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CONTENTS

Chairman: Mr. Radha Krishna RAMPHUL (Mauritius).

In the absence of the Chairman, Mr. A. Y. Bishara (Kuwait), Vice-Chairman, took the Chair.

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 634)

1. The CHAIRMAN: Before calling upon the first speaker I have an announcement to make. The Chairman would appreciate it if those representatives who desire to be nominated as members of the *ad hoc* committee proposed by the delegation of Sri Lanka in connexion with the declaration of the Indian Ocean as a zone of peace would be good enough to register their names with the Secretariat during the course of this meeting.

2. Before calling upon the first speaker on my list I call upon the representative of Tunisia, who wishes to make a clarification.

3. Mr. KEDADI: (Tunisia) *(interpretation from French)*: On behalf of the Group of 77 and others, the representative of Thailand most eloquently and clearly introduced at the last meeting of this Committee draft resolution A/C.1/L.634. I should like on behalf of the Tunisian delegation and other African delegations sponsoring the draft resolution to make some general comments in order to dispel the fears of those delegations which feel it might be premature at this stage to consider holding an international conference on the law of the sea. A careful study of the report submitted to us by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction in document A/8721 and Corr.1 shows that there is a considerable rapprochement of the views of all States which on various occasions have indicated their willingness to devote their efforts to resolving the differences that still divide them in order to ensure success of the forthcoming conference. I am convinced that that is no pious hope but rather a reality which is becoming clearer each day, thanks to the substantial progress already achieved by the three Sub-Committees, each in its respective area. In that connexion it is encouraging to note that the developing countries have participated effectively in the negotiations which have taken place in the Committee in the past two years. Their opinions, based upon criteria of justice, reason and logic, have often been taken into consideration by other States, which makes it possible to hope that a new era will soon begin in which the spirit of international solidarity will form the basis for harmonious co-operation among all the countries of the world.

4. It is in order to attain that noble objective that the sponsors of draft resolution A/C.1/L.634 have submitted a well-balanced text, in the drafting of which various regional groups took part and which aims, in the first instance, at bringing about as soon as possible a political agreement on broad outlines of a new and universally applicable law of the sea. The text also constitutes, in a way, an urgent appeal to all States to put an end to their previous hesitations and seek together a speedy, just and global solution to all the problems that still separate the large and the small, the rich and the poor, coastal States and land-locked States, States with advanced technology and those whose technology is less advanced. That is why we feel that in order to be effective this agreement, while taking into account fundamental national and international interests, should consider special advantages for the developing countries, as has always been recommended in earlier United Nations resolutions, particularly General Assembly resolution 2749 (XXV) concerning the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction.

5. It is becoming obvious that the countries of Africa, Asia and Latin America, as well as certain other countries, are starting to become more and more aware of their common interests, and that their views expressed at various regional meetings concerning the problems of the seas and oceans are drawing closer together.

6. In view of that situation it would perhaps be desirable for a frank and sincere dialogue to be initiated between these countries and the large maritime Powers so that all may participate in the progressive development of the law of the sea. That would certainly help to diminish, and

ultimately eliminate, the economic gap which exists between the developed and the developing countries, which is an essential prerequisite for international peace and the strengthening of the security of all nations.

7. It is our belief that if all States were to show sustained goodwill, substantial results would be the outcome of the 13 weeks of negotiations in the Committee envisaged for next year. In that case it would be easy for the conference to begin next November, as indicated in paragraph 3 of the draft resolution, to deal with organizational questions. Those questions would have been prepared in advance by the Secretary-General, in consultation with the Chairman of the Committee, as indicated in paragraph 6, and it goes without saying that the opinions expressed in the debate in the Committee and the views of the various regional groups on this subject would be taken into consideration in such a way as to dispel any misunderstanding regarding the measures to be taken to facilitate the organization of the conference and ensure for it the desired success.

8. Some delegations still seem to be having difficulties with the present wording of operative paragraph 4, alleging that the period of eight weeks allocated to the conference might prove insufficient to conclude the substantive work. We think it unnecessary to be too concerned about this point, which might turn out to be of minor importance, particularly since operative paragraph 5 introduces, in a logical and prudent fashion, an escape clause which would enable the next session of the General Assembly to take all the measures it might consider appropriate.

9. We hope, however, that Member States will not abuse this clause and will make every effort to arrive soon at a general consensus on the outstanding problems so that the conference can go forward in accordance with the timetable already established in the draft resolution. The best indication of this goodwill would be the Committee's unanimous adoption of this text.

10. Mr. CUDJOE (Ghana): In resolution 2750 C (XXV) the General Assembly decided:

> "to review, at its twenty-sixth and twenty-seventh sessions, the reports of the [sea-bed] Committee . . . on the progress of its preparatory work with a view to determining the precise agenda of the conference on the law of the sea, its definitive date, location and duration, and related arrangements; if the General Assembly, at its twenty-seventh session, determines the progress of the preparatory work of the Committee to be insufficient, it may decide to postpone the conference."

11. That resolution therefore makes our current debate on item 36 one of stock-taking with regard to the preparatory work of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction for the proposed third United Nations conference on the law of the sea.

12. In my intervention this afternoon I wish to state very briefly the views of my delegation with regard to the state of preparedness for the conference, and in this connexion let me say at the outset that Ghana is a sponsor of draft resolution A/C.1/L.634, which was so eloquently and fairly introduced by the representative of Thailand at the 1908th meeting. It calls for the convening of the organizational session of the conference on the law of the sea in New York in November and December 1973 and the holding of the substantive session of the conference at Santiago, Chile, in April and May 1974. Our sponsorship of the draft resolution is eloquent testimony of our position on this matter.

13. In reviewing the preparatory work of the sea-bed Committee, it seems to my delegation that the basic question which we have to ask ourselves is whether that Committee has developed the broad outlines or framework of a possible settlement of the major issues of the law of the sea, to the extent that it would be possible for the proposed conference on the law of the sea to be held on schedule in 1973.

14. In this regard my delegation shares the cautiously optimistic view expressed by the majority of speakers who have preceded me that, judging from the statements made in the sea-bed Committee and from the long and detailed negotiations concerning the list of subjects and issues, the outlines of a broad framework may be said to have emerged; although, to quote the Chairman of the sea-bed Committee, Mr. Amerasinghe: "Much remains to be done by way of clarification of the various positions of States before that framework can be regarded as firm and solid." *[1903rd meeting, para. 38.]*

15. My delegation is firmly convinced that, given the goodwill, the spirit of compromise and the desire for progress that was shown in the work of the sea-bed Committee this year, there is no reason why compromise on the outstanding issues cannot be reached during the 1973 spring and summer sessions of the Committee.

16. Let me now mention briefly the areas in which my delegation believes significant progress in the preparatory work has been made, which gives us grounds for optimism.

