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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

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*Chairman: Mr. Radha Krishna RAMPHUL
(Mauritius).*

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)

1. Mr. UPADHYAY (Nepal): May I first of all express the deep appreciation of my delegation to the representative of Singapore for having taken the most timely initiative of working out draft resolution A/C.1/L.632, and also for introducing it in this Committee.

2. My delegation is one of the sponsors of the draft resolution, and in this brief intervention it is not necessary for me to repeat what has been so well presented by the representative of Singapore.

3. We have to have a clear view of the economic implications of the five proposals put forward for limiting the international sea-bed area. In the absence of more precise data relating to these proposals, my delegation attaches great urgency to the need for a study by the Secretary-General, on the basis of data and information at his disposal, and the submission of the result of his studies as soon as possible, so that the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, at the latest, during its summer session in 1973, would be acquainted with the picture of the comparative implications of the various proposals. The importance of the results of the study, I need not repeat, is that it would facilitate the task of choosing an alternative which provides universal and equitable enjoyment of the benefits of the common heritage of mankind. The choice of

such an alternative will also contribute to a rational decision regarding the activities and the functions of the international machinery.

4. Some countries, I believe, have already undertaken studies on the implication of a few proposals regarding limits and I think that the compilation and analysis of the results of such studies carried out by individual countries can add to the data and information at the disposal of the Secretary-General.

5. In conclusion, as one of the sponsors of the draft resolution, my delegation cannot but appeal with confidence to the considerate opinion and kind co-operation of all the delegations in unanimously adopting the draft resolution. My delegation will, if necessary, seek the opportunity, at a later stage, to speak further on this and other matters relating to the agenda item.

6. Mr. ORTIZ DE ROZAS (Argentina) (*interpretation from Spanish*): First of all, I should like to express my delegation's appreciation of the report on the work 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] presented to us by the Chairman of the Committee, Mr. Amerasinghe, and its Rapporteur, Mr. Vella. We believe that both reflected very clearly the progress that has been achieved by the Committee in the course of the past year and also the important work that still has to be done.

7. I shall try to put the view of my delegation on the item on our agenda to the Committee as briefly as possible. May I recall that resolution 2750 C (XXV) of the General Assembly convened the conference on the law of the sea for 1973 and decided to review, at its twenty-sixth and twenty-seventh sessions, the reports of the sea-bed Committee, in order to decide upon the programme for the forthcoming conference, its specific date, the venue of the conference and its duration. However, it also made it clear that if at its twenty-seventh session the General Assembly considered that the progress of the preparatory work was not sufficient, the conference could be postponed.

8. I wish to say that we hope that the rules governing these matters can be agreed to as soon as possible, and that they may prove generally acceptable to the international community, taking into account the benefits of legal security as well as the establishment of a more just and equitable conventional régime. However, we are fully convinced that the conference should meet only when all the legal and political requirements for its success have been met. We believe, and I think we share this belief with the majority of the States represented here, that those requirements have not as yet been met, and we do not as yet know

whether they will have been met as precisely as their importance dictates by next year.

9. From the legal standpoint, as Mr. Amerasinghe pointed out very clearly [*1903rd meeting*], it is obvious that the tasks entrusted by the Assembly to the sea-bed Committee have not been completed, therefore the Committee has not fully carried out its mandate. In fact, the preparation of a draft treaty on the régime for the sea-bed has not been completed nor does a series of draft articles exist on the other items and questions related to the law of the sea, as resolution 2750 C (XXV) prescribes. We agree with the Chairman of Sub-Committee II of the sea-bed Committee, who said that the conference should have at its disposal sufficiently discussed and prepared drafts of “collective or semi-collective” character [*ibid.*] so that we may be able to say that the sea-bed Committee has at last fulfilled its mandate. The situation that I have mentioned can be proved objectively and I believe that we must describe it honestly and recognize what efforts will have to be made if the United Nations conference on the law of the sea is to be convened with any hope of success.

10. Politically speaking, we have not arrived at the necessary general agreements that would allow us to state that a good basis of negotiation exists for the convening of the conference. We trust that that basis will be secured soon, but it is obvious that the picture before us does not enable us to say definitely when that situation will exist.

11. May I add that those general agreements will be reached after a process of convergence of the different views on the matter. That process of convergence which might reduce the number of different options presented has not as yet been concluded although we must admit that in certain regions a favourable trend can be noted. It is obvious that we should encourage and support that prior process of convergence, for we should be succumbing to excessive optimism if we were to believe that a conference that began with as many disparate positions as have been made manifest in the sea-bed Committee could be successful.

