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AGENDA ITEM 36

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)

1. The CHAIRMAN: Members will recall that the reservation of the sea-bed and the ocean floor beyond the limits of national jurisdiction exclusively for peaceful purposes and the use of its resources in the interest of mankind was first discussed in the General Assembly and in this Committee at the twenty-second session in 1967, and has been discussed at every session thereafter, with various resolutions being adopted, including the declaration of principles embodied in resolution 2749 (XXV). The most immediately relevant of these resolutions at this point is resolution 2750 C (XXV), under which the Assembly decided in particular to convene in 1973 a conference on the law of the sea to deal with the establishment of an equitable international régime and machinery for the sea-bed beyond national jurisdiction and its resources, a precise definition of its area, and a broad range of related issues concerning the law of the sea. That resolution also specified that the Assembly would review, at its last session and at the present session, the reports of the sea-bed Committee on the progress of its preparatory work, with a view to determining the precise agenda of the conference, its definitive date, location and duration, and related arrangements. These decisions were subject to the proviso that if the General Assembly, at its present session, should determine the progress of the preparatory work to be insufficient, it might decide to postpone the conference.

2. The First Committee now has before it the 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], to which the Assembly has given the responsibility for carrying out the preparatory work for the new law of the sea conference. We also have before us the three draft resolutions submitted so far at this session, contained in documents A/C.1/L.621, 622 and 632. In connexion with draft resolution A/C.1/L.632, I wish to inform the Committee that the delegations of Indonesia and Senegal were, by mistake, included among the sponsors of that draft resolution. This has been corrected now and a re-issue of the draft with the correct sponsors has already been circulated.

3. In accordance with the past practice of the First Committee on this item, we shall hear first from the Rapporteur and the Chairman of the sea-bed Committee.

4. I now call on the Rapporteur of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction to present the report of that Committee.

5. Mr. VELLA (Malta): It is my duty and pleasure to present the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

6. From the rapid perusal of the report, which seems to be getting thicker and bulkier as the years go by—a fact which indicates the intensive activity within the Sea-Bed Committee—one cannot but notice this year a number of positive developments in the preparatory work for a conference on the law of the sea—a task mandated to the Committee by resolution 2750 C (XXV) of 17 December 1970.

7. With the organizational and procedural problems out of the way, problems on which so much precious time was spent last year, the Committee could this year concentrate its attention on issues of a more substantive nature. I intend to make my presentation statement a short one and therefore I will mention these positive aspects straightaway. Sub-Committee I has established a working group to deal with the régime of the sea-bed and the ocean floor beyond the limits of national jurisdiction, and that working group has already done some excellent work in producing texts illustrating areas of agreement and disagreement on the status, scope and basic provisions of the régime, based on the Declaration of Principles.¹ The results of this work are reproduced as annex II, Section 1 of the report.

¹ Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction (resolution 2749 (XXV)).

8. Sub-Committee III has also established a working group on marine pollution. That working group, which met only towards the end of the summer session, has invited members of the Sub-Committee to submit for the use of the working group, at their discretion, but before 15 January 1973, written observations, including in particular draft treaty articles on the question of the preservation of the marine environment and the prevention of pollution.

9. Finally, I should like to refer to what was perhaps the most important contribution to the Committee's work, which was made by Sub-Committee II. I refer to the agreement on a comprehensive list of subjects and issues relating to the law of the sea and its adoption by the Committee; I do so at the end of my statement of what I consider to be positive action by the Committee precisely because I want to lay stress on the significance that should be attached to this milestone in the history of the sea-bed Committee. This list is reproduced in paragraph 23 of the report.

10. For the last two years the Committee has been grappling to reach an agreement on the subjects and issues with which the conference on the law of the sea should deal. By definition, this was a procedural issue. A solution having been found for it, some could argue that another procedural problem is settled. It is, however, a well-known United Nations maxim that hardly any procedural issue is purely procedural, and whether or not that maxim is true it was glaringly evident in connexion with the process that led to a final agreement last August.

11. The consultations, negotiations, group discussions, meetings in corners and perhaps surreptitious gatherings at twilight and dawn, of which the Rapporteur can vouchsafe the existence in rumour if not in fact, showed that delegates were seeing far beyond the literal formulations of the issues and well into the issues themselves. That was very encouraging, of course, since it seemed to indicate that, on the mental plane at least, the stage of preparedness for a conference on the law of the sea was indeed well advanced. I believe I would not be contradicted if I said that the agreement on the list was the most important step taken by the Committee since the adoption of the Declaration of Principles.

12. As regards the structure of the report itself, no departure was made from the report adopted last year, so we again have an introduction which describes the functions of the Committee in the context of the relevant General Assembly resolutions, followed by part I, dealing with the subjects and functions allocated to Sub-Committees I, II and III respectively.

13. Resolution 2750 C (XXV) makes of the twenty-seventh session of the General Assembly a session of reckoning, a session of stock-taking, so far as the preparatory work of the sea-bed Committee is concerned. In 1970 the General Assembly decided to convene a conference on the law of the sea in 1973, but that decision was conditioned by the proviso that "if the General Assembly, at its twenty-seventh session, determines the progress of the preparatory work of the Committee to be insufficient, it may decide to postpone the conference."

14. As I am sure this Committee anticipates, the sea-bed Committee gave some consideration to this question, and various ideas and opinions were expressed in the course of its deliberations. Those ideas and opinions are recorded in paragraph 41 of the report, but it will be noted that the sea-bed Committee had no specific recommendation to make. However, I am happy to see that during the past weeks consultations have been taking place within the various regional groups in connexion with the decisions this Committee should take on this matter and it is hoped that general agreement will emerge within days. Similarly the sea-bed Committee had no recommendation to make as regards the location for the conference on the law of the sea, but I have no doubt that paragraphs 42 to 46 of the report will help this Committee to arrive at a decision.

15. Needless to say, the report covers more than the facts I have mentioned, but I am sure no one would want my presentation to take the place of the report itself, therefore I have limited myself to what I consider to be necessary comments bearing on the decisions the General Assembly is called upon to take at its current session by resolution 2750 C (XXV).

16. I cannot, however, end this short statement without paying a tribute to the Committee as a whole and to its officers for the work achieved during the year under review. During this time, more than ever before, delegates have shown a remarkable knowledge of the subjects under discussion, and their prudence, their maturity, their will to succeed, their spirit of compromise and their calmness in the midst of a charged atmosphere have also been remarkable. At the head of this accumulation of expertise and talent, Mr. Amerasinghe has again proved himself a true leader. I am sure the delegates sitting here today are more eager to hear the words of good sense and wisdom which Mr. Amerasinghe will be addressing to this Committee than to hear me singing his praises. But I should like to say one thing: adoption of the report of the sea-bed Committee has never been an easy process, and we owe the fact that I could present this report today mainly to his qualities of leadership.