17. First, Sub-Committee I established a working group, presided over by Mr. Pinto of Sri Lanka, to deal with the régime of the sea-bed and the ocean floor beyond the limits of national jurisdiction. That working group did some excellent work in producing texts illustrating areas of agreement and disagreement on the status, scope and basic provisions of the régime, based on the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction *[resolution 2749 (XXV)]*. The question of the régime and machinery is one of the most complex in the range of issues under consideration by the sea-bed Committee, and the fact that some broad framework has begun to emerge is a tribute to the diligent work of the group dealing with it.

18. In our view, there seems to be a consensus that there is an area beyond national jurisdiction that is to be reserved for peaceful purposes for the benefit of mankind, particularly the developing countries, that the resources of the area are the common heritage of mankind, and that the exploration and exploitation of the resources of the sea-bed area and the ocean floor beyond the limits of national jurisdiction should be governed by an international régime

and regulated by international machinery with strong and comprehensive powers, including perhaps the power to engage in exploitation activities through a system of joint ventures with Member States. However, there remain serious unresolved difficulties as to the scope of the machinery, its functions and powers, and in particular the definition of the activities which it is to regulate. There is also the still undetermined question of what constitutes the limit of national jurisdiction.

19. It seems to my delegation that it will be a lot easier to find answers to some of the outstanding problems as soon as this essential issue of the limits of national jurisdiction is resolved, and that therefore the Committee will have to focus its attention on this issue at its 1973 sessions.

20. Some encouraging trends, however, appear to have emerged even on this issue of limits of national jurisdiction. From statements made in the Committee it appears possible to secure general agreement on a relatively narrow limit for the territorial sea, and a consensus appears to be developing on the matter of the 12-mile limit, although this would have to be conditional upon acceptance of the economic zone or patrimonial sea concept. This by itself is a major accomplishment, in the view of my delegation, when one considers that the 1958 and 1960 Conferences on the Law of the Sea were unable to agree on a uniform breadth for the territorial sea.

21. Turning now to the work of Sub-Committee II, we have heard our Rapporteur describe the adoption, after several months of strenuous negotiations, of the list of subjects and issues relating to the conference on the law of the sea *[A/8721 and Corr.1, para. 23]* as "the most important step taken by the Committee since the adoption of the Declaration of Principles".

22. My delegation agrees with that description. The adoption of the list is indeed a most significant milestone in the history of the sea-bed Committee, and my delegation joins previous speakers in expressing our warmest appreciation and gratitude to the Chairman of Sub-Committee II, Mr. Martínez Moreno, without whose expert guidance this achievement would not have been possible.

23. Another area in which progress was made in the preparatory work for the conference on the law of the sea was the discussion in Sub-Committee III on the subject of marine pollution, and the formation of a working group on that subject. Here again my delegation would like to express its sincere appreciation of the contribution made by the Chairman of that Sub-Committee, Mr. van der Essen.

24. In my foregoing remarks I have tried to outline very briefly the areas in which I consider that significant progress has been made in the preparatory work for the proposed third conference on the law of the sea. I have done so not in a deliberate effort to ignore the still existing great differences and divergencies of view on many of the major issues, but rather to impress on the pessimists, if there are any, that the achievements I have outlined were not obtained overnight or by a stroke of the pen. They were the result of a compromise after several months of hard negotiations and bargaining and the fact that we were able finally to arrive at a consensus on those issues, it appears to me, gives grounds for optimism rather than pessimism.

25. Our delegations are firm believers in the adage "Where there is a will, there is a way". We believe that with what has been achieved, the sea-bed Committee has reached a take-off point from which it should be able to make much faster progress towards our desired goal. There is, for instance, no need to wait until treaty articles are drafted on all the issues before we proceed to the Conference. Indeed, if we proceed along the lines suggested by the Chairman of the sea-bed Committee, Mr. Amerasinghe, in his statement at the 1903rd meeting, there is every hope that we can start the conference on schedule and hope to achieve the measure of success that is expected of us. Nor do I wish to give the impression that my delegation would have liked to see the conference start anyway, without adequate preparation. In our statement in this Committee during the twenty-fifth session we stressed the fact that Ghana would welcome the third conference of the law of the sea being held in 1973, provided adequate preparations were made. We still maintain that position and we would rather not have the conference if the preparation were not adequate enough to indicate that it would be successful.

26. What we are urging is that from this take-off point, based on the sea-bed Committee's achievements so far, it should be possible to make enough progress during the 1973 spring and summer sessions to satisfy ourselves as to the adequacy of the preparations. We can make that progress only if there is the political will to do so. It is the firm hope of my delegation that the spirit of compromise and accommodation that has so far prevailed in the sea-bed Committee and that has enabled seemingly insurmountable barriers to be broken down will be demonstrated to an even greater degree in 1973, so that there will be reasonable prospects for holding the conference as scheduled.

27. In conclusion, let me say that it is in this spirit of hope and optimism that my delegation sponsors the draft resolution. My delegation supports the proposal that the organizational session be held in New York in November-December 1973, and the substantive session be held in Santiago, Chile, in April-May 1974. We also support the proposal that the sea-bed Committee should hold two further sessions in 1973, one of five weeks in New York, beginning in early March, and the other, of eight weeks, in Geneva, beginning in early July, with a view to completing its preparatory work.

28. I should like to take this opportunity to express the sincere appreciation and gratitude of my delegation to the Government of Chile for its generous offer of Santiago as the venue for the conference, and also its offer of facilities, including secretarial services.

29. I also wish to extend my delegation's thanks to the Government of Austria for its offer of Vienna as the venue of the conference if it should spill over into 1975.

30. Finally, let me reiterate my delegation's firm conviction that the sea-bed Committee has reached a point in its deliberations from which progress should not be too difficult to make. What is needed is the necessary political will to turn the broad measures of agreement into concrete

legal realities. Let us all seize this opportunity of the momentum that has been achieved in the sea-bed Committee and make a serious effort to produce over-all solutions to the myriad problems of the law of the sea. The hopes of millions of the developing world are on this Organization to produce a new set of rules that will bring law and order and equity in the use of the sea and the sea-bed. Let us not fail those millions.

31. Mr. PARDO (Malta): I wish first of all to express the appreciation of my delegation for the interesting report on the work of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction *[A/8721 and Corr.1]* which was presented to us by the Chairman of the Committee, Mr. Amerasinghe, and by its Rapporteur, Mr. Vella at the 1903rd meeting.

32. As has been observed by many of the speakers who have preceded me, the report reflects both the progress achieved by the Committee and the work which still needs to be done.

