXVI) prescribes two sets of consultations.

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2 *Official Records of the General Assembly, Twenty-sixth Session, Annexes*, agenda items 27, 28, 29, 30, 31, 32 and 98, document A/8492 and Add.1.

15. The first set is referred to in paragraph 2 of that resolution which reads as follows:

"*Calls upon* the great Powers, in conformity with this Declaration, to enter into immediate consultations with the littoral States of the Indian Ocean with a view to:

"*(a)* Halting the further escalation and expansion of their military presence in the Indian Ocean;

"*(b)* Eliminating from the Indian Ocean all bases, military installations and logistical supply facilities, the disposition of nuclear weapons and weapons of mass destruction and any manifestation of great Power military presence in the Indian Ocean conceived in the context of great Power rivalry."

16. At the time we presented the draft resolution we did not expect a total boycott from the great Powers, with the notable exception of China. We could not, of course, reasonably expect them to take any initiative to promote the implementation of a Declaration on which they had abstained. It was quite excusable and understandable, therefore, if the great Powers, with the exception of China, behaved like a bashful bride or reluctant virgin. I must confess that I have had no personal experience of either of those types.

17. The second set of consultations is referred to in paragraph 3, which:

"*Calls upon* the littoral and hinterland States of the Indian Ocean, the permanent members of the Security Council and other major maritime users of the Indian Ocean, in pursuit of the objective of establishing a system of universal collective security without military alliances and strengthening international security through regional and other co-operation, to enter into consultations with a view to the implementation of this Declaration and such action as may be necessary to ensure that:"

The objectives are set out in three subparagraphs of that paragraph:

"*(a)* Warships and military aircraft may not use the Indian Ocean for any threat or use of force against the sovereignty, territorial integrity and independence of any littoral or hinterland State of the Indian Ocean in contravention of the purposes and principles of the Charter of the United Nations;

"*(b)* Subject to the foregoing and to the norms and principles of international law, the right to free and unimpeded use of the zone by the vessels of all nations is unaffected;

"*(c)* Appropriate arrangements are made to give effect to any international agreement that may ultimately be reached for the maintenance of the Indian Ocean as a zone of peace".

That paragraph really defines the concept of the zone of peace, as we understand it, in full detail.

18. The two operative paragraphs to which I have referred should strike anyone as being unexceptionable in substance and irreproachable in intent. Where then does the difficulty lie? We disavow categorically any intention of seeking to implement the Declaration immediately or wanting any littoral or hinterland State which now has military alliances, understandings or bases to take immediate measures to denounce those agreements or dismantle those bases. We are realistic and shall remain so. But we seek their support, as well as the support of others, for procedures which will carry us forward, in unity, concert and mutual understanding, towards the attainment of an objective which I am sure we all share.

19. That brings me to the action we propose this year and draft resolution A/C.1/L.631, which now, I believe, has attracted about 27 sponsors. Before explaining the provisions of the draft resolution, let me refer briefly to some suggestions that have been made to us, no doubt with the best intentions, as regards the procedure that should be followed by us this year. One suggestion was that we should refer it to the Conference of the Committee on Disarmament. This suggestion has the charm of simplicity and the merit of modesty. I say "modesty" because the already overburdened Conference of the Committee on Disarmament seems to wish to take on more. But we fear that this suggestion is the surest guarantee of the speedy demise of the proposal. It reminds me of the first line of a childhood poem: "Come into my parlour, said the spider to the fly". I can assure the Committee that this fly has no intention of going into that parlour.

20. Another suggestion was that we call upon States to consult with one another. That suggestion had already been made a year ago and was ignored during all that time. The third suggestion was that the littoral States should first agree among themselves. There was an obvious answer to that suggestion, which would show that it was incapable of being accepted because there were some littoral States which had military alliances and understandings with some of the major Powers, and they had to consult them before they could agree with us. There was yet another suggestion that we should forget all about it.

21. May I now turn to the provisions of draft resolution A/C.1/L.631. I should like to say first of all that it is essentially a procedural draft resolution and that we hope that it will be accepted in this spirit and will therefore get a better reception than that of last year. In two preambular paragraphs of the draft resolution we note that the consultations envisaged in paragraphs 2 and 3 of resolution 2832 (XXVI) adopted at the twenty-sixth session had not taken place, and also note that

"in the Georgetown Declaration of 12 August 1972, the Conference of Foreign Ministers of Non-Aligned Countries received with satisfaction the adoption by the General Assembly at its twenty-sixth session of the Declaration of the Indian Ocean as a zone of peace and agreed that further steps should be taken at the Assembly's twenty-seventh session towards implementation of the Declaration."

It is in pursuance of that decision that we have presented the draft resolution and the suggestions contained in it. At this point I should like to state that we would wish a slight amendment to be made in the fourth preambular para-

graph, in deference to certain delegations which experience some difficulty in accepting it in its present form. The amendment is as follows: the insertion, after the words "furtherance of the", of the words "objectives of the". In other words, instead of saying: "*Convinced* that action in furtherance of the Declaration would be a substantial contribution . . .", we would say: "*Convinced* that action in furtherance of the objectives of the Declaration would be a substantial contribution . . .".

22. We have consulted as many of the other sponsors as we were able to contact and they have raised no objection to this slight amendment. I hope that none of those whom we have failed to consult will disagree with the amendment.

23. I now come to the two main operative paragraphs. Operative paragraph 1 states:

> "*Calls upon* the littoral and hinterland States of the Indian Ocean, the permanent members of the Security Council and other major maritime users of the Indian Ocean to support the concept that the Indian Ocean should be a zone of peace."

24. I trust that the wording of this paragraph will be examined carefully. We wish everyone concerned or interested to support the concept; we do not ask them to support any particular immediate measures to translate this concept into reality. Operative paragraph 2 reads:

> "*Decides* to establish an *Ad Hoc* Committee on the Indian Ocean, consisting of not more than 15 members, to study the implications of the proposal, with special reference to the practical measures that may be taken in furtherance of the objectives of the resolution, having due regard to the security interests of the littoral and hinterland States of the Indian Ocean and the interests of any other State consistent with the purposes and principles of the Charter of the United Nations, and to report to the General Assembly at its twenty-eighth session".

25. All we are asking is that this proposal be given a decent chance and that its implications be studied, with special reference to practical measures that may be taken, but—and this is the most important element in this operative paragraph: "having due regard to the security interests of the littoral and hinterland States of the Indian Ocean and the interests of any other State consistent with the purposes and principles of the Charter of the United Nations", which are to preserve and maintain peace and security and harmonize relations between nations. Thus we have taken particular care to protect the interests of those who have been concerned and we have taken due note of their anxiety.