17. The Chairmen of the three Sub-Committees, Mr. Paul Bamela Engo, Mr. Galindo Pohl and Mr. Alfred van der Essen, have all contributed immensely to the work in their respective areas. It was therefore with a sincere sense of sadness that the Committee received the news of Mr. Engo's unfortunate accident in Geneva. I met him only recently, and I am indeed very happy to see him back and well on the road to full recovery.

18. Also, during the summer session we missed the participation of Ambassador Galindo Pohl, but El Salvador seems to have no problem in supplying good people and Ambassador Alfredo Martínez Moreno filled Ambassador Pohl's place very worthily indeed.

19. I should also like to pay a tribute to the three Rapporteurs, Mr. Mott of Australia, Mr. Abdel-Hamid of Egypt and Mr. Iguchi of Japan.

20. As in previous years, Mr. Hall, the Secretary of the Committee, as also his colleagues, served the Committee exceptionally well, and we all owe them an expression of

gratitude. The Secretariat's interest in the work of the Committee was further demonstrated by the presence of Mr. Kutakov and Mr. de Seynes at various meetings and by the fact that Mr. Stavropoulos followed the proceedings of the Committee constantly—particularly during the summer session in Geneva, where his help was most valuable.

21. This brings me to the end of my introduction of the report. May I wish this Committee a good and friendly debate and early agreement on the decisions we have to take.

22. The CHAIRMAN: I now call on the representative of Sri Lanka, Ambassador Amerasinghe, Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

23. Mr. AMERASINGHE (Sri Lanka): This is one of the rare occasions on which I am permitted to speak on the subject-matter of the sea-bed and the ocean floor beyond the limits of national jurisdiction. On other occasions my capacity as Chairman of the Committee restricts me to listening to the discussions in the Committee—apart, of course, from participating in unofficial negotiations. But I must admit that it has been a great pleasure and a privilege for me to listen to those discussions. More than anything, it has been a valuable education.

24. Before I refer to the progress that has been made during our last few sessions, and particularly during the spring and summer sessions of this year, I should make the usual acknowledgements of the assistance and co-operation that I have received in my capacity as Chairman of the Committee.

25. First of all I should like to thank the Rapporteur of the Committee, Mr. Vella, for his report and for the statement he has made today. He has continued to discharge his functions with characteristic diligence and ability.

26. I wish also to express my sincere thanks to my colleagues the officers of the main Committee and the three Sub-Committees for the help and guidance they have consistently extended to me.

27. If I single out my three colleagues who function as Chairmen of the three Sub-Committees, it is because they stand in a special position. Mr. Paul Engo, Chairman of Sub-Committee I, Mr. Galindo Pohl, Chairman of Sub-Committee II, and his replacement during the summer session, Mr. Martínez Moreno of El Salvador, and Mr. van der Essen of Belgium, Chairman of Sub-Committee III, have been of tremendous assistance to me and have made an invaluable contribution to the progress of the Committee's work.

28. The Rapporteur of the main Committee has made reference to the Rapporteurs of the three Sub-Committees: Mr. Mott of Australia, Mr. Abdel-Hamid of Egypt and Mr. Iguchi of Japan. The three Rapporteurs, along with the Rapporteur of the main Committee, together formed an exceptionally able and co-operative team.

29. At the same time, I should like to extend my very sincere thanks to the members of the Secretariat for the

help they have given us. We had always at our side our Legal Counsel, Mr. Stavropoulos, who has taken a great interest in the work of our Committee and been a source of inspiration and guidance to us. The Under-Secretaries-General, Mr. Kutakov and Mr. Philippe de Seynes, in their respective spheres, have continued to take a keen interest in our work and to help us in every way.

30. There are, apart from the members of the Secretariat, many others who deserve our thanks and our gratitude. I wish to refer especially to those international organizations which have contributed so valuably to our proceedings and to our progress. I should like to make special mention of the Food and Agriculture Organization of the United Nations, which provided extremely useful material for our deliberations. That material consisted of atlases showing the various fishery zones and fishery resources in the different parts of the world, and national studies, as well as special studies on the working of regional fisheries organizations. That material was not only valuable but expensive, so our appreciation to twofold.

31. Let me now refer, as briefly as I can, to the most important indications of progress in the work of our Committee. I should like to refer in particular to three aspects of that work. First of all, during the summer session, after several months of strenuous negotiation, we succeeded in securing agreement on the list of subjects and issues to be dealt with by the conference on the law of the sea. This achievement would not have been possible but for the willing co-operation and expert guidance of Mr. Martínez Moreno who functioned as Chairman of Sub-Committee II during the summer session in the absence of Mr. Galindo Pohl. He maintained the fine tradition that Mr. Galindo Pohl had established and it was largely owing to his efforts that we succeeded in securing agreement on the list of subjects and issues. Without that agreement we might not have found this debate to be necessary; we would have had to report to the General Assembly that we had failed.

32. It says a lot for the political will of the members of our Committee that, despite the many differences of opinion that existed, despite the divergent interests involved, they succeeded in reaching a mutual accommodation which showed some respect for everyone's viewpoint and everyone's interests. In a Committee of this nature, in an undertaking of this sort, such an accommodation, such a spirit of compromise, and such a demonstration of political will, are all absolutely indispensable to ultimate agreement.

33. The second aspect of our work to which I should like to make reference is the completion by Sub-Committee I of a detailed discussion of the various aspects of the international régime for the area of the sea-bed beyond national jurisdiction. This was considered to be one of the priorities in our work, and it is a matter of great satisfaction to me, and should be a cause of gratification for everyone, that we were able to achieve so much progress on this aspect of our work.

34. A detailed examination of the subject of the international régime and other related aspects of the problem was also begun in a Working Group of Sub-Committee I. The success of the work of the Sub-Committee was due in

large measure to its Chairman, Mr. Paul Engo of Cameroon, who showed, his usual indefatigability in seeking agreement on various problems.

35. The third aspect of our work in regard to which we can report progress is the discussion in Sub-Committee III on the subject of marine pollution. Here again I must express my sincere appreciation of the contribution made by the Chairman of that Sub-Committee, Mr. van der Essen.

36. Agreement on the list of subjects and issues was the major achievement of our Committee during its summer session. There were many, both within the Committee and outside it, and even outside the United Nations, who felt that negotiations regarding the list had taken up a disproportionate amount of the Committee's time, and they were getting impatient. The very credibility of the Committee appeared to be at stake. However, the political character and significance of the discussions made them an essential first step in the entire process leading to the conference. Those negotiations, both formal and informal, were in fact a preview of the positions of States regarding the various issues that would come before the conference.