33. On the one hand, some speakers have derived encouragement from the more positive attitude and from the perceived greater dedication to work within the Committee at last summer's session. They have, for instance, pointed out that Sub-Committee I established a working group which has examined a number of texts on the status, scope and basic provisions of an international régime based on the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction approved by the General Assembly *[resolution 2749 (XXV)]*, and, in addition, has prepared alternative formulations of five draft articles; Sub-Committee II, it has been pointed out, at last adopted a list of subjects and issues relating to the law of the sea *[A/8721 and Corr.1, para. 23]* which, in addition to fulfilling a part of its mandate under resolution 2750 C (XXV), provides a framework for discussion and for drafting treaty articles; a framework of course subject to the understanding that acceptance of the list does not prejudice the position of any State or commit any State with respect to the items in it or to the order, form or classification according to which they are presented. Sub-Committee III finally established a working group on the preservation of the marine environment, including the prevention of pollution, and a deadline has been set for the submission of texts on this question.

34. From these achievements several speakers have concluded that, with continued goodwill and hard work on the part of all delegations on the sea-bed Committee, sufficient substantive progress can reasonably be anticipated next year to make the convening of the inaugural session of the third conference on the law of the sea at the end of 1973, in accordance with resolution 2750 C (XXV), useful, even though sufficient time may not be available to prepare draft treaty articles on all questions.

35. On the other hand, other representatives, convinced of the overriding importance of ensuring that a future conference on the law of the sea be guaranteed the best possibilities of success, believe that it should be convened only when all the legal and political requirements for its success are present. These, they argue, do not at present exist, since, although undoubtedly the sea-bed Committee made some progress in 1972, substantive preparatory work for a conference has scarcely been initiated. It has been stressed in this connexion that in Sub-Committee I of the sea-bed Committee there exist basic differences of approach on some main points of the future régime and machinery to be created for the sea-bed beyond national jurisdiction, and that indeed serious examination of the different approaches–including, I may add, the comprehensive approach to ocean space favoured by my delegation–has not yet started. At the same time, neither Sub-Committee II nor Sub-Committee III has yet advanced much beyond general debate. From this analysis of the existing situation, it is concluded that the sea-bed Committee has not yet done sufficient preparatory work to enable the General Assembly to take an irrevocable decision on the date of the conference. The path of wisdom and common sense, it is argued, is for the General Assembly now to limit itself to scheduling two sessions of the sea-bed Committee next year. At its twenty-eighth session, its next session, the General Assembly should decide, in the light of the progress achieved in the work of the Committee next year, whether a sufficient convergence of views has emerged on all questions relating to the law of the sea, but particularly on the nature and scope of the sea-bed régime and machinery, to justify the convening of a conference on the law of the sea, possibly in 1974. This procedure would also have the advantage both of minimizing the possibilities of conference failure and, at the same time, of giving States with limited resources in technology and expert personnel more time to identify their national interests and to evaluate in this light the complex issues with which the Conference will have to deal.

36. Even taking into account the fact, mentioned by the representative of Canada and others, that much of the substantive negotiations on a restructuring of the law of the sea are being conducted outside the sea-bed Committee, my delegation must agree with the representatives of Argentina and Brazil that basic differences of approach on a wide range of crucial matters relating to the law of the sea have still not been seriously discussed in that Committee, that these differences are unlikely to be reconciled in the course of next year, and that consequently it is unlikely that the sea-bed Committee will be able to prepare draft treaty articles generally agreed upon with regard to the major issues with which it must deal.

37. But this does not mean that we agree that the General Assembly should refrain now from setting an early and firm date for the convening of the conference or that the consideration of timeliness should be subordinated to considerations of careful and thorough preparation and of the achievement of general agreement on the general lines of a political package which would form the basis of conference decisions on major issues relating to the law of the sea. We go further: we believe it is necessary for the General Assembly to indicate now a date by which the future conference on the law of the sea should aim at completing its substantive work whether or not agreement is reached.

38. Our reasons are related not to the progress or lack of progress in the work of the sea-bed Committee, but to political considerations which we consider to be important and to our concept of success or failure of a future conference on the law of the sea.

39. We are all aware that scientific and technological advance is making both accessible and commercially exploitable sea-bed resources previously virtually unknown and inaccessible. The representative of Chile in the sea-bed Committee this year described, at the 79th meeting, a few of the developments on one aspect of this matter. I certainly agree with the stern moral position expressed by the representative of Brazil when he stated that the international community cannot admit any exploitation of sea-bed minerals beyond national jurisdiction until an international régime has been elaborated; but, whatever the preparatory work of the sea-bed Committee, a legal régime for sea-bed minerals can only be created at a conference. How long can one expect States that have acquired or are acquiring the technology for commercial sea-bed mineral exploitation—and there are nearly half a dozen such States, in addition to the United States of America—to wait for the leisurely conclusion of negotiations in the sea-bed Committee, before making use of the technology in which they have invested tens of millions of dollars? How long would one's own country wait if it were in the position of certain fortunate technically advanced coastal States? By postponing, or opening serious possibilities of postponement of, the conference on the law of the sea and by not setting at least a target date for the completion of the work of the conference, we only strengthen those tendencies in the countries concerned which argue that it is dangerous and fruitless to engage in seemingly endless negotiations and that national interests require early unilateral or somewhat selective multilateral action. We are all aware of the growing importance of fisheries to an increasing number of developing coastal States, and that technical developments in fishing are radically changing the nature of international commercial fisheries in a manner that is threatening the expansion of the fishing industry in a number of developing countries. This is one of the major factors in the pressure experienced by Governments of many developing countries to expand their exclusive jurisdiction in ocean space. I certainly agree with the representative of Poland that the question of fisheries on the high seas cannot be solved by means of unilateral extension of fishing zones beyond the 12-mile limit. But how long can one reasonably expect poor countries passively to watch the vital living resources of the sea being efficiently and ruthlessly exploited almost within sight of their coast by foreign-flag vessels? Forced by circumstances, developing coastal States in recent years have been extending, by ones and twos, their fishing limits in ocean space. The majority of developing countries, at great sacrifice, have preferred to exercise restraint, but postponement of the scheduled conference on the law of the sea and lack of any target date for conclusion of deliberations on law of the sea questions, is bound to erode that restraint.

40. Most of us are aware that with the construction of giant ore carriers and giant tankers the nature of navigation in ocean space is radically changing. Coastal States cannot afford to remain indifferent to the passage in proximity to their coasts of vessels which, were they to founder, could cause a serious environmental crisis. Because of this and of the changing character of the use of the sea for navigation purposes, extension of coastal State jurisdiction to control certain types of navigation within a broad belt of ocean space adjacent to the coast is inevitable in the present legal framework of freedom of the high seas. Postponement of the scheduled conference on the law of the sea and omission by the General Assembly to suggest a target date for the conclusion of the deliberations of the conference will only provide a stimulus to unilateral action by States which, up to the present, have exercised restraint in the hope that it would be possible within a relatively short space of time to restructure international law of the sea in such a way as to harmonize both the interests of the coastal State and the common interest of the widest possible freedom of navigation under present technological circumstances.