26. Operative paragraph 3 reads: "*Decides further* that the *Ad Hoc* Committee shall consist of the following States: . . ." and here a blank appears because it has been customary and the convention has been established for committees of this sort to be appointed by the Chairman of the First Committee, if the item comes within the First Committee's purview, in consultation with the various groups. I should like to state that in our opinion the principle of equitable geographical distribution is not really relevant to the composition of this committee. On the contrary, this committee should be selected according to three criteria. I would venture to suggest that these are: the criterion of interest, and that concerns really the littoral and hinterland States: the criterion of anxiety, which concerns those littoral and hinterland States which have certain problems with regard to the application of this concept, those which have military alliances or other arrangements or whose national security interests might in some way or other be jeopardized; and the criterion of involvement, which concerns the great Powers because it is they which are involved in the area, it is they which have military establishments and it is some of them which are engaged in the arms race in the Indian Ocean area, which has really prompted us to put this proposal forward.

27. I hope that before the conclusion of the debate, before the time comes for voting on this draft resolution, you, Mr. Chairman, will be able to consult the various groups and arrive at a satisfactory composition for this committee. I have not mentioned the major maritime users because they fall into any one of the three categories. They will be interested and perhaps anxious in regard to the maintenance of the sea lanes, and they also therefore are involved. But we have made it clear that our proposal does not in the least envisage any interference with the maintenance of those sea lanes for peaceful purposes.

28. Forgive me for showing a lack of modesty in quoting my concluding words in the statement I made in the First Committee when introducing this proposal last year: "They should not let it be said of them [the littoral and hinterland States] that they regarded war with indifference and peace with consternation" *[1834th meeting, para. 187]*.

AGENDA ITEM 36 *(continued)*

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 use of their resources in the interests of mankind, and convening of a conference on the law of the sea: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/8721 and Corr.1, A/C.1/L.621, 622 and 632)

29. The CHAIRMAN: I call on the representative of Singapore who will introduce draft resolution A/C.1/L.632.

30. Mr. JAYAKUMAR (Singapore): My delegation has asked to speak at this stage to introduce the draft resolution, which is sponsored by 28 delegations, including the delegation of Singapore.

31. This draft resolution requests the Secretary-General to prepare, on the basis of data and information at his disposal, a comparative study on the extent and economic significance in terms of resources of the international area which would result from the various proposals on limits for national jurisdiction that have been put forward.

32. One of the most significant landmarks in the international community's recent efforts to evolve a new international order to govern man's activities in ocean space was the adoption by the United Nations in 1970 of the

Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction *[resolution 2749 (XXV)]*.

33. On that occasion the Members of the United Nations farsightedly declared that the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind. In elaborating this concept of common heritage, the Declaration stated that exploration of the area and the exploitation of its resources should be carried out for the common benefit of mankind as a whole. The Declaration further stated that an international régime applying to the area, including appropriate international machinery, should be established.

34. The exact extent of the area, including its resources, to be reserved for the benefit of mankind as a whole will depend, of course, on the limits of national jurisdiction eventually agreed upon at the forthcoming conference on the law of the sea.

35. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has been meeting regularly and the preparatory work for the conference has shown encouraging progress. Since there appears to be widespread agreement that the substantive session of the conference should commence sometime in 1974, we are now entering a crucial stage of our preparatory work.

36. If they have not already done so, delegations are beginning seriously to prepare themselves for the conference in order to respond to the various important issues which will be the subject of discussions and negotiations at the conference.

37. An essential element in this preparatory process of the sea-bed Committee collectively and of delegations individually is the access to information and data on diverse facets of this complicated subject of ocean space. It is in realization of this, my delegation believes, that the General Assembly requested the Secretary-General to render to the sea-bed Committee "all the assistance it may require in legal, economic, technical and scientific matters." *[Resolution 2750 C (XXV).]*

38. One of the vital subjects to which the conference will address itself will be the implementation of the concept of common heritage. In this connexion it is expected that decisions will also be taken concerning the international régime and the establishment of an international machinery with authority over the area.

39. The sponsors of the draft resolution strongly believe that a prerequisite for the taking of such decisions is the availability of information about the character of the international area itself. For instance, if we are to take decisions concerning the activities and functions of the proposed international machinery, or decisions concerning its structure and organs, such decisions will naturally be closely related to the extent of the international area, including resources that ultimately accrue for mankind. If the area is small or should its known economic resources be insignificant or not given to practicable or economic exploitation in the near future, then one series of decisions may be appropriate; on the other hand, if the area is large and extensive or if it contains exploitable resources in considerable quantities, then another series of decisions may be warranted. It is clear that it will be a most difficult task to reach rational decisions without having at least some basic knowledge of the area which we seek to regulate. Such information is at present not available to most delegations.

40. As we have already noted, however, the extent of the area and the resources therein would depend on the limits for national jurisdiction agreed at the forthcoming conference. In view of the very close relationship which the question of limits bears both to the extent of the area, including resources, and to the activities and functions of the international machinery, it would be necessary to understand the extent and economic significance of the international area that would result from the various proposals for limits. It is in that spirit that the sponsors have requested the Secretary-General to prepare a study which would provide information and data on the economic implications and significance of the five proposals that have been presented concerning limits.

41. Let me turn now to the provisions of the draft resolution. The preambular paragraphs are self-explanatory. The first preambular paragraph recalls the General Assembly resolution which contains the historic Declaration of Principles; the second preambular paragraph recalls that part of the Declaration which states that the exploration of the area and the exploitation of its resources should be carried out for the benefit of mankind as a whole and that an international régime, including appropriate international machinery, should be established; the third preambular paragraph recognizes that the economic significance of the area would depend on its final delimitation; while the fourth preambular paragraph refers to the close relationship between decisions concerning the activities and the functions of the international machinery and any decision concerning limits; and the fifth preambular paragraph expresses the conviction that information and data on the economic implications and significance of the area of the various proposals for limits would be helpful to the participants at the forthcoming conference, especially the developing countries many of which are not members of the sea-bed Committee.

42. I turn now to the operative paragraphs. Operative paragraph 1 requests the Secretary-General to prepare, on the basis of data and information at his disposal, a comparative study of the extent and the economic significance, in terms of resources, of the international area that would result from each of the five proposals for limits that have been suggested.