12. Because we are concerned and interested to ensure the success of the conference, we suggest that our action should take the form of great efforts in the coming year, so that at its next session the General Assembly may be able to confirm the convening of the conference, on which we can decide tentatively at the present stage of our work.

13. Therefore, and in the light of the reasons I have just stated, the delegation of Argentina would like to suggest the following measures which it believes could be adopted by the General Assembly at its present session on this question. The General Assembly should, first, renew the mandate of the sea-bed Committee so that it holds two sessions next year and reports to the twenty-eighth session of the General Assembly on the progress achieved in the preparation of the conference; secondly, take a tentative decision on convening the conference for 1974; thirdly, accept the generous invitation of the Government of Chile for the conference to be held in Santiago; fourthly, establish clearly that during its next session the General Assembly will assess the work of the sea-bed Committee in order to confirm the holding of the conference in 1974.

Although we admit that the Assembly will obviously carry out such an assessment next year when it considers the report of one of its subsidiary bodies, the sea-bed Committee, we feel that it would be expedient to state that purpose.

14. My delegation is not entirely convinced of the need to convene a session of the conference at the end of 1973 so that over a period of about two weeks the procedural decisions that have to be adopted before the substantive work is undertaken can be approved.

15. We consider that our efforts should be concentrated on substantive matters because when these questions are being settled it will be much easier to decide also on procedural and organizational problems since they will be seen in their true character, as ancillary to the substantive questions. On the other hand, when we are far from finding solutions to substantive questions, procedure acquires a decisive importance and thus difficult situations are created which can only be resolved after prolonged and arduous discussions. Once the procedural questions are resolved, we find ourselves confronted by substantive items, which call for the negotiations we have not as yet held because we have devoted all our efforts to solving the procedural problems.

16. We believe that if the progress achieved by the sea-bed Committee next year is adequate, the procedural questions will be solved very easily by the conference. Therefore there is no justification for holding special meetings to deal with procedural problems, at great cost and at the expense of considerable efforts by both the Organization and the States represented at the conference.

17. We trust that the Committee's progress will be adequate. But if despite our trust and belief—and we think this is shared by many—the work has not advanced sufficiently during the course of next year, not only would it be unnecessary to hold a procedural session at the end of 1973 but, to our mind, in all respects, it would also be imprudent to hold such a session since it would be premature and would freeze the substantive position, thus reducing to a minimum the possibilities for negotiation which a successful conference requires. We trust that this will not be the case and that the conference on the law of the sea will begin under the best of omens in 1974.

18. May I now turn to a different matter. I refer to draft resolution A/C.1/L.632, which requests the Secretary-General to prepare a study of “the extent and the economic significance, in terms of resources, of the international area” of the sea-bed, taking into account a series of proposed limits for that zone. The representatives of Peru and Canada have, with their usual clarity, already referred to this document [*1904th meeting*].

19. My delegation opposes this draft resolution for the same reasons that they expressed and for others which we consider to be equally valid.

20. First of all, this document proposes only five limits for this survey and they would also, apparently, be the limitations of the jurisdiction of the coastal States. But we believe, therefore, that the adoption of these five proposals

alone prejudices as delicate a matter and one of as fundamental importance for all countries taking part in these negotiations in the sea-bed Committee as is the delimitation of their national jurisdiction and it will also prejudice the position of those countries which will, in the next stage of our work, participate in the conference on the law of the sea. Furthermore, the selection of these five criteria, as can be seen, is incomplete, and in the field of hypothesis it is not valid to discard a study that might include other criteria, both of distance and of depth. Nor should we be unaware of the possibilities of the study's including a combination of the various criteria; and, as we know, the adoption of alternative delimitation criteria has been advocated by a large number of delegations, including that of Argentina. Therefore the right approach to the various criteria on limits would force us to consider a much larger number than the five mentioned in the draft resolution.

21. Secondly, my delegation considers that the task which it is proposed to entrust to the Secretary-General is difficult, if not impossible, to carry out. In fact, in order to be able to undertake a serious "comparative study of the extent and the economic significance, in terms of resources, of the international area" that would result from adopting the proposed limits, a perfect technical and scientific knowledge of the sea-bed would be necessary—and not only of the sea-bed, but of all the sea-beds and of all the oceans of the world, including those zones closest to the coasts that many States claim as falling within their exclusive sovereignty and jurisdiction, in order to determine whether there are natural resources and, if so, what type, amount and value. Obviously, that knowledge is not available at present and the work of acquiring it would not only not be possible within a relatively short span of time but might also create grave conflicts if the investigation and study are carried out without the prior authorization of a coastal State in zones which fall within that State's exclusive jurisdiction or sovereignty.