41. We all are aware, or should be aware, that military uses of ocean space are of great importance and that their existence is a constraint on negotiations with regard to a number of other uses of ocean space. Despite, or perhaps equally correctly because of, the ongoing Strategic Arms Limitation Talks (SALT), military uses of ocean space have become a vital consideration. Extension of coastal State jurisdiction for one purpose or another under the present structure of law of the sea threatens directly or indirectly freedom of military use of ocean space which, rightly or wrongly, major maritime Powers believe to be essential. The lack of a firm decision by the General Assembly on the date for convening the conference accompanied by unilateral action by an increasing number of States to extend their jurisdiction in ocean space could convince the defence authorities of some States that co-operative international action, to restructure the law of the sea equitably, is not worth pursuing further. Such a decision, were it made, could lead to contacts and understandings between a very limited group of countries, with highly prejudicial consequences to international order in ocean space.

42. In short, for a number of political reasons it is necessary for the General Assembly to take a firm decision now not only to convene the future conference on the law of the sea as soon as possible, but also to set a tentative term for the conclusion of its deliberations.

43. In view of the rather small progress made by the sea-bed Committee and in view of the enormous task confronting it next year, you might well inquire, Mr. Chairman, whether I believe that miracles will somehow happen if we establish what some might call magical dates for the inaugural and concluding sessions of the conference. I would reply that I have no illusion that the difficulties which have dogged our steps for some years will find automatic solutions at certain fixed dates in the future. Nobody would be happier than I were legal solutions to all major ocean space questions to be found at a future conference on the law of the sea. But I do not count on this. And for some time my delegation has had in mind the possibility that no agreement will be reached at the conference. Yet this possibility does not deter us from believing that a firm date for the inaugural session of the conference and a tentative date for its conclusion should be established now by the General Assembly.

44. Quite simply, we believe that while the major purpose for convening a conference on the law of the sea must be to reach an internationally binding and, hopefully, universal agreement or agreements on all major matters relating to ocean space—agreements which will be useful to the international community as a whole and beneficial to all

coastal States, large and small, land-locked or coastal–this cannot be the only purpose of a future conference. A second purpose, in our view, is to force States to face the stark choices that must be made in the immediate future. It will be no longer possible, for instance, to delay openly formulating, in draft treaty articles, national positions in important matters other than the régime for ocean space beyond national jurisdiction, when a conference date has definitely been set. A third and very important purpose of the third conference on the law of the sea is, in our view, to bring to an end officially the present system of the law of the sea which has become in many respects intolerable and in some respects absurd. If the conference fails, in the sense that the international community cannot agree on a new universal legal system, the conference will still have been extremely useful, since it will have officially marked the final passing of a structure of law under which the majority of the international community can no longer live. Each State will then be free to take those measures which it believes may best protect its national interests. That certainly would be an unfortunate outcome but the present period of legal uncertainty cannot, and must not, be unduly prolonged. That would be unfair to all States, particularly to those which, up to now, have acted with great restraint in the interests of maintaining the international legal order. Nor would a prolonged period of legal uncertainty serve the purpose of improving the chances for a favourable outcome of negotiations with regard to the sea-bed and its resources beyond national jurisdiction.

45. As I have remarked, unilateral action by States cannot be restrained indefinitely. There exists a definite term beyond which international negotiations–whether in the sea-bed Committee or at the conference–will no longer be useful. My delegation does not profess to know with precision what this term may be, but we have good reason to believe that three or four years is the maximum time on which the international community can count, not for the initiation of substantive negotiations at the conference but for the conclusion of a treaty or treaties not merely with regard to the sea-bed but with regard to a range of major questions relating to the ocean space as a whole.

46. In short, our reservations on draft resolution A/C.1/L.634 refer to the somewhat generous escape clauses in it and to the fact that there is no mention of an indicative term for the conclusion of conference deliberations. For those reasons, my delegation is submitting appropriate amendments to this otherwise excellent draft resolution.

47. There has been some talk, unofficial of course, on the necessity of reaching some kind of understanding–I believe that "package deal" are the words which have sometimes been used–in the sea-bed Committee on major questions relating to the law of the sea before a general conference on the law of the sea is convened. My delegation is aware that such a package deal is sought only for the highly laudable purpose of ensuring the success of the conference. In our view, however, conference success is not necessarily synonymous with conference agreement on a package deal that would leave the law of the sea substantially unaltered except for the creation of a weak international machinery for the resources of the deep sea-bed and for international recognition of the greatest extension of national sovereignty since the Congress of Berlin.

48. From a procedural point of view also I wonder whether it is appropriate for States not represented on the sea-bed Committee to be confronted at short notice at the future conference with a package deal in the elaboration of which they have not participated. Instead of seeking, and possibly even achieving, a package deal, I would have thought that the sea-bed Committee could more usefully concentrate on defining in draft treaty articles alternative solutions–perhaps as many as three or four–to the problems with which the international community is confronted in ocean space. That would not require excessively lengthy or complex negotiations and would be an achievement permitting the international community as a whole, as represented at the future conference, to decide more easily between the different solutions proposed.

49. I express that hope, as also the hope that the able Chairman of the sea-bed Committee, Mr. Amerasinghe, will find it possible–through consultations next January and February–to avoid lengthy procedural debates on the manner in which the list of subjects and issues recently adopted by Sub-Committee II of the sea-bed Committee should be substantively considered.

50. Finally we would state that we have noted and concur with the words of the representative of Thailand to the effect that under draft resolution A/C.1/L.634 the sea-bed Committee has the right to consider and make recommendations on organizational matters concerning the forthcoming conference on the law of the sea. Such action on the part of the Committee will be necessary to avoid undue prolongation of the inaugural session of the conference in November next year.

51. Before making a few comments on draft resolution A/C.1/L.632, we should like to express our appreciation for the invitation of the Government of Chile to hold the conference in its capital and also its offer to provide offices and secretarial assistance to those delegations whose countries do not have permanent representatives in Chile.

52. As for draft resolution A/C.1/L.632, we agree with the representative of Peru that the purpose of the study requested may be to seek arguments against the wide jurisdictional claims of coastal States. But even if such were the intention behind the draft resolution, we would not be excessively disturbed. In our view, broad coastal State jurisdiction in ocean space is an irreversible political fact. The main issue is not jurisdictional limits but the content of the jurisdiction claimed. We also generally agree with most of the other observations made by the representatives of Peru, Canada *[1904th meeting]* and Argentina *[1905th meeting]* on this draft resolution. The information sought in the draft resolution is unlikely to be available and if available is unlikely to be particularly useful to representatives on the sea-bed Committee. A substantial sum of money is also involved. A further, rather major defect in the draft resolution, in our view, is the underlying assumption that an international régime and international institutions for the sea-bed and its resources beyond national jurisdiction are valuable solely because of the possibility of resource exploitation and that the major consideration to be taken into account in this connexion are jurisdictional claims. These, we feel, are widely held but rather narrow views.

