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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, 632 and 633)

1. Mr. JEANNEL (France) (*interpretation from French*): It is two years since the General Assembly adopted its important resolution 2750 C (XXV). The Committee which it established has held four sessions, thus devoting almost 20 weeks to the problems of the law of the sea and of the sea-bed. The results might appear to be disappointing since no text has been drafted; nevertheless, very useful work has been done which has enabled the foundations to be laid on which one can build. Now the way is open for the direct preparation of a conference on the law of the sea.

2. The problem, therefore, arises as to what working method would be the most suitable. In this connexion, the classical method would consist in preparing complete texts which could become draft conventions. But that method, which is certainly the most satisfactory and the only one that could enable the conference to reach practical results within a short time, would take much time because it would involve the technical work of jurists, and it is difficult to see how it could be done satisfactorily in the near future, even if, as envisaged, the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction were to have 13 weeks of work in 1973.

3. Now it appears to be urgent to convene a conference promptly, because the existing gaps in the law of the sea

lead States to solve problems which arise unilaterally. No one can challenge the fact that this is a deeply regrettable development and one likely to lead to anarchy. Accordingly, we must act so that the necessary new rules are drawn up as soon as possible with the agreement of all. In these conditions, it seems necessary to provide that a conference be held as early as 1974 so that Governments will have the assurance that solutions will soon be forthcoming to the problems which arise.

4. Nevertheless, it is obvious that all the conditions must exist first for such a conference to succeed, since failure might have redoubtable consequences. Not only would States then be prompted to take even more unilateral measures in non-regulated fields, but the existing law itself would probably crumble, and a considerably greater risk of anarchy would threaten the international régime of the sea.

5. That being so and bearing in mind that it is obviously physically impossible to proceed according to the classical method, it seems to us that the Committee at its next two sessions should concentrate on reaching a general agreement on a certain number of issues which seem to be fundamental for any constructive work. The debates within the Committee in the course of the last two years will have been particularly useful from this point of view. They have, in fact, shown that there is a general agreement regarding the solutions to be adopted for certain problems. It seems to us that the Committee should not devote itself to the work of drafting, which is now possible in this field, at the risk of having to devote all its available time to do it. The same debates have also shown the points of divergence. It is to the elimination of those points of divergence that the Committee should devote itself above all. If they remain, they may jeopardize the fate of the conference.

6. In our view it is essential that very general agreement—it need not go into details—be reached on those points. Briefly, there must be proof that a political will to succeed exists. If that is not the case, it would be better to postpone the convening of the conference.

7. These considerations lead us to state the views of the delegation of France on the date when the conference should be held.

8. The preceding events clearly indicate that we would wish the General Assembly to pronounce itself unequivocally on convening the conference at the beginning of 1974. Having said this, it is difficult for us to understand the justification for or usefulness of holding a pre-conference in 1973. The wish to have such a conference seems to us to be inspired by superstition rather than by logical reasoning. Is it not in fact mainly a question of being able to say that the

conference did start in 1973 as had been scheduled? We shall limit ourselves to putting the question. But the decision on the subject should, in our opinion, be taken in particular in terms of the problems which might arise for Governments if they were obliged to participate at the same time in the debates of the Assembly and in those of the conference. Be that as it may, we would wish the date of the conference to be set for the beginning of 1974. In our view, however, such a decision should be taken subject to the reservation that the necessary basic conditions exist so that the conference would be a success.

9. We sincerely hope that the Committee will succeed in adopting by common agreement a resolution containing all the elements which seem to us to condition the positive conclusion of the efforts of all delegations in the course of the past years. It seems to us that, at any rate, it is essential for the resolution to reflect the general opinion of the States Members of the United Nations. Thus, my delegation could not support a text which met with serious opposition.

10. It is also our desire to maintain the indispensable harmony in continuing the work we have started, which will determine the attitude of my delegation with regard to draft resolution A/C.1/L.632. On the one hand, we agree with the doubts very aptly expressed, in particular by the Canadian delegation [*1904th meeting*], regarding the real value—and hence the practical utility—of the study requested of the Secretariat. On the other hand, and above all, we have noted that this draft resolution has aroused distrust and hostility among certain delegations. In view of the doubts about the desirability of the requested study, the draft resolution in its present form appears to be above all a factor of division which is all the less desirable since a minimum of serenity is indispensable to finding solutions to the key problems which the Committee, and later the conference, will have to solve. All we can do, therefore, is to address a friendly appeal to the co-sponsors to waive a vote on it, unless substantive amendments would enable delegations as a whole to vote in favour of it.