37. They gave many States which had not hitherto considered these issues in detail an opportunity of learning about them and ascertaining the views of other States in relation to them. They also enabled States with similar policies to lay the foundation for concerted action in the future; and States with differing policies, with divergent points of view, to consider how and in what respect they could work towards a compromise.

38. From the statements made in the Committee and its Sub-Committees and from the long and detailed negotiations concerning the list of subjects and issues, the outlines of a broad framework may be said to have emerged. Much remains to be done by way of clarification of the various positions of States before that framework can be regarded as firm and solid. It is hoped that all States will conduct negotiations both within the Committee and outside it in an effort to strengthen the political framework of the compromise that we hope can be achieved. It is no less essential that a parallel effort be made among States to draft articles on subjects and issues that are of special importance to them. This process would not only have the effect of giving greater precision to the views they have expressed in the meetings of the Committee and the Sub-Committees, thereby promoting and facilitating the prospects of negotiation of the broad outlines of a compromise, but would also expedite in a very constructive way the deliberations of the Committee and of the conference itself.

39. In the judgement of a substantial number of members of the Committee, the progress that has been achieved so far provides grounds for cautious optimism regarding the convening of the conference on the law of the sea in 1973 as contemplated in General Assembly resolution 2750 C (XXV). While much preparatory work still remains to be done, compromise on basic issues is definitely within reach. When this compromise has been worked out—and there is every indication that this can be done next year—the process of drafting treaty articles should not be a matter of insuperable difficulty. The clearer the essentials of the

compromise, the easier will be the task of drafting the final texts. Again, once the basic compromise was achieved and once an understanding was established, it would not be necessary for articles on all the subjects and issues appearing in the list to be drafted before the conference is convened. On the contrary, it would expedite the work of the conference and help maintain the momentum that has so far been created if we could start the conference when the essential preparatory work had been completed. By "essential preparatory work" I mean the draft treaty on the international régime and the draft articles on interrelated issues. There may be many issues on which it would not be possible to reach agreement or to draft treaty articles that are generally acceptable for quite some time, but the very commencement of the conference and the very attainment of agreement on the international régime and the first step on interrelated issues will promote the possibility of agreement being reached on the remaining issues and subjects. That is the point that I should like the members of this Committee to bear especially in mind when they are called upon to take a decision regarding the convening of the conference in some form or another in 1973.

40. Proceeding along these lines several countries feel that it would not be unrealistic or unduly optimistic to schedule the first meeting of the conference on the law of the sea towards the end of 1973, and to make provision for one or more further sessions, as required by the progress of the work and as the progress of the work showed to be necessary. A preliminary meeting might for reasons of economy and convenience be held in New York in conjunction with the twenty-eighth session of the General Assembly. It will be important, as I stated earlier, to maintain the momentum built up by the work of the Committee in its two crucial sessions next year and to take action to implement the elements of the agreement that we expect to emerge. The inauguration of the conference in this way would have an extremely salutary effect on the whole process of governmental examination of issues and on negotiations towards agreement, compelling Governments to take essential decisions and to work out their final positions.

41. However, I recognize that it would be advisable, from an abundance of caution and in order to ensure adequate preparation and thereby a successful conference, to limit the first session of the conference that would take place in 1973, as I suggest it should, to dealing with organizational aspects, such as the election of officers, adoption of the agenda and rules of procedure of the conference, establishment of subsidiary organs and allocation of work to those subsidiary organs. To dispose of these matters at the first session of the conference, the inaugural session, would enable the second session of the conference to proceed immediately to take up the substantive issues without loss of valuable time on questions extraneous to the essential purpose of the conference.

42. It goes without saying that the General Assembly at its twenty-eighth session will have the right and the responsibility to review the progress of the preparatory work of the Committee, and to determine whether or not it would be desirable to convene the conference. A decision to convene an organizational session of the conference in 1973, which seems warranted on the basis of the progress that has been

made in the Committee so far, should in any event be interpreted as being subject to the essential review function of the Assembly. At the same time it imposes a clear responsibility on the Committee itself to devote its energies in the two sessions that are to be held next year to achieving sufficient progress to leave the need for the inauguration of the conference beyond doubt.

43. Finally, some thought should be given to the organization of the supporting services of the conference and particularly the expert and technical services to be provided by the Secretariat. Recent conferences of a very important nature held under the auspices of the United Nations have made elaborate arrangements in this respect and the Assembly has authorized the funds necessary for financing such arrangements. We could well profit by their example, and I should like to mention the most striking of all, the United Nations Conference on the Human Environment.

44. There is little doubt that the Conference on the Law of the Sea will be without precedent as to size and complexity and, more than everything else, as to its impact on future international relations in a very important area. It follows, therefore, that for this Conference, more than for any other, appropriate arrangements must be made for services that will ensure its efficient organization and conduct. Such funds as may be necessary for that purpose ought to be provided in the United Nations budget for 1972-1973 and approved at this session of the General Assembly, so that those services may be made available in the course of the preparatory work next year.

45. Mr. DIAZ CASANUEVA (Chile) (*interpretation from Spanish*): We have heard the important statements made by the Chairman of the sea-bed Committee, Mr. Amerasinghe of Sri Lanka, and the Rapporteur of that Committee, Mr. Charles Vella of Malta. They have informed this Committee of the progress achieved in the preparation of a new United Nations Conference on the Law of the Sea. Their eloquent words complement, and duly submit, the report of that Committee, contained in document A/8721 and Corr.1. Those statements, the report I have referred to, the records of the Committee covering the 1972 sessions this year and, in general, the entire course of the negotiations lead us to a prudent optimism regarding the results of the plenipotentiary conference that we are planning. The expressions of view of States, particularly those of the developing world, together with the general trends which are manifest in both reports and drafts, permit us to state that considerable progress has been made toward what we could call "a political blueprint for an international solution", and surely that is the basic objective of the preparatory work, as we see it.

46. It will be recalled that at the 82nd session of the sea-bed Committee, planning a Conference on the Law of the Sea, the Government of Chile issued an invitation for the holding of the conference in the city of Santiago. Paragraphs 43 *et seq.* of the Committee report before us mention that invitation and the "warm welcome and broad support" that was shown by "representatives from all regional groups." Encouraged by that broad support, for which we are grateful, and aware of the fact that the present session of the General Assembly will have to decide on the venue, date and other details regarding the holding

of that international conference, pursuant to resolution 2750 C (XXV), the Government of Chile, through me, is now happy to reiterate that invitation.