43. Operative paragraph 2 requests the Secretary-General to submit his study as soon as possible but not later than the 1973 summer session of the sea-bed Committee.

44. The final operative paragraph requests States, the United Nations Conference on Trade and Development (UNCTAD), the specialized agencies and other competent organizations of the United Nations system to co-operate with the Secretary-General in the preparation of such a study.

45. The sponsors have explicitly provided that the study should be on the basis of data and information at the disposal of the Secretary-General; so that the request is a reasonable one formulated to ensure that he would not have undue difficulty in preparing the study. Also, by the express use of that wording the sponsors envisage that such a study would therefore be carried out at minimal cost. Further, by including operative paragraph 3–which invites States and relevant United Nations bodies to co-operate with the Secretary-General–it is our hope that such co-operation will provide the Secretary-General with additional information.

46. The sponsors have felt it necessary to provide in the draft resolution that the study should be made available not later than the convening of the 1973 summer session of the sea-bed Committee. The reason for this is the desire of representatives, whether or not members of the sea-bed Committee, to have a reasonable amount of time to examine the study before participating in the substantive sessions of the conference.

47. The sponsors would like to emphasize that a study of this nature would be very helpful, if not essential, for delegations who will attend the conference in order that, collectively and individually, they may make decisions on questions such as limits, organs of the international machinery or its functions and activities on the basis of objective facts and information instead of the unhappy alternative.

48. Such a study would be particularly valuable for the delegations of many developing countries; that is why the overwhelming majority of the sponsors are developing countries. Admittedly there may be some delegations–especially those of advanced countries–which have the required expertise and facilities to work out for themselves the implications of the various possible limits; but many of the developing countries do not have such expertise or facilities and it is for us particularly that such a study would be immensely helpful. Moreover, let us not forget that there are more than 30 developing countries which are not members of the sea-bed Committee but which surely would want to attend the conference on the law of the sea and for which the information called for in the proposed study would be as important as for members of the sea-bed Committee.

49. It may be noted that the sponsors are the land-locked and shelf-locked countries. This is understandable because, for land-locked and shelf-locked countries, the concept of common heritage has always been of utmost importance, as there is very little else that we, especially the developing land-locked and shelf-locked States, can look forward to. In the sea-bed Committee many of the land-locked and shelf-locked delegations have, therefore, consistently urged that consideration of the question of limits and the activities and functions of the proposed international machinery should be based on adequate knowledge. It should not be surprising, then, that we have taken the initiative in proposing this draft resolution. But the fact that we have taken this initiative does not mean that the information will be useful only to the sponsors; for, as I have shown, such information will be indispensable to rational decision-making by the organized world community on such an important matter as the law of the sea.

50. I should like to mention here that a request for such a study had been made previously in the sea-bed Committee, in particular at its Geneva summer session in 1972. On that occasion, however, some delegations objected to such a study and, as the sea-bed Committee operates by consensus and not by voting, no action was taken on the request for a study. Since then the delegations which requested the study, as well as many other delegations which are now indicated in the list of sponsors of the draft resolution, are even more convinced of the desirability of such a study and because of that conviction we have submitted the draft resolution.

51. We have considered the objections raised by those delegations I mentioned earlier but we feel that they probably misunderstood the purpose of the proposal. It was said, for instance, that "obtaining the full amount of scientific information required in order to carry out the study would be beyond the resources of the Secretariat and would entail a large expenditure of funds." *[A/8721 and Corr.1, para. 36.]* However, as I have pointed out, the sponsors have expressly provided that the study should be based on data and information at the Secretary-General's disposal and also that States and United Nations bodies should be invited to co-operate with the Secretary-General in this regard.

52. It was also said, for instance, that "States should work out for themselves the implications of the various possible limits as regards their individual situation." *[Ibid.]* Of course, as I have already pointed out, many developing countries have neither the facilities nor the expertise to do that, and that is why the Secretary-General's assistance is so vital.

53. It was also said, for instance, that the study of the five limits "prejudged a very delicate subject" and that "the study requested was in fact to be regarded as an argument against the broad jurisdiction of the coastal State . . ." *[Ibid.]* We feel, however, that a presentation of data and information, far from prejudging anything, would aid decision-making.

54. Unless we have the information before us it is not possible now to contend whether it would be likely to aid the claims of one group of States over those of another group, or to draw any other inferences. The point is whether we can draft an effective new law of the sea and implement the common heritage concept without having the information requested in the draft resolution.

55. In closing I wish to reiterate that the study called for would be necessary not only for the conference as a whole but also for the individual delegations. It would be of especial usefulness to developing countries, most of which have scanty resources, expertise and facilities for obtaining by themselves the information sought in the request for a study. On behalf of the sponsors, my delegation therefore commends the draft resolution to the members of this Committee and hopes that it will receive widespread support.

56. Mr. CASTAÑEDA (Mexico) *(interpretation from Spanish)*: I shall deal exclusively with the different matters relating to the convening by the General Assembly of the

forthcoming United Nations conference on the law of the sea, without going into the substance of the question. I am not unaware, however, of the fact that the positions adopted and maintained by a number of delegations regarding the convening of the conference reflect substantive views.

57. The Mexican delegation feels cautiously optimistic about the possibility of the conference's being able to begin its substantive work in 1974. Obviously that attitude bespeaks an equally cautious optimism regarding the probabilities of a basic agreement in principle emerging between the different groups of States on the fundamental questions to be considered by the conference.

58. Obviously no one can predict anything with any degree of certainty. We are moving in the field of conjecture. However, we believe that certain signs, certain views and certain achievements might well be indicative of a reasonable probability of success. The first of those signs is, as others have already said, the agreement on the list of items to be considered at the conference. That agreement is important, because it sweeps away the main obstacle to the sea-bed Committee's dedicating itself specifically to working on the items themselves. However, I must admit that the agreement in itself is not, to me, decisive or significant. It is nothing but a list of headings, titles of items, which reflects the contradictory positions held by the different governments. That does not mean agreement, or even the beginning of agreement, on the substantive position. The very fact that it has taken us two years to do away with that absurd obstacle has increased its apparent importance; but if we did in fact take two years instead of two weeks, as might have been more reasonable, that was because the initial intransigence of a large number of delegations meant that time was bound to elapse. That, in turn, encouraged the rigidity and the crystallization of positions which, again, artificially extended and prolonged the debates. Thus a vicious circle was created which was broken only in the last five or six days of the last session of the sea-bed Committee, by the energy and ability of its Chairman, Mr. Amerasinghe.