22. Thirdly, the approach to the proposed study prejudices matters for other reasons. In fact, mention is made in the draft of a comparative study of the extent and the economic significance, in terms of resources, of the international area that would result from adopting the various proposed limits, and obviously nothing is said of the extent and the economic significance of the zones which, according to certain limits, would fall within the exclusive sovereignty or jurisdiction of the coastal States. It becomes clear, therefore, that the proposed approach leads us to conclude that the wider the extent and economic significance of the international zone of the sea-bed the smaller will be the zone under the jurisdiction or sovereignty of the coastal States—and the latter, after all, constitute the vast majority of the international community. But to balance this discriminating approach a study should be devoted also to the damage or benefits resulting to each of the coastal States if each or any of the criteria on limits were to be adopted.

23. Fourthly, my delegation considers that in a study of this nature enormous unjustified expenses would be incurred which would not be warranted by prior political consensus. My country, together with many other Members of this Organization, has contended that we should avoid

United Nations expenditure on matters of dubious appropriateness. And I say "dubious appropriateness" because in questions dealing with sovereignty or the jurisdiction of States we cannot be guided only by criteria of usefulness or economic yield.

24. Finally, I should like to recall that a study similar to the one proposed was asked for in the sea-bed Committee in the course of its last session. For various reasons, including those adduced earlier, it was not approved at that time, as the report indicates.

25. We trust that the same decision will be taken by the General Assembly. We would thus avoid erroneous conclusions, and by discarding elements of appreciation that might prejudice matters we would encourage the necessary conciliation of the interests of each and every member of the international community, regardless of its geographical position.

26. Mr. SARAIVA GUERREIRO (Brazil): My statement this morning on item 36 of the agenda will be restricted to a rapid review and evaluation of the work accomplished this year by the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction, in preparation for the conference on the law of the sea.

27. As we all recall, resolution 2750 C (XXV) of 17 December 1970 directed the Committee to prepare for the conference by continuing the task it had been undertaking up to that point—that is, a study of the international régime and machinery for the area of the sea-bed and ocean floor beyond the limits of national jurisdiction—and, furthermore, to prepare a list of subjects and issues of the law of the sea, as well as draft treaty articles. With regard to the international régime and machinery we are gratified to see that some progress has been made by the working group set up for that purpose under Sub-Committee I, in the direction of drafting of texts suitable for insertion in a future convention.

28. Upon careful scrutiny of the Committee's report [*A/8721 and Corr.1*], based on our own experience in that group, which was so ably presided over by Mr. Engo, we cannot, however, avoid the realization that those forward steps may to a large extent be illusory, judging by the numerous brackets included in the texts. We have a distinct feeling that, far from moving forward from the base provided for us by the Declaration of Principles contained in resolution 2749 (XXV), certain delegations might even be seeking to reopen, under the pretence of differences of interpretation, certain of the main points which were agreed upon without dissenting votes during the twenty-fifth session of the General Assembly.

29. Basic differences of approach on some of the main points of the future régime and machinery remain to be reconciled. That is the case in relation to the scope of the régime itself, that is to say, whether it should cover the area and its resources or be limited solely to the resources themselves. As regards the machinery, questions of its structure and the composition and powers of its different organs, for instance, have still to be settled. Of course, all those problems stem from basic discrepancies in the

interpretation of the provisions of the Declaration of Principles, and especially as to the content that should be given to the concept of the common heritage of mankind. How is that concept to be implemented? How is the exploitation of the resources to be undertaken? Who should operate, under what rules, and how should benefits be distributed?

30. In Sub-Committee II the efforts of all members during these two years have been directed in fact to the negotiations on a comprehensive list of subjects and issues of the law of the sea. The Brazilian delegation is truly gratified that as a result of those very exhaustive negotiations an agreement on such a list was finally reached at the very end of the summer session of the Committee. At this juncture I should like, as other speakers have done, to pay a tribute to the Chairman of the Committee for his efforts in the final stage of the work. No doubt while the exercise of the preparation of the list was taking place States had an opportunity to catch a glimpse of each other's inclinations on certain questions of substance.