11. In conclusion, I should like to repeat that the delegation of France will strive to see to it that we go forward boldly but not rashly, and that it will firmly support any decision which, enjoying the support of a large number of countries represented here, will constitute a factor of unity and not of division.

12. Mr. JANKOWITSCH (Austria): The task that is entrusted at this time to the General Assembly on the item before us is a particularly important one. We are called upon to make a definite—and, it is hoped, a final—decision on the convening of a conference in which the international community places its highest expectations. After many years of arduous work and preparation within the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, under the skilled and experienced chairmanship of Ambassador Amerasinghe of Sri Lanka, we have arrived at a point where a clear decision has to be taken on whether the concept of the common heritage of mankind to which we all subscribe—and we think that that concept should be at the centre of the deliberations of the Committee and should motivate the Committee in this field—should be given the material form of internationally binding legal instruments.

13. I shall confine my remarks to three main points. First, I should like to comment on the work of the sea-bed Committee in 1972; secondly, I should like to speak on the preparation of the law of the sea conference; and finally, I should like to offer the comments of my delegation on draft resolution A/C.1/L.632, of which my delegation is a sponsor.

14. Much has already been said on the progress, or lack of progress, within the sea-bed Committee in 1972. While we all probably agree that the results of the spring session were not encouraging—or not encouraging in the way we had hoped—the summer session in Geneva made considerable progress towards the preparation of the conference itself. Here I wish again to pay a special tribute to our colleague the Ambassador of Sri Lanka, in his capacity of Chairman of the sea-bed Committee, as well as to the Chairmen of the Sub-Committees, for the excellent work and the outstanding leadership offered. The Secretariat has again provided the Committee with most efficient service, particularly in preparing the comparative study on the various draft articles and working papers, in publicizing the texts of laws and conventions relating to the sea in the United Nations legislative series, and in issuing the additional notes by the Secretary-General on the possible economic implications of mineral production from the international sea-bed area.

15. The progress achieved by Sub-Committee I in the elaboration of draft articles on general principles of the régime was mainly the result of the outstanding work performed by its Chairman, our friend Paul Engo of Cameroon, and of the Chairman of working group I, Mr. Pinto of Sri Lanka.

16. The adoption of a list of subjects and issues relating to the law of the sea is, in the view of my delegation, the most significant success of the sea-bed Committee in 1972 [*A/8721 and Corr.1, para. 23*]. My delegation was amongst those which were naturally most concerned that the special interests of the land- and shelf-locked countries should be properly reflected in the list and therefore, together with six other delegations, made specific and concrete proposals to that effect. Today we can note with considerable satisfaction that most of the ideas put forward by our small group have found a place in the final text. The position of my delegation on the various issues has been repeatedly made clear in detail and therefore I need not reiterate it here and now. But I should like, with your permission, Mr. Chairman, to make a few observations of a rather general character.

17. It is quite natural that for those countries which are geographically or economically handicapped, namely, the group of developed and developing land- and shelf-locked countries, the early establishment of an international régime which covers the widest possible area and the establishment of an international machinery with strong authority, are of paramount importance. The manifold problems concerning the character, the competence and the function of this international machinery are, as we all know, very closely linked with, and indeed dependent on, agreed limits of national jurisdiction, with all the economic implications resulting from them. It must be the prime interest of the international community to arrive at agreed limits as soon as possible. It would be a matter of great

regret and would, in our view, certainly contradict the spirit 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)*] if the conference on the law of the sea failed in seeking and establishing a just solution for those countries which, for the reasons I have mentioned, are gravely underprivileged in sharing of the benefits from exploitation of the resources of the sea. But a just solution can only mean that the régime provides for appropriate compensation for those countries as well as for appropriate representation in any organ to be established. Here it goes without saying that the developing land- and shelf-locked States should be given additional benefits in this respect.

18. Our group has advocated these principles over and over again and we shall continue to advocate them with all the determination and firmness required.