53. Yet we have some sympathy for the draft resolution and we feel it could serve a very useful purpose if it were appropriately amended. We feel that, not so much members of the sea-bed Committee—these members have had ample opportunity to acquaint themselves with ocean problems—but the representatives of States at the forthcoming conference on the law of the sea might well find it useful to be able to refer to a rather comprehensive background paper in which were discussed major considerations that should be kept in mind by States in the elaboration of an international régime for the sea-bed beyond national jurisdiction. Such a paper would, of course, refer to the question of jurisdictional claims, but it would also refer to a number of other matters, including military and other non-extractive uses of the sea-bed and to the interrelationship between uses of the sea-bed and uses of the superjacent water column. Hopefully, reference could also be made in such a paper to recent technological developments, which are likely to change the conventional picture with regard to the utilization of the sea-bed.

54. My delegation would be happy to support draft resolution A/C.1/L.632 if revised in the direction which I have just suggested.

55. Mr. GUEVARA ARZE (Bolivia) *(interpretation from Spanish)*: The fact that draft resolution A/C.1/L.634 has been submitted today makes it unnecessary for me to refer, as I had intended to do, to the general issues concerning the imminent convening of the conference on the law of the sea. It relieves me of this obligation because in general terms my delegation accepts the language of this draft resolution and therefore it seems to us unnecessary to argue in favour of something which in principle apparently has been agreed upon by the majority, perhaps with a few changes that may be introduced to enrich its text. Therefore, and having regard to the short time available to the Committee, I shall delete completely this portion of my statement.

56. I turn now to the objections raised to draft resolution A/C.1/L.632, which calls upon the Secretary-General to prepare a comparative study of the extent and the economic significance, in terms of resources, of the international area that would result from each of the proposed limits for national jurisdiction. I shall try to follow the order in which these objections have been submitted, primarily by our colleagues, the Ambassadors of Peru, Argentina and Canada.

57. Of course the vigour, not to say the severity, with which the objections have been raised cannot fail to remind us what happened at the last session of the General Assembly when more or less the same group of land-locked countries or countries with narrow continental shelves proposed amendments to section 8 of the Group of 77's draft list of topics and questions. We were expressly or otherwise accused of having become tools of the great maritime Powers to attack the interests of the developing countries and therefore we were accused of disloyalty towards the Group of 77 of which we are members. In fact, the draft amendments emerged as a result of the vital comments made by the Bolivian delegation, submitted to the draft of section 8 which had already been approved in the Group of 77. Then as now, we said that a text which limited and diminished what is enshrined and codified in existing treaties was inconceivable and unacceptable. The seriousness and validity of these observations concerning the list of subjects and issues prevailed, and we see that the amendments proposed have been incorporated in this list in section 9, as shown in the report of the Committee *[see A/8721 and Corr.1, para. 23]*. We hope that with respect to draft resolution A/C.1/L.632 something similar will happen.

58. Despite this experience, our colleague, the representative of Peru last week expressed his objections with similar presumption as he said: "the obvious purpose of the study was to seek arguments against the wide jurisdictional claims of the coastal States" *[1904th meeting, para. 96]*, in other words, to serve the interests of the great Powers.

59. Is it not possible to believe that we are here to defend our own interests? And if they sometimes coincide with those of one group or another, it does not mean that we are at the beck and call of anyone. With respect to coincidence of interests I would say once again—since I have stated this repeatedly in the past—it depends on the understanding of a country which is a coastal, developing country that even the appearance of conflict between it and the land-locked countries must disappear.

60. If, for example, the land-locked countries of a particular region are treated on an equal footing with the coastal States of that region with respect to exploitation of the sea-bed and its resources, within or beyond jurisdictional waters, our solidarity will not be shaken. But if we are excluded from the profits drawn from jurisdictional sea-bed riches, then, obviously, we will have to seek to ensure that the international zone—the only one that we can exploit—should be as broad as possible. What other alternative could we fall back on?

61. In this connexion it is appropriate to point out that the exclusive economic area or the patrimonial sea, or whatever it may be termed, has been conceived as an instrument of defence of the interests of the coastal developing countries against remote, far-removed countries using their superior technology and economic system, and sometimes their political weight as well, which exploit the living resources and could easily exploit those of the sea-bed which lie close to the shores of the coastal States. In other words, this is a legitimate act of self-defence against those coming from outside, from over the high seas, from remote shores.

62. Should that same concept of defence and identical limitations be applied to those which are in the background, so to say, behind the coastal State, against those of us that have great difficulty in reaching the sea, those that are lacking in economic and technological superiority, against those that are in a state of political inferiority? I think, therefore, that it is a mistake to try to apply the same concept to the two different groups of States.

63. The representative of Peru went on to say that it was incorrect to see a conflict of interests between an abstract entity called the international community and another group made up of the coastal States ". . . simply because the coastal States themselves are members of the interna-

tional community and, moreover, constitute the majority of that community." *[Ibid., para. 97.]*

64. So far I agree, but it seems to me that his conclusion is contradictory when he says that an increase in the international area would not benefit the coastal States but rather on the contrary. As a matter of fact, at first glance we might say that since the developing coastal States make up the majority of the international community, what benefits the international community automatically benefits the majority. But perhaps this is a superficial reply. We all know that the coastal States in general, and above all the developing coastal States, prefer, and rightly so, to have under their direct and immediate control, under their sovereignty if possible, the largest possible area of the sea, the sea-bed and the subsoil thereof. If the area of the international régime under control, administration, supervision or whatever you might want to call it is extended, the national jurisdiction of the coastal States is narrowed down.

65. To speak of equations, as did the representative of Peru, where do you fit into this equation the land-locked countries? With the coastal States or in the international area? And this is the problem that confronts us.

66. We are seeking a place not under the sun but on the seas, in this sea that has been called the common heritage of mankind. We want to participate in its living resources, the subsoil, the sea-bed and so on, which are the common heritage of mankind. In order to achieve this equitable participation, we are at a more disadvantageous position than any other due to our limited knowledge of the resources of the sea-bed. I think that this need not be demonstrated. We shall confine ourselves to assuming that the broader the extent of the international area, the larger will be the volume of natural resources contained in that area. If we were excluded from everything that lies under national jurisdiction, what is strange or inappropriate in our asking the Secretary-General to put on the table if not all at least some of the maps that exist and are not before us. This and none other is the purpose that guides us in asking for the approval of this draft.