59. On the other hand, the work of Sub-Committee I shows a much more positive aspect. One could say that the previous years' work consisted primarily of the assessment and criticism of the main proposals submitted, whereas in 1972 the Sub-Committee turned to the drafting of specific paragraphs of the future convention which is to establish the international régime and machinery relating to the ocean floor. Much assistance was given to the Sub-Committee in its work by the submission of a comparative table of the different proposals, prepared by the sea-bed Committee. I think this is the right moment to congratulate Mr. Pinto of Sri Lanka, who, as Chairman of the Working Group entrusted with dealing with the international régime, submitted a working paper which guided the work and led it towards the results which are included in the report of the Committee *[see A/8721 and Corr.1]*.

60. Sub-Committee III immediately started work on substantive aspects of its mandate. The creation of the working group on marine pollution is a good omen which gives us reason to believe that during 1973 considerable progress will be made on the subject.

61. Sub-Committee III had the advantage of having received from other organs of the United Nations agreements and declarations that have to a large extent prepared the way for it. I should make special mention of the decisions of the United Nations Conference on the Human Environment dealing with the protection of the marine environment and avoidance of pollution of the seas. Another contribution to the work of Sub-Committee III was the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, signed in Oslo in February 1972. That, in turn, served as inspiration for the Convention recently concluded in London on the depositing of waste in the ocean which when revised and incorporated into the future work of the Sub-Committee will undoubtedly constitute an excellent basis for its work.

62. However, the main reason for our cautious optimism lies in certain conclusions which we seem to derive from the debate, even though they have not as yet crystallized into concrete proposals. It is not too unusual that in a conference the main lines of future agreement become visible during the debates. Thus the numerous statements made at the four sessions of the sea-bed Committee seem to hint at certain conclusions. However, before these are examined I must point out that a fair portion of the debate was held at a very high legal level, necessitating much effort, study and meditation on the part of governments.

63. We believe that the statements made at the meetings in 1971 showed less common ground in the different views held. The views held at that time tended to be less precise, and numerous delegations seemed to oscillate and vacillate between the different points of view much more during the second year, that is to say, this year, the subject seemed to be somewhat more limited. Positions have become a trifle more precise and, generally speaking, the majority of delegations give the impression that they are now, at last, tending to one or other of the dominant positions.

64. However, as yet we cannot foresee the terms of a possible agreement. But, contrary to the position two years ago, we can almost predict today where agreement will not occur. A systematic study of the positions taken would indicate that a majority—and I would say a strong majority—of the membership seems to be in favour of some type of jurisdiction and control by the coastal State beyond its territorial sea. This is generally considered as a narrow band over which the State exercises full sovereignty. As yet we have not reached agreement on the scope of that economic jurisdiction, the precise rights of the coastal State or the distance within which that jurisdiction would be exercised and those rights enjoyed. But at least we have virtually excluded as a possible compromise formula the view held by certain States until a few years ago: that is, the traditional concept that beyond the outer limit of the territorial sea all States enjoy equal juridical status. Much has yet to be negotiated but the fact that so far we have been able to separate the legal framework of the debate, the fact that we have defined the *litis constitatio*, is already progress.

65. I believe that the two sessions which the sea-bed Committee will presumably hold next year will assist in bringing positions even closer together. But how far must we progress next year in order to be able to hold the

conference in 1974? The truth of the matter is that it is very difficult to decide on that. But obviously—at least in the eyes of my delegation—it is not indispensable that we have a list of articles signifying agreement on substance and form among the members of the sea-bed Committee similar to that in the draft submitted by the International Law Commission in 1958.

66. This time we cannot expect a coherent and systematic document representing wide consensus, such as was the report of the International Law Commission in 1958. The representative of El Salvador, Mr. Galindo Pohl, explained very clearly and correctly at the last meeting that the 1958 Conference had one function, which was basically that of codifying. It was perfectly feasible that a group of non-governmental but high-level experts should define the *lex lata* and that that code should represent the almost anticipated consensus of governments.

67. However, this time the situation is very different. The material in the hands of the sea-bed Committee concerns the positions and the proposals of governments, proposals on as yet unsolved problems. This is where we feel that the Committee can contribute to the conference. It can supply proposals that will be polished in the course of the debate and that, as they become more polished, will gain more support. In a word, the articles of the future treaty are to be drafted by the States presenting proposals. Therefore, the sea-bed Committee will have to discuss them and, through the debate, indicate its preferences. It may have to eliminate some; it may have to channel support towards others; it may have to encourage a convergence of views; and it may be able to come to partial agreement on some matters. But it will probably not achieve complete agreement; nor is it indispensable for it to do so for the conference to get under way.

68. We envisage the conference playing the role of conciliator of positions. We do not expect there to be agreement on the most difficult political questions before the conference. This was not the case with the conferences of 1958 and 1960 as far as the breadth of the territorial sea and the fishing zones were concerned, which were the most difficult subjects discussed; nor was there unanimity of view—far from it—on the two or three more difficult political problems when the United Nations Conference on the Law of Treaties, held in Vienna in 1969, began its work. Codification conferences are not summit meetings of statesmen. The latter meet in order to endorse previously negotiated agreements. The role of the codification conference is to negotiate those very agreements. If we want agreement before the third conference of the sea is convened, that conference will probably never be convened.

69. I should like to say a few words with regard to certain connected questions. We are in favour of the conference's being inaugurated and dealing with procedural and organizational questions at the same time as the next session of the General Assembly, perhaps towards the end of that session. We also believe that at the next meeting of the sea-bed Committee an immediate discussion should start on substantive questions on the basis of the proposals submitted by States. When it is noted that the main proposals suggested in the debate have already been reflected in specific draft resolutions, then a working group should be set up as soon as possible to begin to draft the articles themselves.

70. As we stated more than once during the Geneva meetings, members can submit proposals on any of the items within the mandate of each and every one of the Sub-Committees. We do not have to set up an *a priori* order for the discussion of subjects. It would appear to us particularly inappropriate to start a procedural debate on the priority to be given to the items which might perhaps be as long as that which took place on the list of items. There is good reason to believe that we should first discuss the high seas and then the different jurisdictional zones until we reach the coastal zone. But there are equally valid reasons for following the opposite procedure. We do not believe that we need decide upon this or even discuss it. All States have a perfect right to submit proposals on any subject falling within the purview of the Sub-Committee concerned, and it will be those proposals submitted by members that will dictate the discussion of the subjects and particularly the creation of working groups to draft the corresponding articles.