31. With respect to Sub-Committee III we must note that consideration of the items on its agenda, namely, the preservation of the marine environment, the prevention of marine pollution, scientific research and transfer of technology, has not advanced beyond a general debate and the setting up of a working group, which has in fact still to come to grips with its substantive task.

32. No less important than the work of the Committee itself were the regional meetings that took place between its sessions.

33. Resolution 2750 C (XXV) instructs this twenty-seventh session of the General Assembly to examine the work of the Committee in order to take a decision on the convening of a conference on the law of the sea. In this respect I cannot but repeat our firm belief that we must endeavour, through our collective efforts, to ensure that such a conference has the best possibility of success. To our mind, the best guarantee against failure is careful and thorough preparation. At this time we must responsibly answer two questions. First, has sufficient preparatory work been undertaken by the Committee entrusted with the task to enable us at this time to take an irrevocable decision on the date and other details of the holding of the conference? Secondly, can we be reasonably sure that our governments will be adequately prepared for the conference at a date to be finally fixed now? I am afraid that the answer to those questions must be in the negative.

34. As we have seen, the substantive preparatory work of the Committee is in reality practically non-existent. Some progress has been made on the régime and machinery for the sea-bed, but the main controversial points have not even been tackled. The comprehensive list of items on the law of the sea [*ibid.*, para. 23] has been agreed upon, but that exercise is merely to provide a framework and pave the way for the substantive negotiations that are still to begin. The same is true as far as the items on pollution and scientific research are concerned.

35. In order that it may take final decisions the General Assembly should have before it bases for the future work of

the conference, albeit alternative bases, that reflect the interests of all. It may be that at this point the most developed countries believe they know where their precise national interests lie with regard to all the diverse matters to be dealt with at the conference, although even their present beliefs may, one hopes, be susceptible to evolution, but can that be said with precision of the majority of the developing nations? Serious difficulties are faced, we know, by governments with limited resources in the technology and personnel required to undertake a task of such complexity, involving matters which fall under the jurisdiction of different governmental bodies. Also, in thinking about the preparation of the conference we should not overlook the need to accommodate regional meetings, which have proved so constructive and will probably become more frequent.

36. In the answers given to the Secretary-General's inquiry as to the desirability of convening a conference on the law of the sea, pursuant to resolution 2574 A (XXIV), a great number of countries expressed the opinion that preparations for that conference should be comprehensive, thus giving it the best possible chances of success. I beg the Committee's indulgence to quote, as a good illustration of that position, the answer given to the Secretariat on the subject by the Government of Australia:

"Though the Government of Australia considers that any further conference or conferences should be convoked as early as is practicable, it attaches greater importance to the need for thorough preparation than to the need for expedition. It considers moreover that a conference should not be convoked unless prior consultations have disclosed that there are reasonable prospects of reaching an agreement on the matters to be discussed."¹

37. It would indeed be unfortunate if, for reasons of undue haste, or by the sheer momentum imposed by the interests of a number of countries, we were driven, without adequate preparation, to the conference. Unfortunately, this trend is very much alive and active.

38. Time is certainly important. This is particularly true in relation to the general acceptance of the régime for the sea-bed and the ocean floor and the subsoil thereof beyond national jurisdiction, although even there the international community cannot admit any exploitation while the régime is not in force. Resolution 2574 D (XXIV), and even the Declaration of Principles approved without a single negative vote, are indisputable evidence of a universal stand against attempts at creating *faits accomplis* in order to pressure negotiations. The Brazilian delegation, however, readily accepts the view that work on a régime for the sea-bed deserves, in practice, first priority.

39. But urgency is not the overriding criterion in the negotiations regarding the law of the sea. Timeliness rather than mechanical time-tables is of the essence. We are not striving for a conference that will approve resolutions, couched in broad language, with no binding force. On that, as on nearly all accounts, there is no suitable parallel with the United Nations Conference on the Human Environment. The consensus ideally to be reached is on precise,

¹ See A/7925/Add.3 of 1 October 1970.

binding, legal texts of universal application and unlimited duration. We must think in terms of succeeding generations. This is no simple matter, unless we were to content ourselves with conventions that would suffer the fate of those of 1958, commanding the effective adherence of only one third or, at most, half of the membership of this Organization, so that they would remain *res inter alios acta* for all others, including perhaps entire continents.

40. Those who, inspired by a constructive spirit we fully respect, are wont to adumbrate even now the general outlines of a possible generous accord, might perhaps wisely feel some discomfort from recent omens and portents.