19. Despite the encouraging progress achieved, we are aware that there continue to exist basic divergencies in matters of principle and differences in approach amongst the members of the sea-bed Committee with respect to many issues. It will therefore be necessary to continue and intensify the preparatory work in all the Sub-Committees in the coming year. Nobody would deny that the convening of the conference on the law of the sea would be justified only after adequate preparation. I stress the word "adequate" here because, in our opinion, there does not exist such a thing as complete, perfect preparation for a conference with a subject-matter of such a delicate and complex nature. We could probably go on preparing the conference for at least another five years, without ever being able to reconcile most of the fundamental differences. The conference itself, the very special climate of intense negotiations for legally binding texts, must provide the momentum to achieve the final breakthrough. We therefore strongly support a final decision by this General Assembly to convene the conference in 1973. We have to start now, otherwise developments of various kinds of unilateral national action will push us ahead, to the decisive disadvantage of the international community. My delegation therefore favours the inauguration of the conference on the law of the sea in November-December 1973 for a period of approximately two weeks for the purpose of dealing with organizational matters. The sea-bed Committee, in our view, should not be entrusted with doing that alone; substantive work in New York and Geneva should be given absolute priority. As far as a so-called escape clause is concerned, I fully agree with the representative of Liberia that we do not need such a clause in the draft resolution of this session of the General Assembly, and we are therefore not in favour of it. It would only provide ways and means for those who wish to do so to delay the conference.

20. Permit me now to comment on the question of the venue of the conference. In doing so, may I recall the fact that the Government of Austria, almost exactly a year ago at the twenty-sixth session of the General Assembly, extended an invitation to hold the conference in Vienna. The invitation thus extended by the Government of Austria was the first and for more than half a year the only invitation any government had extended to the conference. The Government of Chile informed the sea-bed Committee on 10 August 1972 of its intention to invite the conference

to Santiago, and the Austrian delegation in the sea-bed Committee has not failed, of course, to show good will and understanding in agreeing to accommodate the desire of Chile to have the conference in Santiago. In doing so, we noted the fact that the invitation of Chile was issued in respect of any meeting which might take place within one year, in other words within 1974. In honouring that gentlemen's agreement reached between our two delegations in Geneva, I wish to say that my delegation agrees to commence the substantive work of the conference on the law of the sea in April or May 1974 in Santiago. Without in any way attempting to prejudge whether a further session of the conference will be necessary, we would hope that this General Assembly would decide that if a further session of the conference became necessary it would be held in Vienna. This kind of decision would in no way be a negative or pessimistic approach because it would recognize the fact that in any case it is basically for the conference itself to decide on the necessity of further sessions to complete its work. Although we would hope that a decision of the kind I have just outlined would be taken by the General Assembly, my delegation could agree to have the Austrian invitation reflected in the relevant paragraph of the draft resolution by the words "bearing in mind that the Government of Austria has offered Vienna as the site for the conference for the succeeding year".

21. However, I should like to make it plain that we regard this formula—which, as I said, we are prepared to accept—as a minimum formula and agree to it on the understanding that it covers any session or meeting that takes place within the whole year 1975; and, further, that, in the remote and improbable event that the conference decides in 1974 on a recess of more than one year, the subsequent session will be held in Vienna, in that case in 1976.

22. I wish to conclude this particular point by expressing my sincere appreciation and thanks to those delegations which are supporting the holding of a part of the conference in Vienna.

23. Finally, I should like to comment on the objections that have been raised by a few delegations with respect to draft resolution A/C.1/L.632. I will refrain from explaining in general terms the motives and intentions behind the request for the study. This has already been done in a very clear, concise and, in our opinion, convincing manner by our colleague the Ambassador of Singapore at the 1904th meeting. I would prefer to confine my remarks to some of the comments made by delegations which show a lesser degree of understanding for that draft resolution.

24. Let me say at the outset that we were, of course, aware that some objections might be raised to this draft resolution, in view of the reaction to a similar request made at the spring session of the sea-bed Committee in New York and later on in Geneva. We feel, however, that despite those reservations the proposed study is not directed against anyone, but rather is one devised simply to serve an objective purpose, but I will come to that particular point later on. Now, in view of several concrete objections, let me make a few comments.

25. It was argued that the study might entail a certain amount of expenditure. The sponsors have already made it

clear that a study which the Secretary-General is asked to carry out, on the basis of data and information and studies at his disposal, could not be expensive. We are not asking the Secretary-General to hire qualified experts and send them around the world. The information already available, which a number of Governments have produced or are in the process of producing, could be used for that purpose and we feel that that information could easily be placed at the disposal of the Secretary-General. The draft also explicitly asks Governments to co-operate with the Secretary-General in the preparation of such a study. But let me make another remark of a general nature. If, on the basis of the conviction that a study on any matter is useful, we decide to carry it out, expenditure up to a certain limit would seem to be justified. This is a well-established fact in the United Nations for which numerous precedents exist.

26. I am only trying to say that the argument should not be turned the other way around by saying that a study should not be conducted because it entails expense.