47. The invitation is issued in accordance with the conditions contained in paragraph 10 of resolution 2609 (XXIV), which provides that at meetings held outside the official headquarters the host government commits itself to underwriting any real additional expenditures which may be required. In the present case this would be the difference between holding the conference in Santiago instead of Geneva. The invitation is issued for a period of one year for the meeting or meetings that may be held during that year. The Government of Chile does not want to occupy the effective presidency of the Conference and, if the invitation is accepted, would prefer the President to be nominated by the Conference itself for the entire length of its work. The Conference could be held in the building where the third session of the United Nations Conference on Trade and Development took place, which, as is generally known, possesses ample modern facilities for the holding of international conferences of this nature. Its effectiveness was proved during that Conference on Trade and Development, held in April-May this year. As in that case, the Government of Chile will place at the disposal of those delegations that do not have missions accredited to the city of Santiago offices in that building, as well as reasonable secretarial services.

48. The Government of Chile has issued this invitation convinced that a conference of this importance, linked as it is to the economic and social development of the countries of the third world, should be held—and to all intents and purposes should at least start its work—in one of them since they form the majority of the nations of the world. The delegation of Chile feels that this understanding is shared by all delegations from the developing world and that it will be generally acceptable to all States represented in this room. We also feel that to serve as the framework for the wide spectrum of subjects and issues to be dealt with at the Conference the Latin American region is particularly qualified because of the length of its coastline, the variety of its topography, the diversity of existing situations and conditions, as well as because of its dedication to and experience in these subjects. No one can gainsay the fact that Latin America has made, both within the United Nations and outside it, a very significant contribution to the analysis of these problems and the search for solutions to them, enriching existing international law on the subject with new legal and political concepts.

49. As far as Chile is concerned, our contribution has been constant and vigorous, both within this Organization and outside it. With unshakeable faith in international negotiations we have endeavoured to contribute to the progressive development of the law of the sea, trying to impress upon it a necessary content of international social justice. It is a well known fact that my country possesses an extremely long coastline, that it has an ancient fishing and maritime vocation, and that one of its main sources of wealth is copper, a mineral that also exists in large quantities in the sea-bed. Those aspects of our nature and destiny have played a part in making Chile particularly aware of the need to improve a body of laws that will allow optimum and equitable utilization of the immense possibilities of the

oceans and also bear specifically in mind the rights and interests of the developing countries.

50. We believe that the negotiation we are discussing today, and more specifically the Conference on the Law of the Sea to which I am referring, is among the most important that we have discussed in this Organization; and there can be no doubt that it is one of the most vital topics at present before the United Nations. The seas and oceans cover more than two-thirds of our planet; they conceal immense wealth; they are still the principal means of communication among men; they unite and separate them; they constitute a fundamental instrument in the life and inspiration of mankind. All States—I repeat: “all States”—have very vital economic, security and development interests in the seas and oceans. Scientific and technological progress is making accessible the new dimension of the cosmos which consists of the sea-beds and their hidden treasures.

51. We must ensure that the sea-bed and the ocean floor and their resources beyond national jurisdiction are in fact the common heritage of mankind, as we declared in the historic consensus of the twenty-fifth anniversary session of the Assembly [*resolution 2749 (XXV)*]. The international negotiations at present under way must do justice to the developing countries and at the same time ensure a stable and lasting order to govern the oceans.

52. In reiterating this invitation, the Government of Chile reaffirms its faith in international negotiation and is aware that it may lend significant service in it. My delegation considers that our country can offer the Conference a suitable material and human framework, as we proved in respect of the organization of the Third United Nations Conference on Trade and Development. We gave and we will again give absolute assurances of impartiality and consideration towards all; we are assisted in this by the fact that Chile maintains very good relations with all the countries of the world.

53. We trust that if this invitation is accepted by the General Assembly the Conference will be able to conclude its work within the year covered by our invitation. However, if it proves absolutely necessary to extend its work for another year the Chilean Government supports the invitation that was extended by the Government of Austria.

54. I conclude by expressing my delegation's hope that the invitation of the Government of Chile will be accepted by this session of the General Assembly. I also reiterate our readiness to bend our best efforts to ensure success in the organization of the Conference.

55. Mr. GALINDO POHL (El Salvador) (*interpretation from Spanish*): This year the United Nations will have to take a decision that will be extremely significant in the history of international relations, namely, the holding of a conference on the Law of the Sea to examine as a whole and in the light of geographical, technical, geological and human criteria the régime of the seas to replace the one that was framed in the seventeenth century and which culminated in the Conference on the Law of the Sea held at Geneva in 1958.

56. This year the United Nations will be called upon to decide on the forthcoming Conference and to consider the means whereby it will tackle the procedural and organizational problems. The mandate which the General Assembly gave the sea-bed Committee in its resolution 2750 C (XXV) has now been partially fulfilled; and I say partially, because although we now have the list of subjects and issues we still lack the draft articles referred to in operative paragraph 6 of the resolution which I have just mentioned.

57. I think it is not untimely to compare the circumstances that obtained when the General Assembly, by its resolution 1105 (XI), of 21 February 1957, convened an international conference of plenipotentiaries instructed to study the law of the sea with those of today when the General Assembly is preparing to convene another conference on the law of the sea, which, to distinguish it from those that preceded it a few years ago, might well be called the Third Conference on the Law of the Sea.

58. In both 1957 and 1972 there was an evident shared desire everywhere to hold plenipotentiary conferences that would allow us to lay down generally acceptable rules on the régime of the seas, including the sea-bed. However, there are considerable differences regarding the preparatory process and the degree of maturity of studies between the earlier conference which the General Assembly called for in February 1957 and which was held in March-April 1958, and this Conference which the General Assembly is about to convene in 1973 and 1974.

59. Both in 1957 and 1972 the General Assembly, as is evident from its resolutions, maintained the criterion of the fundamental unity of problems concerning the seas and, therefore, the indivisibility of their treatment and negotiation.

60. When at the end of 1949 the General Assembly was informed of the progress of the work of the International Law Commission, it decided to postpone action regarding the high seas until it possessed studies on the territorial sea. Therefore, since then the General Assembly has adopted the criterion of unity of method, treatment and political negotiation on the problems of the sea, on the understanding that it was dealing with matters that were interrelated, interdependent and each of which affected the others. In 1954 the General Assembly deferred a decision on the continental shelf, awaiting the report of the International Law Commission on the problems of the high seas and the territorial sea [*resolution 8999 (XI)*]. At that time the General Assembly reiterated its view that the problems of the sea should be dealt with as a whole. In resolution 1105 (XI) of 21 February 1957, the General Assembly stressed that: “the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf and the superjacent waters were closely linked together juridically as well as physically”.