67. Later our colleague explained to us that the sea-bed is not a *tabula rasa* and that the limits of the jurisdiction of the coastal States do not depend on the extent of the limitation of the so-called international area and that ". . . national jurisdiction precedes not only in time but in law and geographically speaking, any international area." *[Ibid., para. 99.]* And he concluded this portion of his reasoning by saying that: "The limiting of the international area depends on the outer limits of the jurisdiction of the coastal States and not vice versa." *[Ibid.]*

68. I deliberately do not want to contradict this concept, the importance of which for the coastal States that are developing States I understand full well. But I cannot resist the temptation of asking: "Well, then, what are we meeting here for?" "Why are we discussing and will continue to discuss carefully subjects such as the economic exclusive area or the patrimonial sea?" "Why convene this third conference on the law of the sea?" In those aspects of the problem would it not then suffice to request the Secretary-General to ask each coastal State what is the extent of its national jurisdiction and give us a report with the relevant maps so that in a short time we could know what really remained beyond the limits of national jurisdiction?

69. Once again I agree when the representative of Peru said that "The true economic consequences of the régime will depend not so much on the geographical extension of the area as on the nature of the régime itself . . ." *[ibid., para. 100]* and on the extent to which the international authority to be set up ". . . will represent the interests of the neediest countries–or will fail to do so–and how all this will have a bearing on the distribution of the benefits." *[Ibid.]*

70. Those are words full of wisdom if we also include in them the land-locked countries. But if the land-locked countries are excluded, if all of their expectations are to be limited to what area may be given them, if their fortune is handed over to bilateral or regional instruments only or to the granting of facilities or other arrangements by unilateral arrangements of the coastal States, then I regret to say that I defer from those views.

71. I think there is one more comment I may appropriately make on that point, although it might be premature and quite out of place, since we are now in this Committee dealing exclusively with matters of procedure concerning the forthcoming conference. In embarking on the elaboration of what may be a new and exhaustive system of the law of the sea valid for many generations, we have placed our faith in the capacity of the community of nations to find negotiated solutions and establish rules that will be reasonably fair to all. That presupposes that the nature of the régime and the characteristic features of the international machinery set up will have to be effectively representative of the interests of the poorest countries and translated into a fair distribution of profits or there will be no international régime at all.

72. Now, must we in advance set aside the possibility that the régime and the international machinery to be set up will be favourable also to the interests of the coastal developing States precisely because they are the majority of the international community? And in that event, which would satisfy us immensely, we would only ask therefore not to be excluded, or what should be even worse–much worse–consoled with token solutions or facilities given at the will or the free desire of our coastal neighbours.

73. As regards the last paragraph of the preamble in our draft the representative of Peru asked why the sponsors had not asked for a study on the implications for the international community, instead of for the zone, of the various limits proposed. Now, following this suggestion, the representative of Chile asked for a detailed geological study of the sea-bed, including the area under the national jurisdiction of coastal States, as well as a full inventory of its resources and an analysis of its economic benefits and drawbacks for coastal States, and so on.

74. No one could oppose this study in principle, and certainly it will be made in time, if not by the Secretariat or some other international authority then by the Powers that have the necessary technical and economic resources available. It is axiomatic that he who asks for more, asks for

less as well, but the opposite is not true. This means that those who agree that a study should be made on a broad scale should not oppose a study on a more modest scale–unless, of course, by asking for something which is impracticable because of its dimensions they are seeking to frustrate what would seem to be within the grasp of the Organization and within the resources and information of the Secretariat.

75. The statistics show that the coastal States which can adopt broad limits of national jurisdiction such as 200 miles make up more than half the coastal States of the world and their coasts cover about 80 per cent of the coasts of all continents. We have been told that the interests of a minority, the minority of land-locked States, cannot easily be identified with those of the international community because if any such identification were appropriate it would be with the majority, made up of the coastal States whose shores enable them to adopt broad limits of national jurisdiction.

76. No matter how much we favour democracy, we cannot but believe that these problems can be solved not by this system of minorities and majorities by rather by applying universal, eternal principles of justice and equity. If the contrary were true, undoubtedly the minority–that is, we, the land-locked countries–like other minorities would be eternally condemned to poverty, frustration and despair.

77. "Cabalistic speculations", "arguments to bolster an *a priori* judgement against the coastal States", "political end", "dubious algebra", "preconceived and erroneous premises"–these are some of the other observations on this draft resolution made by our colleague from Peru. In reply, I must tell him that I not only understand but admire the passion with which he defends the interests of his country and therefore those of the other developing countries. However, perhaps analysis and reflection, would be more appropriate than passion in seeking fair, equitable and lasting solutions for both majorities and minorities.

78. Other arguments have been expounded against this draft resolution, and I refer primarily to the statement made by our colleague from Argentina, Mr. Ortiz de Rozas. Of the five limitations which we understand have been proposed for the jurisdiction of coastal States over their territorial seas, at least three have been judged by the representative of Canada to be a correct reflection of the proposals that have been made or of the existing realities according to the will of the coastal States. This reference to limits, in the opinion of Mr. Ortiz de Rozas, is a prejudgement of issues which are delicate and fundamentally important for all countries involved in these negotiations. As far as my delegation is concerned, I do not see any objection to saying that mention of those five limits is not imperative, exhaustive or binding, nor does it constitute a non-negotiable portion of the draft resolution. However, it would appear necessary to give the Secretary-General some point of departure for the study. Of course, other criteria of distance and depth could be added, or a combination of both, as has been suggested. We could even delete this reference, although I do not see how the Secretary-General would be able to work without some point of departure, some frame of reference.

79. The other observations that have been made refer to an alleged violation of the sovereignty of the coastal States in studying what lies under their jurisdictional waters.

80. In the first place, I should like to say on this point that the draft resolution deliberately avoids calling for studies by countries and calls rather for a study of the zone as a whole. I say "deliberately" because this was an objection that we took into account in advance. Moreover, I think that our colleague the representative of Chile has made it unnecessary for me to press this point further since in his statement last Thursday, in speaking of a much broader study, he said specifically that such a study, at least in its geological aspects, could include the sea-bed under national jurisdiction. If that concept is accepted for a broad-scale study, I think it can also be accepted for a much more modest study.

81. The other objection that has been raised is the difficulty of carrying out this study. This objection also was taken into account in advance. We attempted to meet the objection with the phrase that is included in the draft, calling upon the Secretary-General to prepare a study "on the basis of data and information at his disposal". In other words, we are not asking the Secretary-General to have the Organization undertake a profound study of the geology of the sea-bed, which we know could not be done, at least in the short term, and which would certainly require technicians, specialists and vast resources which are not available to us. We are not asking him to draw up a complete inventory of what lies under the sea-bed.