27. Another argument that has been used is that what the Secretary-General is being asked would be an almost impossible task. What the sponsors had in mind was rather that the Secretary-General should make an effort to solicit the necessary information. If he did not get all the support he was looking for, then of course he would have to report that fact. I can only repeat that the Secretary-General has been asked many times before to conduct studies of a much more ambitious and difficult nature and in many cases the goal has been reached successfully. We have only to recall the study requested by resolution 2750 A (XXV).

28. Another argument was that the First Committee would not be competent to issue the request contained in the draft resolution. This argument is rather surprising in view of the fact that the First Committee, and nobody else, would be charged with the consideration of the report of the sea-bed Committee and that that Committee itself is competent to deal with all sea-bed matters, a fact which to us seems undisputed.

29. It was also argued that the limits specifically mentioned in operative paragraph 1 appeared to be a discriminatory selection and prejudice a very delicate matter. Let me answer that what we are seeking is purely information. Information by itself should not prejudice anything. We are not asking for an analysis. The Secretary-General is not being asked to draw conclusions or to comment on the desirability of various limits. Moreover, we are not asking him to establish any link whatsoever to any individual country. This also, therefore, would not reflect on the objectivity of the draft resolution.

30. It was further argued that the sole purpose of the request was to fight against broad limits. This again would not be something which the sponsors had in mind. It could very well be that the results would turn out to be against our own interests. What we are saying is simply this: which are the proposals for limits, and what could the international community eventually achieve under these proposals?

31. Finally it was argued, and very strongly so, that the five limits mentioned in operative paragraph 1 are a delib-

erate selection, that this selection is incomplete, and that a combination of various criteria should be taken into account, and so forth. Let me answer this by saying the following. It is not the intention to request the Secretary-General to base his study on all possible and conceivable limits and combinations of criteria therefor. That would be much more ambitious and difficult to do than what we have in mind. The co-sponsors have put forward five limits which have been—either formally or informally—proposed within the sea-bed Committee. What we would like to have is information on these types of limits. It is difficult to see why this should be regarded as unfair or discriminatory in any way. Everyone is free to draw his own conclusions from the information provided. Every delegation in this room is perfectly entitled to submit any proposal which asks for other criteria, and permit me to say that these objections do not clearly reflect the purposes of the draft resolution. I would think, however, that the sponsors might be flexible on this specific point, and if the selection offered should be objectionable to some delegations then at least as far as my delegation is concerned, we might be prepared to discuss the question of this enumeration.

32. It has been argued that a request such as is contained in the draft resolution would create grave political difficulties for the Secretary-General because it could mean an interference in internal matters of States. With due respect, we do not think that this objection holds against critical analysis. First, the request is one for factual information and can therefore by definition not be called an interference in internal matters. The Secretary-General, I repeat, is not asked to comment on the results. Secondly, Member States can in no way be forced to co-operate with the Secretary-General, and the Secretary-General can take as a basis only such information as is placed at his disposal. So it could not be conceived that such a study could be carried out without the prior authorization of a coastal State.

33. Finally, it has been argued that the initiative of the sponsors is controversial and therefore detrimental to the spirit of consensus in the sea-bed Committee. Again, with all due respect, we have some difficulty in accepting this argument. All members of the sea-bed Committee are faithful to the principle of consensus, but the General Assembly is a body in which majority rule constitutes one of the fundamental principles. We have therefore proposed the study at first within the sea-bed Committee. If, regrettably, a consensus were not possible, the initiative now before this Committee is one that is put before it with a view to obtaining the opinion of all the Committee's members on it to see whether it could get the necessary support and the 31 sponsors certainly do not have it in mind to go against the spirit of consensus.

34. We strongly feel that we have presented a reasonable and realistic request. It is certainly the right of these delegations concerned, just as we recognize the right of others to discuss with us, to object to it, but without in this way placing in peril the very spirit of consensus. It also is certainly not the intention of the sponsors to delay the convening of the conference in any way by this proposal. All they have in mind is to arrive at another piece of factual information, which they feel is highly necessary for the successful conclusion of the task of the Conference.

35. I am sorry that these rather lengthy comments on some of the other remarks made on the draft resolution have appeared to be necessary in the light of the discussion, but my delegation felt that in order to put the intentions and purposes of the sponsors into proper perspective it was a necessary, if a little boring, exercise.

36. In this spirit let me conclude my statement by expressing the hope that the draft resolution, despite some objections raised to it, will be adopted with a considerable majority, and let me also say on behalf of my delegation at least, that we are, of course, willing and prepared to continue discussion on the principles and ideals laid down in this draft resolution.