61. Since, in the traditional law of the sea, the oceans were divided into two zones—the territorial sea and the high seas—when the International Law Commission decided to study those two major questions, at least in general terms it felt that it was dealing with all the problems of the sea. In the course of those studies, without in any way prejudicing their fundamental unity, the high seas, the territorial sea

and contiguous zone the continental shelf and fisheries and the preservation of biological resources were dealt with specifically. At its eighth session, the International Law Commission considered—and the opinions of Governments confirmed—that “the different sections of the Law of the Sea are so closely interdependent that it would be extremely difficult to deal with only one part and leave the others aside.”²

62. Consistent with those precedents, the General Assembly has continued to envisage the Third United Nations Conference on the Law of the Sea in wide terms sufficiently comprehensive to include all the problems, both those of immediate interest to developed countries and the problems which, in the eyes of the developing countries, should be revised and reassessed with a view to framing rules more in keeping with the present degree of maturity of the international community, with the equitable participation of all peoples in the utilization of the seas and with the establishment a legal régime which would replace the one in which a few technologically developed countries enjoy the lion's share. The new régime would be one of real opportunities for all; that is to say, the oceans would be a common reserve of the mineral and biological resources of mankind.

63. The provisional list of subjects and issues prepared by the sea-bed Committee [see A/8721, para. 23] meets those criteria and paves the way to the establishment of a régime of co-participation, international co-operation and the adoption of joint measures widely supported by all, in order to defend the biological resources and to treat marine waters as a physical and ecological whole.

64. But there are some differences that we must note in the circumstances prevailing in 1957 and 1958 and those of 1972 and 1973. The Conference of 1958 and its unsuccessful follow-up in 1960 were considered primarily as conferences for codification and, therefore, their preparation was left in the hands of jurists who were called upon to turn their wisdom to the identification of prevailing customs and to develop the as yet insufficient norms. It has been felt that the 1958 Conference was primarily one of *lex lata*, although the International Law Commission, because of the overlapping that takes place in the applications of the precision and uniformity of customs and the creation of new rules to represent the progress of legal and political thought, gave up the effort to individualize the differences between these activities—that is to say, differentiating between codification and the progressive development of international law in each of the rules which it proposed.³

65. The conference to be convened is being prepared and will continue to be prepared by representatives of Governments because, in that exercise today, political feeling prevails over the legal feeling, and it is further hoped that this conference will not be one mainly of codification, but one for political negotiation. Obviously, the results of the negotiations will have to be expressed in terms of legal instruments, and it is to these that the jurists can apply their techniques, their principles and their measure of

political relations through the value of justice. The conference being planned is, therefore, primarily one of political negotiation and will have to be expressed by means of instruments whose most numerous, outstanding and chief components will probably relate to *lex ferenda*. This point, which we consider to be capital, must not be lost sight of in order to appreciate the validity and suitability of the procedures which the General Assembly may adopt this year.

66. In fact, regarding the preparation of the Conference, there is a great distance between the circumstances prevailing in 1957 and those of 1972. The first Conference on the Law of the Sea, held in 1958, was very meticulously prepared and its substantive aspects were entrusted to the International Law Commission. But from its very first session, held in 1949, the International Law Commission began a study of the problems of the sea and decided to give priority to them. In its report for 1956, the International Law Commission was able to declare, fully aware of both the content and the responsibility of what it was stating, that by dint of the work of the Commission itself, the Conference was adequately prepared.⁴ The General Assembly thereupon adopted resolution 1105 (XI) on 21 February 1957, basing itself on the final report of the International Law Commission covering the work of its eighth session, which contained draft articles and commentaries on the law of the sea.

67. Now in November and December 1972, when the Assembly is preparing to take final steps for the third conference on the law of the sea, we possess a list of subjects and issues that has been elaborated in the course of two years of work, as well as a number of drafts by single countries or supported by a group of countries, covering certain subjects. Furthermore, regarding a number of items that appear in the list, there are as yet not even drafts by single countries available. If the terms of political negotiation were not to prevail at the third conference, we would say squarely that by far the necessary conditions for the holding of such a conference did not exist.

68. In fact it is unusual for a world conference of plenipotentiaries to be called without there being at least half-prepared drafts, not in the form of national proposals but as drafts that reflect the wisdom of the experts or the political will of numerous countries of different geographical regions. In the light of the manner in which the negotiation has been defined for the new régime of the seas, drafts are required in whose discussion and preparation both developed and developing countries have participated, countries prone to defend the *status quo ante* and countries that bring to bear new concepts of the law of the sea such as that of the economic zone.

69. Since this is an eminently political negotiation, if the General Assembly decided this year to convene the third conference on the law of the sea, even with the meagre substantive elements available, it would not be doing a disservice, so long as we possessed sufficiently discussed and prepared drafts as collective or at least semi-collective undertakings at the time when the conference was to be inaugurated. In fact, at the third conference on the law of

² See *Official Records of the General Assembly, Eleventh Session, Supplement No. 9*, para. 29.

³ *Ibid.*, para. 33.

⁴ *Ibid.*, para. 30.

the sea we would to a certain extent be changing the garb, the name and the outer panoply of the sea-bed Committee; we would be formalizing the meetings and opening them to all countries of the world. On 5 August 1971, at the 63rd meeting of the Committee, my delegation declared that in the light of the governmental and representative character of the participants in the sea-bed Committee we might well say that to a certain degree the third conference on the law of the sea, without form or solemnity, had already begun. Therefore it should not be surprising if now, with all form and solemnity, we entered openly and explicitly into the third conference on the law of the sea.

70. In 1957, having received the final report of the International Law Commission, the General Assembly requested the Secretary-General in resolution 1105 (XI) to convene a meeting of experts to prepare recommendations on methods of work, procedures and other administrative questions to guide the organizational period of the conference. The Secretary-General reported to the conference direct, without going through the General Assembly, and that was logical because the Assembly had been seized with the final report of the International Law Commission and had considered it sufficient for the convening of the conference. Since then, no further preparatory work has been done on substantive questions. In 1957, the General Assembly allowed the Secretary-General to report directly to the Conference regarding the methods of work, procedures and related administrative matters. In the present case, however, which refers to the third conference on the law of the sea, we believe it appropriate that the General Assembly be kept informed regarding the course of the work of the sea-bed Committee even as regards the purely administrative and procedural work. The General Assembly should not abdicate its control over the preparatory work, and that is why I believe that the precedent I have mentioned would be inapplicable to the present case.