82. What we are specifically asking is that United Nations staff who have been working for years in these areas and who know not only the publications of the Organization but also those of other conferences–to which reference has been made, for example, by our colleague from Canada at the 1906th meeting–and who are familiar with publications of universities and many private institutions and organizations dealing with these questions and have examined and studied those publications, on the basis of those publications, and using all the information and data available throughout the world should prepare a study, in accordance with the draft resolution, on the international area that would result from each of the proposed limits for national jurisdiction.

83. So that this difficulty or apparent impossibility is not really insuperable, and we, the sponsors, have good reason to believe that the Secretariat does not feel this is an impossible task. All we need give the Secretariat, and all it should expect of us, is a more or less specific and precise task within these limitations.

84. Something more must be said about the objection on the grounds of the difficulty of preparing the study. We all know the publication originally requested by the delegation of Peru entitled "Possible impact of sea-bed mineral production in the area beyond national jurisdiction on world markets, with special reference to the problems of developing countries: a preliminary assessment". That report by the Secretariat was published in document A/AC.138/36.[1] We also know that a supplement has been

1 *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 21,* Annex II, sect. 1.

published with additional notes in document A/AC.138/73 *[see A/8721 and Corr.1, annex II, sect. 2]*.

85. Anyone who looks at the summaries and indices of those two studies prepared by the Secretariat will easily realize that they are basically and fundamentally very similar to the study that we have requested. There is the same uncertainty about the data, but there are data available. There are the same difficulties of a political nature, but those are difficulties that can be overcome, and the studies have been made.

86. Another objection refers to the cost. If I have not cleared up that objection, I have at least referred to it in speaking of the way in which the study would be prepared: an examination of existing documents by existing staff who are experts and well informed. In these circumstances the study could not prove very costly. It would not require new technicians; it would not call for special contracts; it would not call for the investment of considerable sums of money.

87. To conclude, I shall mention the last objection that has been raised, which is that it is not within the competence of the Committee to call for such a study. Frankly speaking, I do not believe that that objection is really serious. What body, if not a main Committee of the General Assembly, can ask the Secretary-General to make a study? Thousands of studies have been called for, many of which have undoubtedly been useless, and more difficult. The competence of this Committee, as a main Committee of the General Assembly, in respect of what it can ask of the Secretary-General is therefore absolute. The allegation that it is lacking in competence may result from a desire to find objections, but it cannot be the result of a really serious consideration of the content of this objection.

88. With these brief remarks and having regard to what was said by our colleague from Malta, for example, I should like to ask the members of this Committee to look at this draft from a broad standpoint, taking into account the real problems that the land-locked countries and the countries with a narrow shelf confront. They did this—and we must recognize it—when they looked at the draft amendments to the list of items and questions *[ibid., annex III, sect. 6]* that we submitted. When they made an examination from a broad standpoint and with goodwill, they came to the conclusion that we were not asking for anything extraordinary or prejudicial to the interests of others; we were right, and they conceded that we were right. We hope that too the same thing will happen on this occasion.

89. Mr. AGUILAR (Venezuela) *(interpretation from Spanish)*: As was to be expected, the debate on this item has concentrated on the evaluation of the work done by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, and on consideration of the various questions raised by the convening of a conference on the law of the sea, in accordance with the guidelines laid down by the General Assembly in its resolution 2750 C (XXV).

90. The Venezuelan delegation had occasion to refer to these and other related questions in the statement that it made in Geneva on 10 August 1972 in the 82nd meeting of the sea-bed Committee. On this occasion, we shall confine ourselves to repeating and recalling some of the views, opinions and approaches that we put forward in that statement and explaining our position on the draft resolutions that have been submitted heretofore on this item.

91. Following this outline I shall try first of all to sum up our evaluation of the work of the sea-bed Committee in the four sessions it has held with the new and broader mandate that it was given by the General Assembly in resolution 2750 C (XXV).

92. Obviously, in the first instance, the Committee in its two years of work was not able to complete more than a portion of the mandate—the preparation of the list of items and questions relating to the law of the sea—and therefore the most difficult task still remains: that is, to prepare drafts of articles of a treaty on the international régime of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, and on those items and questions which, in the opinion of the Committee, merit submission to the conference for consideration.

93. The second conclusion flows from the first. We must finish this work, and undoubtedly the best way to achieve that result is to renew the mandate of the sea-bed Committee and authorize it to hold two more sessions in 1973. In our opinion, there is good reason to think, without being guilty of undue optimism, that in the two further sessions the Committee will be in a position to submit the results of its work to the General Assembly, which will make it possible to convene the first session of a conference in November-December 1973 to deal only with questions of organization, as is proposed in draft resolution A/C.1/L.634, sponsored by 43 States, including Venezuela.

94. A great majority of States, in our opinion, share the view that it would be appropriate and desirable to convene a plenipotentiary conference in the near future to establish, through one or more treaties or conventions, an international law of the sea adjusted to the needs and realities of the present and the foreseeable future. Moreover, also in the view of the majority, one might say as a corollary to the previous suggestion, it would be wise to take advantage of the momentum provided by the studies which have been prepared by the United Nations through various bodies since 1967.

95. It is very clear to my delegation that after those two years of work by the sea-bed Committee, this is the proper time to come to a satisfactory agreement on the law of the sea and that as a result of conversations and negotiations carried out in the Committee formally and, above all, informally, we can see ever more clearly emerging the broad general lines of the global political agreement which my delegation, among others, has always considered a prerequisite to speedy progress in the work of the Committee and the success of the conference itself. We have said previously, and we believe it appropriate to repeat now, that one of the keystones of this over-all political agreement was the recognition that coastal States which have special competence and jurisdiction over the protection of the environment, including the prevention of and fight against pollution and over scientific research, to mention

the most important prerequisites, should have control over a broad area, adjacent to a territorial sea of reasonable extension.

96. On this point we have heard and have read with the utmost care the very interesting comments and opinions of the Canadian delegation in the Committee, and more recently at the 1906th meeting of this Committee.

97. To facilitate negotiations at the next stage of the preparatory work for the conference and to reach more quickly the over-all political settlement we are seeking, it would certainly be well if the various proposals on this item could be put forward in the form of draft treaty articles. At the summer session of the Committee the delegation of Kenya submitted a draft on the concept of the exclusive zone *[A/8721 and Corr.1, annex III, sect. 8]* and the delegations of States signatories of the Declaration of Santo Domingo *[ibid., annex I, sect. 2]*, members of the Committee, will most likely be submitting next spring, a draft based on the principles contained in that document.

98. In more general terms it is desirable that at the spring session next year the various positions on the subjects and issues should be submitted in the form of draft treaty articles, so that we may better understand their meaning, their scope and their relationship with other similar proposals.