41. We have just seen at the Intergovernmental Conference on the Dumping of Wastes at Sea, recently held in London, how the interests and jurisdiction of coastal States were treated in ambiguous fashion. Trust seemed to be vested most clearly in the efficacy of measures to be taken by the authorities of the flagship country, regardless of how far the vessel may be from its port of registry, and whether there is a substantial or merely a nominal link between the flag country and the ship. The text of the Convention on the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter is so ambiguous that the Brazilian delegation felt it necessary to make interpretative reservations for the records of the conference.

42. Also the special circumstances of developing regions were ignored, as if the world were homogeneous. The technical-administrative structure that the parties to that Convention are expected to set up are in all cases identical and, therefore, clearly out of proportion to the real needs of the fight against pollution in developing countries. Again, identical criteria are to apply to the heavily trafficked and polluted waters of the North Atlantic, the North Sea and the Mediterranean, as well as to the much less crowded South Atlantic. Finally, that Convention, which Brazil finds itself unable to sign, is a relatively simple and limited endeavour when compared with the job we have to face.

43. I beg the Committee's indulgence for this digression but I think there is a need to draw attention to an archaic attitude which still persists, a tendency to deal with the oceans in terms of abstractions and generalizations. As a result, how raw and primitive human thinking sometimes still is when it tries to encompass the vastness and diversity of the seas! Only when the diversity and variety of reality have been taken into account will we eventually be able to bring interests into harmony and discover the universal norms that will protect all and be respected by all.

44. Activism is indispensable when warranted by conditions. Prior to that it is unwelcome rashness. Let us not be tempted by the strong tropism towards security and the finalization of a process that so often leads the human mind to the acceptance of facile solutions and the projection of magical dates when miracles will somehow be performed. This notion, that difficulties will find an automatic solution at a certain fixed date, is a hardy perennial that comes to light now and again under different guises, always attractive and always dangerous. We must beware of it. Even if its new garb is felicitous, frustration still lurks beneath the glittering tinsel that bedecks it.

45. Having sounded that cautionary note, may I add, however, that we agree with the convening of a conference on the law of the sea in 1974, possibly around the months of May or June, in Santiago, Chile.

46. We do not, however, favour any decision which would withdraw from the preparatory negotiations the political element which is implied in the review of the work by the General Assembly. We believe that it is only at its twenty-eighth session that the Assembly, in view of the conditions then obtaining, could advisedly decide finally on the fixing of schedules and on the method of dealing with organizational matters of the conference.

47. Mr. WYZNER (Poland): It may be noted with satisfaction that at the last two sessions of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction substantial progress was achieved and that preparatory work for a conference on the law of the sea has actually started.

48. At this juncture I should like to stress the role played in the achievement of these results by the able officers of the Committee and, in particular, its Chairman, Mr. Amerasinghe, whose competent guidance, wisdom and energy were instrumental in overcoming many deadlocks in the negotiations and in the elaboration of solutions acceptable to all Committee members.

49. As referred to in the sea-bed Committee's report [*A/8721 and corr.1*] at its July-August session the Committee adopted the list of subjects and issues on the law of the sea requested in General Assembly resolution 2750 C (XXV). It is, of course, regrettable that the preparation of the list has taken so much time, but with its adoption a serious obstacle to the substantive work of the Committee has been removed, and it is our hope that this substantive work will be conducted in a constructive manner and in a spirit of co-operation and compromise.

50. In our opinion, the forthcoming conference on the law of the sea should concentrate its efforts primarily on those problems of international law which have not been resolved so far. Consequently we understand that the adoption of the list does not prejudice the contents of the agenda of the conference on the law of the sea, nor does it, in our understanding, prejudice the question of the desirability of drafting articles on all the subjects included in the list.

51. Turning now to the basic work of the Committee and its Sub-Committees, I should like first of all to note with satisfaction further progress in the elaboration of draft treaty articles on the international régime for the sea-bed and the ocean floor beyond the limits of the continental shelf, that is, for the so-called international area. It seems that progress has been achieved so as to make possible the eventual translation 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)*]. It is not our intention to minimize the existence of divergent positions, but nevertheless the results attained up to now are not negligible.

52. Another task facing the Committee, and in particular its Sub-Committee I, that of drafting treaty articles on the international machinery, seems to be more difficult.