71. The idea which has been considered in certain circles that the sea-bed Committee might report directly to the conference of plenipotentiaries would appear to be a jump into the unknown, a yielding of power on the part of the Assembly, which would be justified if we had substantive drafts prepared in advance in that Committee itself instead of a series of scattered national drafts. What occurred in 1956 and 1957, therefore, is not a precedent that can be invoked validly today since it applied to circumstances different from those now prevailing.

72. Furthermore, administratively, the General Assembly must be informed of the course of the work of both the sea-bed Committee and the third conference. If the substantive part of the conference takes place in 1974, the General Assembly at its twenty-eighth session will have to provide the necessary funds. Since the budget of the Assembly is voted on annually, it will have to allocate the necessary funds annually for whatever length of time the conference may last. How long the conference will last is a question that no one at this moment can answer with any degree of certainty. It may well have to be divided into a series of stages, and it may well turn out to be the longest conference in the history of international relations.

73. Furthermore, even at its 1974 session the General Assembly should receive a progress report from the

conference, because if the conference were to continue in 1975 the Assembly would have to make budgetary decisions so as to provide the funds and ensure the required Secretariat services.

74. Therefore, with regard to the question raised in some of the informal consultations held in the past few weeks concerning whether the sea-bed Committee should report directly to the conference without going through the General Assembly, the categorical answer of my country is that such a procedure would be inappropriate; it would undermine the authority of the Assembly and would indicate unjustified haste, more likely to damage than help the success of the conference.

75. By convening the conference here and now the General Assembly would be performing an act of faith, not only in the sea-bed Committee but in the Member States of the United Nations, because to say that the Committee has been able or unable to come to an agreement is tantamount to saying that the governments have been able or unable to achieve a meeting of minds. The Committee is in fact composed of the governments represented in it, and it progresses as much or as little as the concurring political wills decide.

76. By convening the conference here and now, the General Assembly would be performing an act of faith in which the governments will possess the capacity and the will to negotiate to harmonize their interests during the two sessions that the sea-bed Committee is to hold in 1973, and therefore will find formulas that, once generally accepted, will constitute the new régime of the seas.

77. Obviously, it may be that if the situation is sufficiently developed to achieve a wide-scale agreement—and this can only be found out *a posteriori*, holding the conference—the apprehensions of today will be allayed by rapid progress achieved in 1973. *A priori* pessimism would close the roads to negotiation and compromise and would prolong the already lengthy meetings of the sea-bed Committee.

78. Although the third conference on the law of the sea will probably be marked by negotiation and will turn its agreements into rules of *lege ferenda*, we must arrive there with draft conventions, at least semi-prepared drafts, and I say semi-prepared drafts because I am aware of the objective urgency of the conference and the subjective haste of some governments. Some believe that by running we can go far. Others feel that by walking we can go even further. Some would sacrifice method. Others prefer to cleave to the method, not out of an *a priori* affiliation to Cartesianism, but because they have knowledge founded on international experience. But all agree with the same goal and with the objective need to hold that conference soon. However, an early date should not jeopardize reasonable preparations.

79. As the United Nations has been working on the problems of the sea for five years, so, too, important collateral work has been carried out in universities and institutions where professors, research workers, diplomats and politicians have come together. Many habitual participants in the meetings of the sea-bed Committee have met

again, thanks to the University of Rhode Island, the International Oceanographic Institute of California, the Stanley Foundation, the University of Villanova, and the World Federalist Educational Fund. In an atmosphere of great informality, we have continued to study the problems of the sea.

80. Because of what is said and what is not said, because of what is spoken and what is guessed, because of what whole or half words may signify, my personal impression is that in the last two years important changes have taken place in national positions that are gradually getting closer to a global and world-wide understanding. How far that trend has crystallized to the point of being expressed in formal agreements, I cannot state *a priori*. This can only be judged *a posteriori*, and the decisive *a posteriori* proof will be the holding of the third conference.

81. It might be felt that reaffirmation of the contents of resolution 2750 C (XXV) would provide the sea-bed Committee with sufficient authority to prepare draft articles or draft conventions on the subjects to be examined at the third conference on the law of the sea. But I do not believe it would be untoward to make an express request for draft conventions on the subjects in the provisional list appearing in the report of the Committee. In the draft resolutions that have been circulated, some formally, some informally, the preambles mention the list of subjects and issues drawn up after two years of hard work. Although that list is only provisional, it is the basis on which the conference is to be convened.

82. For the organizational aspects of the preparation of the conference to be completed in two weeks, previously discussed and agreed recommendations will have to be available, at least in their general lines. How many committees will the conference set up? How will the subjects on the agenda of the conference be allocated to the committees? What rules will govern the work? Who will be the executive officers, and how, specifically, will equitable geographical distribution be ensured? What method of work will the conference follow? What will the administrative structure of the conference itself be? Agreements on these matters cannot be improvised. The conference might conclude its organizational work in two weeks if it is seized of recommendations on these subjects.

83. Organizational and procedural questions are not as innocent in practice as they might appear in theory. Procedures imply, and at times prejudice, substantive questions. And when they are not truly neutral—and in United Nations circles they are never wholly neutral—they do guide, even though slightly, the substantive questions when they point to channels, rhythms, relations, and so on.

84. To be able duly to deal with the organizational and procedural aspects of the work, recommendations on that stage, which would probably take place at the end of 1973, should be made. It would appear that in the draft resolutions circulated—at least those that I have noted—somewhat left to the wisdom of the sea-bed Committee is the study of the procedures and the preparatory organizational work of the conference. But would the Committee thereby consider that it has received an implicit mandate to carry out such studies concerning the administrative struc-

ture, the procedure, the method of work, and the allocation of items among a given number of committees or sub-committees? The sea-bed Committee at its plenary meetings, or if preferred in a fourth sub-committee, could deal with these important questions at its spring and summer sessions of 1973. If we want the inaugural session of the conference to take place in November or December of 1973, recommendations covering organization, procedure and method of work must be available. The question has been raised whether we should expressly request the sea-bed Committee to consider these matters, to define its responsibility, in order to be ready to seek reports from it at the twenty-eighth session of the General Assembly. In 1957 the Secretary-General, with the advice and help of a group of experts, on the request of the General Assembly, prepared recommendations covering methods of work, procedure and other administrative questions. Today, however, it would appear more appropriate for that mandate to be entrusted to the Committee.