71. We admit that the General Assembly can at any moment, on the proposal of any member, re-examine the question next year and, if it so decides, modify the very decision to call the conference. But we do not see the need at present to leave the decision pending or to address an open invitation to the next session of the General Assembly to discuss again whether or not the conference is to be held and when. However, we do not object to an escape clause nor do we see any obstacle to the sea-bed Committee's referring its report both to the General Assembly at its twenty-eighth session and to the conference at its organizational session.

72. We believe that some suitable formula which might reflect this situation could be devised, that is to say, a categorical convening of the conference by the present session of the General Assembly with, at the same time, the door being left open to re-examine the situation at the next session, if necessary, and that might be the formula contained in operative paragraph 5 of a draft resolution being circulated unofficially among us,[3] which says approximately the following:

> "*Decides further* to review at its twenty-eighth session the progress of the preparatory work of the Committee and, if necessary, to take measures to facilitate completion of the substantive work for the Conference and any other action it may deem appropriate".

73. We believe that that type of formula would be a compromise and a balance between the two opposing formulas.

74. Finally, I should like to say a few words on the venue of the conference. When at the Geneva session Chile issued an invitation for the conference to be held in Santiago, my country was the first which gave unreserved support to that invitation. We did so with full instructions from my Government that the conference be held in Chile. I am

[3] Subsequently circulated as document A/C.1/L.634.

happy now to repeat our warmest and fraternal support to the invitation of the Government of Chile.

75. Mr. STEVENSON (United States of America): It is a pleasure for me to address this Committee in connexion with its consideration of the item on the law of the sea.

76. The focus of our present deliberations is the conference on the law of the sea. I should like today to outline my delegation's views on what a General Assembly resolution on this subject should contain. This session of the General Assembly has the opportunity to confirm and build upon the terms of resolution 2750 C (XXV), adopted at the twenty-fifth session, calling for the convening of a conference on the law of the sea in 1973.

77. The most important thing we could do in this regard would be to determine a precise and suitable schedule and site or sites for the conference. The judgement of the twenty-fifth session of the General Assembly in choosing 1973 as the year for beginning the conference should be respected. However, we agree with those who believe that additional intensive preparatory work by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction in 1973 would improve the chances for a successful conference on the substance of the law of the sea. Thus we can agree with those delegations that have suggested an organizational meeting of the conference in the autumn of 1973 with intensive preparatory work by the Committee in the spring and summer of 1973 and a scheduling of adequate substantive conference work to begin in the spring of 1974, preferably, in our view, in March.

78. We are very pleased to see the details of this schedule including both specific dates and place reflected in the thinking of a large number of delegations. In the view of my delegation, a timely conclusion of substantive work with the attendant opening of a treaty for signature is as important if not more important than an early beginning. If the preparatory work next year sees the full emergence of the constructive and workmanlike atmosphere which began to develop in the sea-bed Committee this past summer, and if nations face up to some of the hard political decisions necessary for an over-all accommodation of interests in the law of the sea, then there is no reason why the conference could not complete its work during 1974. We could help ensure a successful completion of the treaty in 1974 if we schedule at this session of the General Assembly sufficient time for substantive work in 1974. If the General Assembly were at this time to schedule two sessions of the conference in 1974—one in March-April and the other in July-August this would afford the opportunity for consultations within and among Governments in the interval between the two sessions and yet maintain the momentum of the negotiations looking towards a generally acceptable law of the sea treaty.

79. The kind of conference resolution being discussed is based on the premise of the need for more preparatory work. Accordingly it is extremely important for the sea-bed Committee to accelerate the pace of its work in the months ahead if we are to meet the schedule that I have just outlined. In particular, it would be a mistake to consider providing for any less than the 13 weeks for preparatory work by the sea-bed Committee which was suggested earlier by the Committee itself in paragraph 26 of its report *[A/8721 and Corr.1]*.

80. Of course, the Committee itself can determine how to use that time most productively. For example, it might well be that the first one or two weeks of the eight-week summer session could be more productively devoted to meetings of a working group rather than full Committee or sub-committee meetings.

81. Since 1970 the sea-bed Committee has held four meetings in discharging its duty of preparing for the conference. Its progress, or the lack of it, has been criticized by some. However, as I have suggested, my own Government noted a greater dedication to work within the Committee at last summer's session. This more positive attitude contributed significantly, we believe, to two concrete achievements: first, the adoption of the comprehensive list of subjects and issues—and here I certainly want to pay tribute to the leadership which our Chairman gave us in arriving at that list; and, secondly, the preparation of draft texts with alternative formulations where agreement could not be reached on the principles of a régime for the deep sea-bed. Here again, the personal leadership of the Chairman of that Working Group was a prime condition of the successful accomplishment of its work.

82. The first achievement, that of the list, fulfils one of the specific directives of resolution 2750 C (XXV), while the latter demonstrates what can be done when members engage in intensive negotiations and detailed drafting with a minimum of rhetoric.

83. We continue to believe that working groups similar to those formed by Sub-Committees I and III to deal with the international sea-bed régime and marine pollution are one of the best means to ensure progress in treaty drafting, and we would strongly support the establishment during 1973 of working groups of Sub-Committee II.

84. Resolution 2750 C (XXV) contains a provision permitting the General Assembly to postpone the conference if, upon review of the sea-bed Committee's work, it finds the preparations to be insufficient. As a strictly legal matter such express authority is not necessary to enable a subsequent General Assembly session to alter a decision taken by an earlier one. However, we see no difficulty in including an express provision on this point in a new draft resolution. In fact we support its inclusion as the best way of achieving widespread support for a draft resolution which fixes a definite and confidence-inspiring time schedule. By balancing a fixed and exacting time schedule, which could lead to completion of the treaty in 1974, with provision for altering that schedule if progress is insufficient, we maximize the opportunity to finish at the earliest possible date, yet we reassure those who do not wish to move to the conference stage without reasonable assurance that the conference has been adequately prepared.

85. Mr. EVENSEN (Norway): I have listened with keen interest to the statements made yesterday and today concerning the future work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond

the Limits of National Jurisdiction and the plans for convening a third United Nations conference on the law of the sea. The Norwegian Government takes the opportunity to make a few observations in this context.

86. My Government has followed closely and taken an active part in the work of the sea-bed Committee since its beginning in 1968. I am aware that certain members of that Committee hold the opinion that a conference on the law of the sea should not be convened until the preparatory work has brought forth a more or less comprehensive set of draft articles on the modern law of the sea.