53. Draft articles on the international régime could be based on an already existing text, namely, the Declaration of Principles adopted by the General Assembly. For the elaboration of articles on the international machinery, however, no such uniform basic text exists. On the contrary, there are different drafts and working papers presented by various States.

54. The fundamental problem of the functions and powers of the international machinery to be established and of its character is quite controversial and is approached differently in various proposals.

55. The Polish delegation, for one, has put forward in its working paper (A/AC.138/44)² the concept of a “developing organization”, that is, an organization expanding its functions and powers as well as its organizational structure in various stages according to the growing needs.

56. It is our submission that such a “developing organization” could be a reasonable compromise between the attitude of those States which want that organization to have relatively wide powers and that of those which are in favour of an organization of a rather limited competence in order to avoid creating a bureaucratic and expensive international structure.

57. Moreover, the matter of the character and competence of the organization, and even the basic problem of the advisability of its establishment are closely connected with defining the precise territorial scope of national jurisdiction. If the tendency to expand the jurisdiction of coastal States continued, a situation would arise in which all, or almost all, mineral resources that could be exploited in the coming decades would come under the jurisdiction of coastal States. In such a situation the usefulness of establishing an international organization, with wide powers and responsibilities, could be questionable.

58. Turning now to the work of Sub-Committee II, one notes that during its debates many important problems, such as, for instance, the delimitation of the territorial sea, straits used for international navigation and fisheries, and conservation of the living resources of the sea, were touched upon.

59. In this connexion I should like to draw the Committee's attention to the Declaration on Principles of Rational Exploitation of the Living Resources of the Seas and Oceans in the Common Interests of All Peoples of the World, which was adopted in Moscow on 7 July 1972 by the Ministers responsible for fisheries of Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland and the Soviet Union [*ibid.*, annex I, sect. 5].

60. The problem of sea fisheries is of great economic importance for my country, and in our opinion it is a major task of the sea-bed Committee and of the future confer-

ence to find a reasonable solution accommodating the legitimate interests of all States, whether coastal or non-coastal, developing or developed, possessing a fishing industry or planning to develop one. A system should be established to protect and promote the fishing interests of developing coastal States, mainly through increased co-operation based on the principle of mutual benefit between countries with developed fishing industries and those without them. The development of distant-water fishing by developing States with no abundant and valuable fish stocks along their coasts should also be promoted.

61. We feel that the settlement of problems of sea fisheries should be based on the recognition of the special needs and interests of developing coastal States and, in particular, of the dependence of some of them on fish resources. Consequently we are of the opinion that developing coastal States should have preferential fishing rights in areas of the high seas adjacent to their territorial seas, or exclusive fishing zones where the fish resources of adjacent areas are limited. In such cases the regional fishery organizations could assign fishing quotas, it being understood that developing coastal States would have the right to a certain amount of the catch, in proportion to the degree to which their economies depend on coastal fisheries, up to a certain substantial percentage of the total catch.

62. In order to ensure that regional fishery organizations are in a position to fulfil their functions, they should be substantially developed and strengthened. The organizations should have the power to take decisions in matters pertaining to the conservation of fish stocks, the regulation of fisheries and the establishment and allocation of fishing quotas; they should act more promptly and more decisively than in the past; their decisions should be implemented more rapidly; and they should have the power to ensure the implementation of their decisions, *inter alia* through inspection and enforcement.

63. In other words, in our opinion the international solution of fisheries problems should be based on the recognition of the preferential fishing rights of developing coastal States and on the strengthening of the role of regional fishing organizations in the management of fisheries.

64. My delegation cannot accept, however, the solution of problems concerning fishing on the high seas by means of unilateral extension of fishing zones beyond the 12-mile limit. It is our opinion that international law does not allow such extension of the territorial sea and of exclusive fishing zones beyond the limit of 12 miles measured from appropriate baselines, and in our view the limit should be universally confirmed at the conference on the law of the sea.

65. By the same token, the acceptance of broad claims to extensive economic zones would be profitable only for some privileged States with long coastlines and valuable fishing grounds off their coasts. It cannot be considered therefore as an equitable solution for the accommodation of the legitimate interests of all interested States.

66. Turning now to the work of Sub-Committee III, we note that problems of the prevention of marine pollution

² Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 21, annex I, sect. 4.

and scientific research in marine environment were discussed in depth and many valuable documents were submitted to the Committee.