37. The CHAIRMAN: Before calling on the next speaker I should like to announce that Burundi has become a sponsor of draft resolution A/C.1/L.632.

38. Mr. RYDBECK (Sweden): I intend to comment briefly and mainly on the question of the convening by this Assembly of a third conference on the law of the sea.

39. My delegation has listened with great interest to the previous speakers in the debate and has noted with satisfaction that a great majority seem to share the view that the necessary conditions exist for the convening of a third conference on the law of the sea. In this context we attach the greatest importance to the fact that the need for an early conference has been stressed by representatives both from different groups of States and from different groups of interests. This very circumstance is in itself a promising one.

40. My delegation is of course at the same time aware that a few delegations have expressed reservations as to the adequacy of the preparatory work that has taken place in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. These delegations have argued that it would be premature for this Assembly to take a definite decision to convene the conference before the preparatory work has brought forth a more or less comprehensive set of draft articles on the modern law of the sea, and comparisons have been made with the preparations preceding the 1958 Conference on the Law of the Sea.

41. The fact that it took the International Law Commission nearly 10 years to prepare that Conference and that the Commission had complete texts for all the issues to be dealt with is not of such great relevance in this present situation.

42. We think the representative of Liberia was quite right when in a very lucid statement at the 1906th meeting he pointed out the differences between a preparatory body of expert jurists and the preparatory body of 90 governmental representatives which is in charge of the preparations for the forthcoming conference. The great difference between those two bodies is of course that the latter has given us a much clearer picture of the actual positions of States. The vast amount of material contained in the records of the sea-bed Committee constitutes a far better source of knowledge about what factors and elements we need for solving the equation which it is hoped will accommodate

the various interests of the international community than did the texts prepared by the experts of the International Law Commission.

43. Considering the nature of the sea-bed Committee, it is not too surprising that representatives of 90 sovereign States have not already agreed on a draft convention or draft conventions on the law of the sea. In that case the conference itself would be reduced to a simple procedure of rubber-stamping.

44. We firmly believe that the exhaustive and sometimes difficult deliberations that have taken place under the wise and able captaincy of Mr. Amerasinghe should enable this session of the General Assembly to decide to convene a substantive conference in 1974. Various developments outside the sea-bed Committee, such as the successful United Nations Conference on the Human Environment followed by the Convention on the Prevention of Marine Pollution by the Dumping of Wastes and other Matters and various other developments on the regional level, seem, as the representative of Canada pointed out at the 1906th meeting, to speak in favour of such a decision.

45. It is against this background that my delegation will support the holding of two more sessions of the sea-bed Committee in 1973 followed by an organizational session of the third conference on the law of the sea here in New York at the end of the same year. We further support the convening of the substantive conference in April 1974.

46. As to the various references made in debate regarding the need for a kind of explicit "escape clause", my delegation is of the opinion that such an explicit clause is not necessary from a strictly legal point of view, since this item will be on the agenda of the twenty-eighth session of the Assembly anyway. Further we do not think that such an escape clause would adequately reflect the very solid support given in favour of convening the third law of the sea conference in 1973-1974. We think that the complex negotiations ahead in the sea-bed Committee would highly benefit from the psychological stimulus that a definite date for the conference would give to the Committee.

47. Finally, I should like to express my Government's gratitude to the Government of Chile for the offer of Santiago as the site for the conference in 1974. Chile, with its tremendous coastline and well-known maritime location, will no doubt offer a very inspiring background to the third conference on the law of the sea, and my Government is particularly happy to support the Chilean invitation, having fresh experience from the excellent practical and technical arrangements which characterized the third session of the United Nations Conference on Trade and Development in Santiago. The very constructive and important role that the Chilean delegation has constantly played in the deliberations of the sea-bed Committee should of course also be kept in mind in this context.

48. My Government also welcomes the invitation of Austria to act as host to the conference. The Austrian invitation is but another example of the great hospitality Austria has traditionally displayed in international affairs. My delegation welcomes the conciliatory manner in which Chile and Austria already in Geneva last summer reached an

understanding on this question and we are of the opinion that that understanding should be reflected in the draft resolution this session of the Assembly will adopt in this matter.

49. To conclude, I should like to express my delegation's sympathy for the concerns which motivated the sponsors of draft resolution A/C.1/L.632 to present it. We note, however, that various speakers have spoken out in rather strong terms against this project and we would therefore express the hope that the interested parties will consult with one another to find a mutually satisfactory solution to the problems that that draft resolution seems to have raised for certain delegations.