87. Of course, I agree that a conference of such magnitude and importance must be thoroughly prepared. But let us be realistic: we could go on for a decade or more preparing for a conference, if we set our sights too high, and would still not be satisfied with our preparations, while the problems pertaining to the law of the sea became ever greater because of the existing legal vacuum, or even lawlessness, which increases the possibilities of international tension and conflicts.

88. I fully share the views just expressed by the representative of Mexico on this point. We must not strive for a complete set of draft articles before convening the United Nations conference. Time is too precious. Therefore my Government has reached the conclusion that it is of the utmost importance that the third United Nations conference on the law of the sea be convened as soon as possible. I have the feeling that this concern and these views are shared by a large number of delegations. Consequently, the Norwegian delegation feels that the General Assembly should take appropriate steps during this session to make such a conference feasible in the near future.

89. The sea-bed Committee was reorganized in 1970 to prepare for such a conference. I share the views expressed by previous speakers today that considerable progress has been made by the sea-bed Committee towards these ends. If sufficient time is set aside for the Committee in 1973, I feel confident that, under the able chairmanship of Mr. Amerasinghe, further progress will be made so as to warrant the early convening of the conference.

90. Consequently, we support holding two sessions of the sea-bed Committee in 1973, one in early spring and the other in the summer.

91. I shall now turn briefly to the organization of the conference on the law of the sea. Allow me first to state that my delegation fully shares the views expressed yesterday by the representative of Sri Lanka and today by the representative of the United States to the effect that the fourth organizational session of the Conference be held in New York in late 1973 in conjunction with the twenty-eighth session of the General Assembly. The reasons for convening such an organizational session in New York are many. Experience has shown that such organizational matters comprising the election of officers, the adoption of the agenda and the rules of procedure, the establishment of subsidiary organs and similar matters, are often difficult and time-consuming. The smaller countries in particular, like my own, cannot afford to have large delegations of experts wasting their time while waiting for a conference to be properly organized. Thus, obvious reasons, both of economy and of convenience, should support the convening of an organizational session in 1973 in New York in conjunction with the next session of the General Assembly.

92. Whether we would be able to solve all organizational questions during a two-week opening session in the autumn of 1973 is, of course, an open question. There have been arguments for and against giving our sea-bed Committee a mandate also to deal with organizational questions of the conference. Of course, we cannot prevent those questions from being raised in the sea-bed Committee during its two forthcoming sessions in 1973. But I feel that it would be unwise to give the Committee too strict a mandate to make recommendations pertaining to those questions. That would divert it from its main task, namely, that of preparing draft articles on the substantive issues of the law of the sea.

93. With regard to the substantive session or sessions of the forthcoming United Nations conference, the Norwegian Government is of the opinion that such sessions, or the first of such sessions, should be convened early in 1974.

94. During yesterday's meeting of our Committee, the representative of Chile confirmed the invitation by the Government of Chile for the holding of the conference in the city of Santiago. During the summer session of the sea-bed Committee in Geneva this year, I had the opportunity to welcome that kind invitation. I am happy today once again to express our gratitude to the Government of Chile. I am confident that the Government of Chile would undertake the holding of the Conference with the same technical perfection and ambiance as was the case with the third session of the United Nations Conference on Trade and Development earlier this year.

95. Mr. PEREZ DE CUELLAR (Peru) *(interpretation from Spanish)*: Without prejudice to the possibility of expressing the point of view of Peru on some other occasion on the preparations for, the date and the venue of the conference on the law of the sea, I have asked to speak in order to deal with draft resolution A/C.1/L.632, which was submitted this afternoon by the representative of Singapore.

96. At the 84th meeting of the sea-bed Committee that was held in Geneva, my delegation expressed some views regarding the request for the study which has now been circulated in the form of a draft resolution. At that time we pointed out with as much sincerity and frankness as we shall use today, that the obvious purpose of the study was to seek arguments against the wide jurisdictional claims of the coastal States.

97. If a simplistic approach were adopted and if the oceans were divided between a supposed abstract entity called the international community and another conglomerate composed of the coastal States, it might be contended that there was opposition between those interests. However, we all know that that is an incorrect approach simply because the coastal States themselves are members of the international community and, moreover, constitute the majority of that community. An increase in the international zone does not necessarily benefit them, but may work to the contrary.

98. The draft resolution starts from the premise that the international zone of the sea-bed and the ocean floor, that is, the region beyond national jurisdiction, is the common heritage of mankind. We agree with that. However, it goes on to add a second premise, which contradicts the first, namely, that there would be no nationally established jurisdiction over the sea-bed and the area adjacent to the coast of the coastal States. It would appear that the sponsors consider that there is a *tabula rasa* on the sea-bed and the ocean floor and that the limits of the jurisdiction of the coastal States depend on the outside limitation of the international zone of the sea-bed and ocean floor.

99. That is an erroneous premise. Both the resolutions and the terms of reference of the Committee preparing the conference refer to the zone beyond national jurisdiction. That purely and simply means that national jurisdiction comes first, that national jurisdiction precedes not only in time but in law and, geographically speaking, any international zone. The limiting of the international zone depends on the outer limits of the jurisdiction of the coastal States and not vice versa. That is very easy to prove, and we do not need to resort to the Secretariat to show that the international zone would be larger if the limits of the coastal jurisdiction were smaller. That is a perfectly simple elementary equation. However, it has little or nothing to do with what is being sought in the conference on the law of the sea and with the establishment of an equitable régime for the sea-bed and ocean floor beyond the limits of national jurisdiction.

100. The true economic consequences of the régime will depend not so much on the geographical extension of the zone as on the nature of the régime itself and particularly on the question of how far the international authority to be set up will represent the interests of the needy countries—or will fail to do so—and how all this will have a bearing on the distribution of the benefits.

101. An international zone that began 40 miles from the coast would be of little use if the régime were so liberal that it would merely be a system of matriculation of claims, licences, concessions, covering the zones of the more advanced countries. Let us therefore be realistic and bear in mind present national legislation when we try to establish a truly equitable régime for the utilization of the resources of the sea-bed and ocean floor.

102. Let us now very briefly study the text of draft resolution A/C.1/L.632. According to the third preambular paragraph, the economic significance of the area would depend on its final delimitation. This is a partial indication. If studied *in vacuo* it would imply something that was not contained in the report of the Secretary-General. The size of the area depends on the limits, it is true, but not the economic significance in the widest meaning of the word. As has been stated, economic significance depends not only on the resources that lie in the different regions, but over and above all on the very nature of the régime to be established.