67. In this connexion I should like to make only one comment. The sea-bed Committee is confronted with a delicate task of co-ordinating and harmonizing its work with the activities of other bodies covering the same problems. It is important to be aware of what is going on in the other forums, such as, for instance, the Inter-Governmental Maritime Consultative Organization, other specialized agencies, the Inter-Governmental Oceanographic Commission, the regional economic commissions and fisheries organizations, in order to avoid the duplication of work, which in some cases might even lead to misunderstandings and legal uncertainties.

68. We agree with the prevailing opinion that the Committee should concentrate its efforts in these fields on the development of the general legal framework and on the drafting of general legal principles—and this goes for the future conferences as well—leaving the elaboration of detailed rules and technical regulations to other competent and specialized bodies and organizations.

69. Examining the preparatory work for the conference on the law of the sea from a more general perspective, we are confronted with three main problems. First, what changes in the existing law of the sea are desirable or even necessary? Secondly, what fields are not sufficiently regulated by the existing rules? Thirdly, what should be the relationship of new regulations to the existing conventional and customary law?

70. Far from being ready to offer detailed answers or prescriptions, we share the opinion that technological and scientific progress, as well as new economic developments, have made the adjustment of certain norms of the law of the sea to the new situation desirable and sometimes necessary. In particular, we recognize specific needs and interests of developing countries, as well as the needs and interests of land-locked and shelf-locked countries, which ought to be satisfied. In this spirit, we are ready to support draft resolution A/C.1/L.632. On the other hand, we cannot endorse the tendency aiming at a general revision of the fundamental principles of the law of the sea. Such tendency is, in our view, unjustified and might lead to legal chaos, which would be detrimental to international co-operation in this field and, in particular, to international shipping and fishing rights.

71. At the same time I should like to point out that until new regulations are worked out and universally agreed upon, the existing body of the law of the sea should be respected and implemented by all States.

72. During this stage of preparatory work for the conference, no State should resort to unilateral acts or try to impose on other States *faits accomplis*, which might frustrate the object and purpose of the work of the sea-bed Committee as well as of the future conference.

73. Finally, I should like to make a few observations touching upon the date of the third conference on the law of the sea and other related organizational problems. Of

course, the date of the opening of the conference is not as important in itself as its success. Careful preparatory work is of vital importance. It seems advisable, therefore, that the Committee continue its work during 1973 at two separate sessions. My delegation also feels that any resolution which the Assembly adopts on this subject should be rather specific on the mandate of the Committee, including its task of preparing organizational matters conducted with a view to holding the third conference in 1974.

74. As to the conference itself, its substantive work should not start before the spring of 1974, since quite a few important questions, including the question of participation in it on a universal basis, remain to be decided upon at the next session of the General Assembly. At the same time, my delegation would not exclude the possibility of holding a brief organizational session during the twenty-eighth session of the General Assembly in order to prepare the substantive work of the conference in 1974, though at the same time we have been impressed by the pertinent comments of the representative of Argentina at this meeting on this subject.

75. As to the venue of the conference, the Polish delegation would like to express its appreciation and gratitude to those States which generously have invited the conference to be held on their respective territories. We note in particular the wide support with which the invitation by the Government of Chile has been met. My delegation will favourably consider this invitation, on the understanding, however, that should the work of the conference be prolonged beyond 1974, its continuation in other continents, such as Europe, would have to be envisaged.

76. Our position on the various draft resolutions before our Committee will be determined on the basis of the views of my delegation, which I have presented in these brief remarks.

77. Mr. TOLENTINO (Philippines): My delegation attaches the greatest importance to the forthcoming conference on the law of the sea. It is our firm belief that if that conference proves successful it just might turn out to be the most significant conference in the history of the United Nations. We make that assessment in the light of recent developments in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction which to our mind portend discussions, negotiations and compromises on the law of the sea—subjects and issues of very broad range and scope. Therefore the results of the conference could have a far-reaching influence that would impinge on international co-operation, peace and stability in the oceans and the interests of the developing countries.

78. When we take into account the concept of common heritage wherein the General Assembly recognizes the special interests of developing countries in the resources of the sea-bed beyond national jurisdiction, we foresee a successful conference as a major contribution to the process of bridging the gap between the rich and the poor countries, a desire repeatedly voiced in the august halls of the United Nations.