85. We are not unaware of the fact that the sea-bed Committee will be asked to do an enormous amount of work, considering that it will have about 13 weeks of work in 1973. However, we believe we should ask it to do the job, and it will depend on all Governments, and only on the Governments, when all is said and done, whether the job is properly done. Organizational and procedural recommendations have many precedents to rely on. As far as the substantive part of the Conference is concerned, even though nothing has been done in common, we do have certain national drafts or drafts co-sponsored by groups of Governments. The very subject that caused the United Nations again to deal with the law of the sea, that is, the régime of the international zone of the sea bed, has been referred to in only a few drafts but it has not been the object as yet of a joint working paper. It cannot be attributed to the Committee itself. That is the sort of work that should be entrusted to a plenipotentiary conference.

86. All that must be borne in mind, not to challenge the decision to convene the conference but to measure the magnitude of the work now being entrusted to the sea-bed Committee, for the satisfactory conclusion of which psychological tension and political pressure are superfluous, since it rests on appropriate studies and negotiations among the parties. But at times I see in this kind of exercise one more case of the application of that saying much used in my country, "Things will work out as we go along". Apart from the idea of working matters out in accordance with circumstances, that saying also covers unbridled optimism and the somewhat wishful confidence in the hidden resources of man and even the good will of providence. Were I not somewhat accustomed to that philosophy, I might to some degree resist what is about to be done. But that has to a large extent been the philosophy of much of my experience, though it is not dictated by reason. I therefore believe that with all the good will and optimism in the world I am ready to support a draft resolution on convening the conference as far as organizational work is concerned, for the end of 1973, and, for its substantive work, for the spring and summer of 1974, in Santiago, Chile, accepting with pleasure the invitation just extended to us by Mr. Diaz Casanueva. We say all this knowing full well that the convening of the conference is taking place in unique circumstances, but again reason prevails. The

eminently political and negotiating aspect of the third conference make it acceptable for us to convene it in these peculiar circumstances without forcing preparations beyond the reasonable. However, we should not exaggerate the peculiar nature of the conference to the point of destroying rhythms, skipping necessary stages, ignoring normal preparations, or, being swept by sheer enthusiasm or pressed by objective or subjective needs, be led into situations which through lack of a common language or formulas to conciliate existing interests—in other words, lacking the elements of significant political negotiation—may from the outset doom the conference to stagnation.

87. Anyone truly desiring the ends must make available the appropriate means. What would be thought of the seriousness and consistency, the will and reason, with which we seek the end—in this case, the conference—if we dealt with the means in a cavalier fashion, so that, measured by the criterion of suitability, we were denying those very means?

88. Another matter that has been discussed in the corridors is the venue of the sessions the sea-bed Committee is to hold in 1973. At one time some felt we should reverse the practice of previous years and hold the spring session in Geneva and the summer session in New York. I think that without exception we would all agree that were climate to dictate our decision the spring session would be held in New York and the summer one in Geneva. However, the reason for preferring to hold the summer session in New York is the delay suffered this year in the circulation and translation of the Committee's report. But had the venue anything to do with that delay? Would the Committee's report have been concluded earlier had the summer session taken place in New York? I was intrigued by this, and I therefore sought out the competent officials of the Secretariat and, consequently, can say that the delay in the presentation of the report had nothing whatsoever to do with the session being held in Geneva or New York; it was due only to the priorities for different subjects set by the administrative services of the United Nations.

89. To sum up, El Salvador feels that after five years of work the moment has come to convene the conference. To that end, we hope that the resolution convening the conference will be adopted by consensus. The drafts circulated have wide common denominators. The discrepancies that have been mentioned in informal talks are relatively slight compared with the difficulties the sea-bed Committee has had to overcome in the past. All this speaks in favour of a procedural resolution which defines as precisely as possible the specific aspects of the convening of the third conference on the law of the sea. We should like to see included in that resolution, specifically and in the operative part, the list of subjects and issues and an explicit request for recommendations on the procedure, organization and method of work of the sea-bed Committee.

90. Mr. ODERO-JOWI (Kenya): On behalf of the Kenya delegation I wish to express gratitude to the Chilean Ambassador for the magnanimous offer he has just extended on behalf of his country concerning the holding of the forthcoming conference on the law of the sea in Santiago, Chile. This is not only because of the cordial and fraternal relations existing between our two countries but

also, and mainly, because of our conviction that Santiago is the most suitable venue for such a conference.

91. The next conference on the law of the sea will indeed provide the first opportunity for the developing countries of Asia, Africa and Latin America to mould an equitable and just system to govern the sea. Until now the so-called legal principles on the sea have been products of developed countries which have naturally shaped the law to suit their maritime interests, often to the detriment of the international community and, in particular, the interests of the developing countries.

92. As a developing country, we are determined to demand and obtain a rightful and due share of the resources of the sea at the next conference, and it is our conviction that for the conference to be effective and successful it should be held in a developing country. And what country is more qualified and more suited to this purpose than Chile? Chile has a long tradition of advocating a fair and just régime for the seas since the founding of the Republic in the last century.

93. With its very long coastline, the sea is for Chile a source of tremendous economic opportunity, but also poses great hazards to its national security and is a continuing source of pollution. This, in part, explains why Chile has been in the forefront of the struggle, along with other Latin American countries, to ensure that the interests of the weaker countries are not ignored by the major maritime Powers.

94. In numerous international conferences, Chile has been steadfast in its defence of this policy, and in Latin America Chile has been foremost in the struggle to safeguard the maritime interests of the countries of that region. More recently, the leadership of the Chilean delegation, in the sea-bed Committee deliberations, has provided inspiration to many countries, including my own, in the search for a fair and equitable framework for the future of the sea. It is with this in mind that the Kenya delegation wishes to commend the generous invitation to host the forthcoming conference on the law of the sea in Chile to all delegations represented here. Those of us who were privileged to attend the third session of the United Nations Conference on Trade and Development in Santiago will long cherish the memories of the hospitality of the Chilean people and Government, and the co-operation extended to all delegations to ensure the success of the conference.

95. My delegation found the facilities provided to be fully adequate, and the lack of a Kenyan mission in Chile did not diminish our contribution to the deliberations. We have no doubt that the same generosity will be forthcoming to the participants in the next conference on the law of the sea in Santiago.

96. Let me convey to the Chilean delegation the expressions of our Government's gratitude for the invitation just proposed and we hope that as many delegations as possible will concur in accepting the invitation.

97. Mr. BADAWI (Egypt): My delegation has asked for the floor with reference to the statement just made by the representative of Chile. We would like to express our

appreciation to the Government of Chile for its offer to act as host to the conference on the law of the sea which is scheduled to be held in the near future.