103. In the last preambular paragraph, mention is made of the consequences for the zone of the different limits established. One is forced therefore to wonder what is meant by "economic implications" for the region. Perhaps the region is subject to the law, that is, to be allowed to enjoy advantages or suffer disadvantages, depending on its limits.

104. Perhaps the authors of this draft resolution are trying to equate the zone with the international community. But if that be the case, why then not ask in this draft resolution that a survey be made of the implications for the international community of the limits decided upon? The reasons for which this is not sought are obvious, and that is that the authors of this document are aware of the fact that the coastal States are also members of that international community and that the international community is not an abstract entity that can be invoked willy-nilly. It is a concrete reality. It is composed of the countries and the populations that exist in those States.

105. Therefore, the coastal States whose geographical characteristics at the coastal area allow them to adopt a wide limit of jurisdiction—say, of 200 miles—numerically represent more than half of the countries of the world and, although I have not made an absolute calculation of the length of their coastline, a simple glance at any map will allow us to see that those countries whose geographic realities allow them to set the 200-mile limit, cover about 80 per cent of the coasts of all continents. As far as populations are concerned, I am sure that the percentage would be even higher than that. If therefore this be the case, we must ask ourselves—and the Secretariat will ultimately have to ask itself—wherein lie the interests of the international community? Is it to be the interests of the majority of nations composing the international community? Is it to be the interests of the peoples inhabiting those nations? Or is it to be those of a minority of States, those who are submitting this draft resolution and who seem to want to identify themselves with the international community?

106. If the Secretariat of the United Nations is to be set off on this type of study, then my delegation says, let us round it out, let us follow it up with other aspects. Let us therefore decide: *(a)* the advantages accruing to the majority of nations and their respective populations from the adoption of the 200 miles as the limit of national jurisdiction, so that they can possess the natural resources contained in the sea adjacent to their coasts, and use these for the welfare of their peoples and to encourage development; *(b)* the opposite: what would be the disadvantages and the economic implications, as well as the social ramifications, in those self-same countries if narrow limits are set, depriving them of the right of enjoying and utilizing those resources to a limit of 200 miles? *(c)* that they assess the benefits that private or State enterprises or transnational firms would derive, if no limits are set to a national jurisdiction, thus freeing them, and for their own benefit, to exploit the resources in the majority of the developing coastal States.

107. As you see, the criteria that might be mentioned are legion and would all have to be put before the sea-bed Committee for it to decide on whether this sort of survey could be asked for from the Secretariat of the United Nations. But at least let us ensure that the surveys that are carried out be complete, and not reflect only the trends and conveniences of a small number of nations.

108. To turn now to the operative part of draft resolution A/C.1/L.632, again a number of problems are raised, apart from the political intention of seeming to want to prejudge the results of the conference, and we seriously wonder whether the Secretariat can carry out a study of this nature.

109. The comparative evaluation of the economic significance, in terms of resources of the zone on the basis of the limits proposed, would presuppose an inventory of existing resources everywhere on the sea-bed and ocean floor, and an economic projection covering the technical feasibility of extracting such resources. These studies have not been made. There are some maps that were prepared by the geological services of the developed Powers, maps that were circulated among the members of the sea-bed Committee and which contain very vague estimates regarding the mineral resources of the sea-bed and ocean floor. But their very authors admit that there are enormous gaps in their studies. Furthermore, the gaps are probably wider than the number of facts that are available at the moment: as, for example, what is known of the resources of the Arctic? That is simply one aspect. There are many similar ones.

110. With regard to the exploitation of the resources, we know that much is still in the experimental stage and that, as yet, we do not know--or at least, the layman does not know--precisely what can be or could be extracted. Furthermore, the fact, for example, that we can say that certain areas of the sea-bed are covered by manganese nodules means absolutely nothing, if we do not know the law or the mineralogical content in copper, nickel, and so on, of those nodules.

111. Even were we to be able to answer all these unknowns, we would still have to decide on how, and where, these minerals are to be extracted. The fact of being able to extract copper might be deleterious or damaging to developing countries who depend on the export of these minerals and which, as I said before, are still members of the international community.

112. Were this draft resolution intended merely for technical information, were it intended merely to gather that information, as it says, rather than go into cabalistic speculations I would say that we needed a geological assessment and evaluation, and later, perhaps, a preliminary study on the economic potential in the light of such assessment and evaluation. But these are titanic tasks and the Secretariat would doubtless have to seek professional assistance from outside the Organization in order to carry them out. That in itself has financial implications. But obviously what is being sought is not useful information, but merely arguments to bolster an *a priori* judgement against the coastal States, which, as we have already demonstrated, must play a primary role in the ocean areas opposite their coasts, to meet the needs not only of their own populations but of the international community as a whole.

113. The political end sought in this draft resolution in asking the Secretariat officially to submit a simplistic evaluation by the use of dubious algebra is one that my delegation certainly cannot endorse or accept. This is indeed a draft resolution with which we believe the First Committee is not competent to deal. We prefer to think that this document should be considered in the Second Committee or in the United Nations Conference on Trade and Development, where such studies can be weighed and carried out in their scope and with all their implications. However, if the sponsors of this draft resolution were to press it, I would have to ask that as an integral part of the same survey an examination be made of the implications for the coastal States of the adoption of the different limits proposed, in the inverse sense of the reduction of present national jurisdictions.

114. There should also be included among the proposed limits one that would read "existing limits of national jurisdiction". Furthermore, account should be taken also of the possibility of considering all these matters in terms of the currency and income of the international community, and primarily of the developing countries--which, as I have said, are a significant portion of the international community--and what would be the consequences not only of the various limits but of the different proposals for sea-bed régimes, including the proposal concerning the establishment of an international enterprise with power either to carry out itself or to grant concessions for the exploitation of all the resources of the sea-bed and ocean floor for the benefit of mankind.

115. For all the reasons I have given my delegation is very much opposed to the First Committee's undertaking such a study, which starts from preconceived and erroneous premises, and considers, that this matter should be studied in the expanded sea-bed Committee in the light of reports to be submitted by other committees and by the Secretariat itself. If that is not done, my delegation proposes that to this study be added all the elements I have mentioned and, if it is desired to proceed without a consensus, we will ask for an immediate vote, since as the draft is worded at present we would inevitably have to vote against it.

116. Mr. BEESLEY (Canada): My delegation had not intended to speak this afternoon and we therefore reserve our right to speak a little later in the debate as we had originally proposed to do. However, two of the statements we have heard this afternoon give rise to rather serious implications for our work, so my delegation wishes to offer a few comments at this time.