79. Hence, in concert with many members of the sea-bed Committee, the Philippines expresses its gratitude to the Government of Chile and warmly welcomes the invitation it has extended for the holding of the conference in Santiago. We voiced the same sentiment at the summer session of the sea-bed Committee this year, and we are pleased to reiterate our support for Santiago as the venue of the conference in accordance with the invitation extended, which, in our understanding, comprehends meetings or sessions within a period of one year. In other words, if the substantive session of the conference should begin in 1974 but it was found necessary to have subsequent sessions lasting beyond 1974, then another site for the continuation of the conference could be considered. It is in that light that in Geneva last summer my delegation also welcomed the offer made by the Government of Austria, of Vienna as the site for the conference. It is therefore our hope that should the conference extend over more than one year both invitations could be accommodated.

80. If I have referred to the venue of the conference rather early in this intervention, it is only to reflect and emphasize the desire of my delegation to see the conference convened as soon as possible. We have listened with interest to the statements already made by the Rapporteur of the sea-bed Committee and its Chairman at its 1903rd meeting and also by the representative of El Salvador and others who spoke at the 1904th meeting. Like them, my delegation takes the position that the conference on the law of the sea should be convened in 1973 in accordance with resolution 2750 C (XXV).

81. It may be felt—and we concede this—that, as feared by some delegations, in view of the complexity of some issues the Committee may not at its next two meetings, in 1973, be able to prepare and finally agree upon a complete formulation of draft treaty articles on all the subjects already listed which could be submitted to the conference for consideration. But we submit—as have many of the delegations that have spoken before us—that this is not an essential precedent for the convening of the conference.

82. We consider that, in view of the progress made by the Committee, the preparatory work has reached the take-off stage. We are greatly encouraged by the adoption of the list of subjects and issues relating to the law of the sea, and also by the amount of work already accomplished by the working group of Sub-Committee I on the international régime for the sea-bed area beyond national jurisdiction. Because of the general debates that have taken place in the plenary Committee and in the three Sub-Committees, we are now more or less aware of the positions on various issues taken by different delegations and the policies they have adopted—even though, of course, they are tentative in nature at this stage. These could form the basis for negotiations which it is hoped would result in compromises that could lead to the drafting of treaty articles in the two meetings of the sea-bed Committee next year.

83. We allude to those debates and the informal consultations and negotiations that have taken place in the Committee as its work has progressed because, like the representative of El Salvador, we believe that the next conference on the law of the sea actually started as soon as

the sea-bed Committee began its deliberations pursuant to its mandate to prepare the way for the conference. Hence we say that the take-off stage has been reached and therefore, given the opportunity to meet in two more sessions in 1973, the sea-bed Committee may be able to advance its work to such a stage as would make it possible for the conference to convene in 1973. Thinking along these lines, it is envisaged that the organizational portion of the conference would be convened in November-December 1973, with the substantive session, beginning thereafter, in early spring of 1974. We lend our support to that timing.

84. Logically, if the sea-bed Committee is given a renewed mandate to continue its preparatory work in 1973, the General Assembly will have to review the situation, further assess the progress of its work at its twenty-eighth session and take such action as may then be appropriate.

85. My delegation prefers to adopt a positive view of the progress in the work of the sea-bed Committee and therefore believes that the decision taken by the General Assembly to convene the conference in 1973 can and should be implemented. Of course, we believe that adequate preparatory work is necessary for a successful conference. That must be accepted. But over all, with what has already been accomplished by the sea-bed Committee and the will of members to exert further efforts in a spirit of co-operation and accommodation, we share the sentiment of cautious optimism already voiced by others that the timing outlined above for the convening of the conference can be realized and that the conference can be held successfully.

86. It may not be amiss to say that perhaps many Governments have already formulated their decisions on various subjects to be considered by the conference. The additional period of one year to be given to the sea-bed Committee to further prepare its work would, to our mind, be ample to enable it to finalize those decisions and express them in proposed draft treaty articles.

87. One other aspect that may also be considered is the fact that we cannot unduly delay the convening of the conference until a complete set of draft treaty articles such as that prepared by the International Law Commission for the Conference of 1958 has been finished. If we wait for that, we may never have the conference at all.

88. We submit that if enough preparation is accomplished it is in the conference itself that ultimate decisions will have to be made. The sufficiency or insufficiency of the preparations is a question of relative interpretation.

89. My delegation wishes to state that it is paying close attention to draft resolution A/C.1/L.632 and may when it considers it appropriate ask to speak again.

90. The CHAIRMAN: Only four speakers are inscribed thus far to speak on the sea-bed item. Therefore, if there is no objection, I propose to close the list of speakers on item 36 tomorrow, Thursday, 30 November, at noon.

It was so decided.

The meeting rose at 12.25 p.m.