50. Mr. AL-SABAH (Kuwait): My delegation would like to express its appreciation to Mr. Vella, Rapporteur of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, for his lucid report on the work of that Committee during its last two sessions [1903rd meeting]. We should like to pay tribute to Mr. Amerasinghe, Chairman of the sea-bed Committee, for his zeal and dedication. My delegation believes that Mr. Amerasinghe's evaluation of the work of that Committee and his suggestions [*ibid.*] were extremely helpful.

51. We are happy to note that after long and arduous negotiations the sea-bed Committee finally adopted the list of subjects and issues relating to the law of the sea [A/8721 and Corr.1, para. 23]. While the list was being prepared delegations had ample opportunity to explore each other's views on the substantive matters underlying these subjects and issues. We hope that the protracted period of time taken in preparing the list will have served a useful purpose in examining contentious cases and seeking an agreement on the conflicting viewpoints.

52. We are also pleased to note that much progress has been made on preparing draft treaty articles for the legal régime. The task of the working group on the international régime was made easier by 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)] which constituted a strict mandate from the General Assembly from which no deviation was permissible. The success of the working group on the régime shows that the task of entrusting further drafting work to other groups is necessary and promising.

53. Much preparatory work on the question of international machinery has already been made in the two studies prepared by the Secretary-General.¹ Indeed the choices are quite clear, and delegations from the developing countries have already proclaimed their selection of one of them. My delegation has consistently advocated establishing an international machinery with comprehensive powers and extensive regulatory and operational functions. The international machinery would act as the administrator of a trust for the benefit of mankind as a whole. The international machinery should organize, administer and control

all activities in the sea-bed area so as to ensure its rational exploitation. It should also prevent abuse, waste and mismanagement. It should establish an order of priority based on the requirements of world development, taking into account the special situations of developing countries which produce minerals of a non-renewable and wasting character. It should enforce a ceiling on the production of minerals of which a surplus exists in world markets.

54. In addition to the equitable sharing of benefits among all States, especially the developing countries, we should like the international machinery to allocate a reasonable proportion of the benefits derived from sea-bed exploitation for the purpose of international development within the framework of the United Nations system and to help the world Organization solve its present financial crisis and avoid its recurrence.

55. Closely linked to the question of international machinery are the resources of the international area. We know very little about the resources of the area. It is not yet possible to estimate these resources until the outer boundary of the area within national jurisdiction is defined. However, draft resolution A/C.1/L.632 makes several assumptions purely for the purpose of seeking information. There is nothing in the draft resolution which should prejudice the final delimitation of the area beyond the limits of national jurisdiction.

56. Some delegations have claimed that the projected study might constitute intervention in the domestic affairs of States, since the study may concern resources which are at present under the domestic jurisdiction of States.

57. The last operative paragraph of the draft requesting the study invites States to co-operate with the Secretary-General in the preparation of the study. This implies voluntary co-operation on the part of States in furnishing the Secretary-General with material that is relevant and useful for the preparation of the study. We do not believe that such voluntary co-operation can be in any sense construed as imposing any constraints on States in the conduct of activities within their national jurisdictions.

58. It is already a firmly established principle at the United Nations and in international law that each State has sovereignty over its natural resources. The proposed study cannot in any sense detract from this vital and fundamental principle.

59. Some delegations have also voiced some scepticism over the scope of the study, which in their view is too broad and over-ambitious. Operative paragraph 1 of the draft should allay all fears, since it clearly stipulates that the study should be prepared on the basis of data and information at the disposal of the Secretary-General. Though the contemplated study is intended to be comprehensive, it need not be exhaustive. It is better to have a study with some shortcomings than to have no information at all on the resources which relate to the functions and scope of the operations of the international machinery.

60. May I turn now to the conference on the law of the sea. My delegation would like to pay tribute to the Government of Chile for its generous invitation, which we

¹ See *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 22*, annex II; and *ibid.*, *Twenty-fifth Session, Supplement No. 21*, annex III.

gratefully accept. My delegation is also grateful to the Government of Austria for its kind invitation, extended this afternoon by the representative of Austria, to act as host at Vienna to any subsequent session the conference may decide to hold.

61. We favour holding an organizational meeting of the conference in New York in November-December 1973 which would dispose of all procedural and organizational matters. We hope that the preparatory work of the sea-bed Committee during 1973 will enable the substantive work of the conference to start early in 1974 at Santiago de Chile. Meanwhile, the General Assembly will retain the power of reviewing the work of the sea-bed Committee and of deciding what additional measures should be taken to facilitate completion of the substantive work for the conference. We sincerely hope that the sea-bed Committee will intensify its efforts in 1973 and concentrate on resolving contentious issues and drafting treaty articles, which will avoid postponing matters for decisions at the conference.