98. Chile has for a long time taken a keen interest in the law of the sea. Yet, it showed not only interest; it actually has contributed to its progressive development. Chile, furthermore, belongs to a region which substantially, through practice, has had its impact on the evolution of the law of the sea. Nothing, therefore, would be more appropriate than to respond favourably to this kind invitation, which is in fact the position of my delegation.

99. The delegation of Egypt is not content with merely making public the fact that it favours the holding of the conference in Santiago, but would urge the membership of this Organization to do likewise.

100. We believe that the holding of the conference on the law of the sea in a developing country would be a clear indication, on the one hand, of the high stake that the developing world has invested in the elaboration of an equitable law of the sea, and, on the other hand, it would be recognition by the developed world of that stake.

101. We are sure that were the General Assembly to express itself unanimously in favour of accepting the gracious offer of the Government of Chile, such action would augur well for the success of the forthcoming plenipotentiary conference on the law of the sea, to which, there is no doubt, every member of the international community attaches the greatest importance.

102. Mr. JAGOTA (India): I have requested the floor just to express our grateful thanks to the Ambassador of Chile for the invitation so graciously extended by his Government to hold the substantive session of the conference on the law of the sea in 1974 in Chile, an offer which had already been made in the sea-bed Committee in July-August of 1972. I support this gesture, particularly in the light of the comments which have already been made by the representatives of Kenya and Egypt.

103. The crucial questions that will come before the conference, as everyone is aware, relate to a proper legal framework for the uses of the sea and the sea-bed. Traditionally, the sea has been used as a means of communication and transport, and also as a source of wealth and resources. It is a balance of these two major uses of the oceans that require an equitable legal framework, and in particular an equitable sharing and distribution of the resources of the sea and the sea-bed. That is why the proper framework must tilt, if I may use that word, in favour of the emerging developing world.

104. In view of this consideration, I feel that for the contributions already made by Chile, along with its neighbours Peru, Ecuador and others, in this particular field, since 1952, Chile is especially qualified to offer itself as the venue for the conference in 1974.

105. Chile is a developing country. However, it has the resources to organize the Conference on its soil. It has already held the third session of the United Nations Conference on Trade and Development and a gesture has also been made that, continuing with the tradition for the

third session, the Government will offer services and accommodations for other countries which do not have any permanent missions in that country.

106. Therefore, in view of all these factors, it is a great pleasure—and it will be a great gesture on the part of all the countries of this Committee, as well as of the world—to thank the representative of Chile for his offer to hold the Conference in Chile and to support it unanimously.

107. Mr. KIKIĆ (Yugoslavia): My Ambassador was scheduled to arrive and to offer support to the delegation of Chile regarding the holding of the conference on the law of the sea in Santiago. In his absence, I shall use this opportunity, very briefly, to thank the delegation of Chile for its offer and to reiterate Yugoslavia's support for the venue of Santiago, which had already been given during the conference on the law of the sea in Geneva. Besides all the reasons that have been expressed by previous speakers, I would only like to say that, for Yugoslavia, Chile is a friendly, developing, non-aligned and socialist country.

108. Mr. CAMINOS (Argentina) (*interpretation from Spanish*): My delegation intends to speak to the issues relating to this subject at some forthcoming meeting. However, after having heard the statement of the Ambassador of Chile this morning, in which he repeated the generous offer of his Government that the future third United Nations conference on the law of the sea be held in Santiago, the Argentine delegation also wishes, here and now, to reaffirm its full support for that invitation.

109. Mr. NI (China) (*translation from Chinese*): With respect to the invitation from the delegation of Chile inviting the Third Conference of the Law of the Sea to be held in Santiago we accept and welcome this invitation. We feel that Chile, as the host to third session of the United Nations Conference on Trade and Development has acquired rich experience in this respect, and furthermore the Latin American countries have made important and tremendous contributions to the law of the sea. Therefore as regards this conference we agree with the opinion expressed by many delegations to the effect that it should be held in a developing country. This is a correct view and we support it. Therefore, we should like to reaffirm the point of view that the forthcoming conference be held in Santiago, Chile and we should like to support it enthusiastically.

110. With regard to the other problems relating to the conference we would like to reserve our position.

111. Mr. BALLAH (Trinidad and Tobago): I wish to express the gratitude of my delegation for the generous offer made by the representative of Chile on behalf of his Government to host the proposed United Nations Conference on the Law of the Sea in Santiago. The Government of Trinidad and Tobago reiterates its support to the Government of Chile in proposing to host the Third Conference on the Law of the Sea. We are also grateful for the most generous offer of secretarial and other technical assistance to delegations to the conference that do not have resident missions in Santiago. As a small developing country Trinidad and Tobago sincerely wishes to thank the Government of Chile.

112. Mr. ESPINOZA (Colombia) (*interpretation from Spanish*): At the last meeting of the sea-bed Committee, as soon as Mr. Santa Cruz, speaking on behalf of his Government, issued the invitation for the third conference of the law of the sea to be held in Santiago, I expressed the support of my delegation for that Chilean initiative and publicly stated that I would consult my Government on the matter. Thus today I can with great satisfaction, after having heard Mr. Diaz Casanueva repeat the invitation that Santiago be selected as the venue of the forthcoming conference on the law of the sea, state that the Government of Colombia warmly supports that suggestion. I am convinced that Santiago and the Government and people of Chile will meet the requirements of such an invitation and that the nations of the world will be able to work there as effectively and comfortably as they did at the third session of the United Nations Conference on Trade and Development, at a time when the Chilean people as a whole made a great effort to ensure that the delegations from all over the world would enjoy the warm welcome, comfort and facilities for working successfully.

113. Therefore, on behalf of my Government, I wish to give the whole-hearted support of Colombia to the initiative of Chile that the forthcoming conference on the law of the sea be held in Santiago.

114. Mr. BENSMAIL (Algeria) (*interpretation from French*): The delegation of Algeria will certainly not be the last to thank Mr. Diaz Casanueva for his invitation to the third conference on the law of the sea to be held in Santiago. We are happy at the prospect of meeting again in a country which has always been in the forefront of the struggle of the developing countries for dignity and the recovery of their natural resources.

115. The CHAIRMAN: I hope that it is not too late for the Chairman to extend a very warm welcome to the specialist members who have come from their capitals or other places to participate in the deliberations on the sea-bed item in the First Committee. I see many friendly and familiar faces in their seats this morning and I feel reassured, and indeed confident, that their very presence will contribute to a useful and fruitful debate and a successful and happy conclusion of our item 36. I am particularly relieved and delighted to see among us, after his accident in Geneva, Mr. Paul Bamela Engo, Chairman of Sub-Committee I. I wish him better health and still more strength.

The meeting rose at 1 p.m.