117. I am referring to the draft resolution introduced by one delegation and just commented on by another. I must say that that draft resolution raises so many difficulties that it is hard to know how to comment on it intelligibly. It is rather difficult for my delegation to know precisely what the purpose of this draft resolution is, given in fact, in particular, that it seems to be focused on the economic implications for the area--which has never been of any special interest to anyone--rather than on the significance for the international community. This is the point that has been made so tellingly by the representative of Peru. But we do not question the motive of any delegation in introducing this draft resolution *[A/C.1/L.632]* or their good faith. We wonder, however, about the utility of this draft resolution. For example, even if we assume that it is inaccurately drafted and that it is the interest of the international community or the common heritage of mankind that is at the root of this approach, the approach

is none the less so selective as to be most misleading. For example, there is a reference to the 200-metre isobath. I do not know why that was chosen; perhaps it is in deference to the Convention on the Continental Shelf.[4] But then again, the other part of the Convention, namely the exploitability test, does not seem to be reflected. So there seems to be a partial approach right at the outset.

118. I would have thought also that the 200-metre isobath had no magic any more. We hear daily that technology has outstripped the thinking that went on when 200 metres was postulated as a possible basis, or at least one of two bases, for determining the edge of the shelf and thus the beginning of the international area. There is, however, something that could be used. For example, the average depth for the edge of the shelf around the world is something like 133 metres. Perhaps that should be used instead of 200 metres, although I suppose that might trouble some countries. Still, that is a fair and equitable approach to the problem if we really are starting from scratch, *tabula rasa,* as suggested by the representative of Peru.

119. However, that already raises the problem, I would think for many delegations, of whether we are really going to ask the Secretariat to give an opinion on the appropriateness of national legislation already in existence in many countries and State practice on the part of many countries. This is such a highly delicate task, such a highly political task, that I see some real difficulties in asking the Secretariat to undertake it.

120. Proceeding down the list, we see 500 metres. I am not aware of the significance of that particular isobath. It may have some, but I have not even heard it suggested as a possible norm a solution, in other words. It may be a typographical error, because several delegations have suggested 2,500 metres- that is in the record of our Committee and, if it is a typographical error, it should be corrected.

121. The mention of 40 nautical miles baffles me completely because I do not know of any State that claims that, although I can think of a number of States that would have to alter radically their existing legislation and their existing practice if that were accepted. That again raises the question of the desirability, the practicability, the appropriateness of asking the Secretariat to venture an opinion on what would be the implications for a particular State of its giving up its present legislation and accepting 40 nautical miles.

122. Therefore, I do not think it should be confined to the economic aspect, but should also take into account all the social and political upheavals that might go on in various States if this were done. It seems to me that we are getting very close to intervention in the internal affairs of States when we ask the Secretariat to carry out such a study.

123. I am quite serious about this; I am not speaking for my own Government at all; I am just expressing the opinion that this is a rather unusual kind of approach to adopt.

124. As for the 200 nautical miles, we at least have some State practice there, something concrete to go on. There is in existence a series of proposals, or discussions of proposals, relating to an economic zone. But obviously, the economic zone comprises more than just this one element, so I think the Secretariat would have to go into the other aspects of the economic zone in order to make any sensible determination.

125. Once again, concerning subparagraph *(e)*—the edge of the continental margin—there is State practice there, and even something approaching a proposal, so that I can see the reason for that being included. But my worry really is this: there is no distance-depth formulation, for example. To make a proper study, there would have to be all the permutations and combinations of these several proposals. I would think that to be completely fair it would even be necessary to resurrect the idea put forward several years ago by the Canadian delegation that every ocean area be treated alike and that there be an area selected within each that would be turned over to the international community—and I mean every area, not just some. That would also have to be included. What would be the implications of doing that?

126. But none of these is really the crucial problem, the technical one, which perhaps we should resolve by expanding this list and putting in every conceivable permutation and combination, putting off the conference on the law of the sea for five to ten years while awaiting the results. But what I feel is the real difficulty is how we are to get this information. Speaking now on behalf of the delegation and Government of Canada, I am sure that we would welcome any information which the Secretariat could give us concerning the resources on our own continental shelf, because vast sums are being expended precisely in order to determine the answer to that question. If we want educated guesses I suppose we could hire somebody to give them to us, but that is all we would get out of it. I could show the Committee a film, which I showed in Geneva, about how we are trying to answer this question, but I think the film will provide more answers than this study because it is all a matter of conjecture until someone goes out and actually makes the test for manganese nodules—and that is rather a controversial issue: whether anyone should even be out there making tests. With respect to drilling, nobody can know what will be found until the hole is drilled. So I think that this draft resolution is a little utopian in its approach. It is very tempting in one respect: it would be rather nice to delegate to the Secretary-General the whole problem of sea-bed limits because that is virtually what this draft resolution would seem to do although I am sure that it does not intend to do that, but I think it would be rather a heavy onus to put on the Secretary-General, one that we should think very seriously about before passing on to him.

127. I would only suggest that perhaps the authors of the draft resolution might give further thought to its implications and to the parts that have been left out of it, particularly the rather searching questions and penetrating comments of the representative of Peru. It may be that some such study may be useful, but I think it would have to be something rather different from what has been suggested here. Obviously we would at least have to pay some heed to the continental shelf convention, even if it were only to discard it. Obviously too we would have to

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

pay some heed to State practice in determining the relevance of various limits which might be approached.

128. I would think that before we went very far with this at all we ought to hear from the Secretary-General as to how he would manage to walk the tightrope required of him in responding to this particular initiative. If the Secretary-General sees a way of doing it my delegation would be delighted to hear about it. We would like to know in particular whether he would envisage sending a team of experts to every State, not just every coastal State but every land-locked State also, so that we could get at all the economic implications of all these various proposals. But really I doubt whether the Secretary-General has the facilities to make such a study open to us, and we think that there are a good many questions to be answered before we go further with this particular proposal, although, as I said, we find it tempting and there is a certain amount of merit to it and we would not like to reject it out of hand. But we do see these few preliminary difficulties.

129. Mr. JAYAKUMAR (Singapore): I just wanted to say that I am sure that there will be other speakers who will comment on the draft resolution which I have introduced on behalf of its sponsors, and, rather than taking the floor too frequently to reply individually to them, at an appropriate time my delegation, after hearing several other speakers, will comment on the various points that were raised.

The meeting rose at 5.30 p.m.

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