62. The CHAIRMAN: I call on the representative of Thailand to introduce a draft resolution.

63. Mr. PANYARACHUN (Thailand): My delegation has been given the privilege and the pleasure of introducing draft resolution A/C.1/L.634 on the question of the conference on the law of the sea on behalf of a group of 43 Powers, which includes 24 African countries, 11 Asian States, 3 Latin American States and 5 other Powers. The draft resolution has been submitted to the Secretariat, and I understand that it is now being processed; I very much hope that before I finish my statement members will have it in front of them.

64. First of all I should like to explain a little bit of the background of this draft resolution that I am introducing to the Committee on behalf of 43 States.

65. It will, of course, be recalled that in the past two or three weeks regional groups have been holding very intensive consultations on this question. At the beginning there were some divergencies of view on this or that matter. We, of course, tried to take into account the differing viewpoints of each region and we undertook consultations with as many delegations as possible. The result will be before members in a few minutes' time, I hope.

66. I want to emphasize, however, that this is essentially a procedural draft resolution. It is true that, in the consultations we have had, positions adopted or maintained by some delegations regarding the convening of the conference might have reflected some of their substantive views; but eventually we managed to reconcile those apparent differences, and what now emerges is a draft resolution concerned mainly with procedure on the question of the convening of the conference. We very much hope that other delegations that may not have been consulted on this matter will view this draft resolution in that light.

67. As I said before, this draft is the result of very intensive consultations embracing three regional groups as well as members of some other groups that happen to be very much interested in this project. I was hoping that

before I started to explain the paragraphs and the thoughts behind those paragraphs we would each have the document in front of us, but since we do not, I shall try to make my statement as clear as possible. Perhaps it may be of some advantage if I also read out the paragraphs on which further explanations will have to be made.

68. In connexion with the third preambular paragraph, which reads:

"Noting with satisfaction the further progress made towards the preparation for a comprehensive international conference of plenipotentiaries on the law of the sea including in particular acceptance of a list of subjects and issues relating to the law of the sea,"

many representatives who have spoken on the subject of the sea-bed have indicated that they concur in the view that some progress—in fact, important progress—has been made in regard to the agreement on the list of subjects.

69. We, of course, bear in mind that while agreement was reached, there were also some other delegations during the Geneva session which did express some reservations about the list and have indicated that they might advance some ideas at a future session. As a result, we decided not to use the word "agreement" and we decided to use the word "acceptance" instead which, in our view, would take care of the problems that some delegations had.

70. This draft resolution has altogether 10 operative paragraphs. Paragraph 2 states:

"Requests the Committee, in the discharge of its mandate in accordance with resolution 2750 C (XXV), to hold two further sessions in 1973, one of five weeks in New York, beginning in early March, and the other of eight weeks at Geneva, beginning in early July, with a view to completing its preparatory work, and to submit a report with recommendations to the General Assembly at its twenty-eighth session and, in the light of the decision taken under operative paragraph 5 below, to the conference;"

71. It is agreed that two sessions will be held, one in New York and one at Geneva. It is the earnest wish of the sponsors that serious work during those two sessions will lead us to very substantial preparatory work which would in turn lead us to the conference. It is also our belief that at the twenty-eighth session of the General Assembly it will be possible to review the progress of the preparatory work, and on that basis the report, with recommendations of the Committee, would first go to the twenty-eighth session, and then in the light of the review and the decision which may be taken under operative paragraph 5, that report together with recommendations would then go to the conference.

72. There is also an understanding behind that operative paragraph that in the event that insufficient work has been done to prepare for the conference, and if it should turn out that the General Assembly should decide at its twenty-eighth session that another session by the Committee be held before the convening of the conference, and if it should also decide that that additional session of the Committee be held in the early part of 1974, for example,

in January, it must be clearly understood that certain steps should be taken during the twenty-eighth session to expand the Committee of the sea-bed to a Committee of the Whole so that that additional session of the Committee of the Whole would be able to report direct to the conference and that we will not have to wait until the twenty-ninth session of the General Assembly. This is the understanding that has been reached by the sponsors of the draft resolution that I am introducing.

73. Operative paragraph 3 states:

"Requests the Secretary-General to convene the first session of the Third United Nations Conference on the Law of the Sea in New York for a period of approximately two weeks in November and December 1973, for the purpose of dealing with organizational matters, including the election of officers, the adoption of the agenda and the rules of procedure of the Conference, the establishment of subsidiary organs and the allocation of work to these organs;"

74. Here the draft resolution would have the General Assembly request the Secretary-General to convene the organizational conference. But if operative paragraph 3 is read in conjunction with paragraphs 5 and 7, it is quite clear that because of the possibility of reviewing the preparatory work, this decision, although firm and definite, cannot be regarded as final. On the other hand, it should not prevent the Secretary-General from undertaking the planning of the conference in 1974. Here I should also like to add that although we do not spell out in explicit terms that the Committee, whenever it meets, would also have the right to consider and even to make recommendations on organizational matters, it is clearly understood on the basis of resolution 2750 C (XXV) that even in the absence of explicit wording in our draft resolution the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction would have that authority.

75. Operative paragraph 4 states:

"Decides to convene the second session of the Conference, for the purpose of dealing with substantive work, at Santiago, Chile, for a period of eight weeks in April and May 1974 and such subsequent sessions, if necessary, as may be decided by the Conference and approved by the General Assembly, bearing in mind that the Government of Austria has offered Vienna as a site for the Conference for the succeeding year;"

76. This paragraph, of course, is written on the basis of paragraphs 42 to 46 in the report of the sea-bed Committee [A/8721 and Corr. I], and we have also heard the statement by the representative of Austria this afternoon. I should like to elaborate a little further. When we say that we bear in mind we, of course, do not prejudge the issue. We are thankful for the invitation by the Government of Chile both for the convening of the conference and for offering us the facilities throughout the year of 1974. We are also grateful to the Government of Austria for offering the site of Vienna for the conference for any subsequent session after 1974 that the conference may decide to hold.

77. Operative paragraph 5 states:

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

78. This paragraph is designed to incorporate some flexibility in our approach to the question of the convening of the conference, in that the twenty-eighth session of the General Assembly would have a chance to review the progress of the work and take action, if necessary, to speed up or facilitate the completion of the preparatory work, or any other action it might deem appropriate. Here, of course, the words "any other action" would include practically anything, and it is implicit in such wording that even the possibility of considering the scheduling of meetings would be included in that phrase.

79. The sponsors have also decided not to take any decision at this juncture on the question of participation. We feel that the decision on participation should be left to the twenty-eighth session of the General Assembly.

80. I must admit that this draft resolution is the result of very hard work and intensive consultations, which originated in the regional groups—those of Asia, Africa and Latin America. Many compromises have been made, and I think it is to the credit of all the representatives with whom I had the pleasure and the privilege of working that this afternoon we have been able to submit a draft resolution which we believe will be generally acceptable to the First Committee. We believe that this draft resolution represents a step forward in the question of the convening of the conference in 1974. While some flexibility has been included in the draft resolution, the sponsors regard the draft resolution as representing a decision of the Committee to move forward to the substantive work and also to the convening of the conference in 1974.

81. Mr. STEVENSON (United States of America): I should like to comment briefly on one point in the very informative and clear statement just made by the representative of Thailand. May I at the outset compliment him on producing that draft, which I think definitely represents a step forward. My concern relates to a point that I referred to in my statement at the 1904th meeting, namely, the amount of time in 1974 which the draft resolution proposes to allocate for the conference.

82. In my earlier statement I indicated my Government's support for the concept of having two sessions of the conference in 1974, and I appreciate that the reason a number of delegations were not disposed to go along with that suggestion was in many cases that they desired more time for consultations between sessions than the programme would have allowed. However, our purpose was not simply to propose two sessions, but, more to the point, to provide sufficient time in 1974 to make progress and, further, to indicate to the world now that we intend to make progress in 1974. I must say that I am somewhat concerned because the records show that we have been holding two sessions of the sea-bed Committee every year, and we are going to have two sessions next year, with a

total of 13 weeks allocated, whilst for the year 1974, the really critical year, we have allocated only eight weeks.

83. Therefore, I would hope that in examining the draft resolution over the week-end some delegations would consider whether we could not increase the period allocated for the conference in 1974 so as to show that we are going to spend at least as much time on the conference in 1974 as we shall have spent in 1973. If that should not be considered satisfactory, could we at least make it clear that the conference will be able to continue beyond the

eight-week period? I think it would be a tragedy if the conference were making good progress and were unable, for example, even to complete a first reading of many of the topics on the agenda because of the time-limit.

84. The CHAIRMAN: I should like to announce that Iraq has joined the list of sponsors of draft resolution A/C.1/L.634.

The meeting rose at 4.50 p.m.