99. My delegation, as I said earlier in this statement, is a sponsor of draft resolution A/C.1/L.634, originally sponsored by more than 40 States. We can therefore be very brief in our comments on the items dealt with in that draft resolution.

100. The representative of Thailand submitted the draft resolution, in the name of the sponsors, at our 1907th meeting. I cannot add anything to the comments and explanations of the text as a whole or some of its provisions in particular made by Mr. Panyarachun on that occasion. I shall therefore confine myself to some comments of a general nature.

101. First of all, we are pleased to say that the draft conforms in broad general terms to the ideas and suggestion that we submitted on a provisional basis in the statement in the 82nd meeting of the sea-bed Committee, suggestions which then already enjoyed general acceptance.

102. Secondly, we should like to point out that the time schedule mentioned in this draft could, in our opinion, help to encourage serious negotiations directed towards working out an equitable agreement and laying down the necessary foundation so that the conference in its substantive phase will prove fruitful. On the other hand, nothing would be gained if at this stage of the preparatory work we adhered to extreme positions and avoided dialogue. We cannot, of course, set aside the possibility that even with the best possible political will of the States members of the Committee we might not be able to avoid the prospect that sufficient progress would not be made. Taking that possibility into account, we state quite clearly in paragraph 5 of our draft resolution that the General Assembly, "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 completion of the substantive work for the Conference and any other action it may deem appropriate".

103. I cannot conclude these comments on the subjects dealt with in the draft resolution without making reference to the question of the site of the second session of the conference to deal with substantive matters. It is a source of great satisfaction to my Government to be able to say we are very pleased that there has been such wide support for the convening of the session in Santiago, the capital of our sister republic of Chile, with which we are linked by such old and long-standing ties of friendship. As has already been very ably said by many speakers before me, Chile is deserving of the honour paid to it and of this responsibility. A true pioneer in the modern law of the sea since 1952, Chile has been in the forefront of the movement for the revision of the traditional rules of law in this area in accordance with reasonable and equitable criteria. The very valuable contribution made by the Chilean delegation to all the work of the Organization on this item is well known to everyone. We should also like to take this opportunity to thank the Government of Austria for its very kind offer to act as host to some sessions of the conference.

104. I shall now turn briefly to draft resolution A/C.1/L.632, submitted by Afghanistan and other States.

105. My delegation did not participate in the debate at the summer session of the sea-bed Committee on a substantially identical proposal, although we shared the reservations, in our opinion well founded, and the objections–also well founded–then raised by some delegations. Quite sincerely we had hoped that the authors of the proposal would not press it in the General Assembly, in the light of that debate. Unfortunately that has not been the case and, although we listened very respectfully and attentively to the presentation made on behalf of the co-sponsors by the representative of Singapore, at the 1904th meeting of this Committee, and although we heard, though only in part, the statement just made by the representative of Bolivia, we maintain the reservations we had at the outset regarding the study to be entrusted, under the draft resolution, to the Secretary-General. We appreciate the efforts that the co-sponsors of the draft resolution have made to introduce changes into the original proposal, having regard to some of the observations made at the summer session of the Committee. We believe that those changes are not sufficient to enable our delegation to vote in favour of the draft resolution as it stands now. I understand–and I was given this information just a few minutes ago–that the only information at present available to the Secretariat for carrying out such a study as is proposed in the draft resolution is derived from one Member State of the United Nations and, while that would not reflect in any way on the merits of the information, with information limited to that coming from one Member State, no matter how important the contribution of that State and no matter how complete the systems available to it for compiling information, it seems to us that *ab initio* the study would be defective if limited to the sources of information now available. It would have an inherent defect which it would be very difficult to offset in the very short time available to the Secretariat for carrying out the study.

106. I do not want to dwell on this argument, because, as I said a few minutes ago, it was only shortly before I began my statement that this fact was brought to my attention, and at this time I should like to confine myself to raising the question in the hope that in the light of this debate and other conversations that may be held informally we can come to some satisfactory agreement on this draft resolution co-sponsored *inter alia* by a group of developing countries, including two sister Latin American republics, for which, as is natural, we have the utmost respect, as indeed we have for all the other sponsors.

107. To conclude, we should like to associate ourselves with the invitation made to the sponsors, to ask them not to press the draft to the vote, and if this is not possible we should like to ask them to consider the desirability of amending it so that it could be acceptable, if not to all, at least to the great majority of members of the Committee.

108. I should not wish to conclude this statement without expressing the satisfaction I have obtained from participating in the work of this Committee. I have had the pleasure of attending the discussions on this item and of participating in the work of the Committee under the chairmanship of Mr. Ramphul, with whom I have been linked by ties of friendship since my arrival at the United Nations. I would ask the Vice-Chairman who is acting as Chairman now to convey to the Chairman my congratulations on the very able way in which he has been guiding the work of this Committee. He has worked with intelligence, firmness, skill and a fine sense of humour, which all of us who have had the privilege of dealing with him have appreciated at all times.

109. I should like also to say that my delegation shares the opinion that the officers of the Committee at this session have discharged the tasks entrusted to them in a very satisfactory fashion and we should congratulate them all and congratulate ourselves as well for the wise choice we made in selecting them.

110. The CHAIRMAN: I wish to assure the representative of Venezuela that I shall convey his congratulations to Mr. Ramphul and the other officers of the Committee.

111. Mr. YASSEEN (Iraq) *(interpretation from French):* We are not called upon to pass on the various problems with which the Committee on the sea-bed is concerned. What we are asked to do in practice is to consider the convening of a general conference on the law of the sea and to consider whether this conference could be convened in 1973 as provided for in resolution 2750 C (XXV). Therefore I shall confine myself to consideration of this question of organization and procedure and I shall not address myself to the questions of substance or to the progress of the Committee's work, except to the extent that this might in one way or another affect the question of concern to us.

112. The urgent need for fundamental reform in the field of the use of the sea and the exploitation of its resources is making itself more and more strongly felt, given the radical change in the physiognomy of the world, the confirmation of the equality of rights of States, which is inconsistent with any hegemony, and the fact that it is in the interests of all on our planet to promote development. We must ask ourselves at this stage whether sufficient preparations have already been made and whether there are any serious grounds for expecting adequate preparation in the near future for a general conference on the law of the sea to be convened in 1973 to deal with questions of organization so that that conference could begin its work on questions of substance in 1974.

113. Any conference and, above all, a conference of progressive codification of international law, must be properly prepared. There must be basic documentation and draft articles which hold out hope for agreement. Since 1971 the sea-bed Committee has been formally instructed to prepare for the conference on the law of the sea. It seems to us that in this regard the Assembly took a very wise decision. The conference is, it is clear, called upon to undertake a work of progressive development of international law rather than of codification. Its reforming function, *lege ferenda,* does not need to be stressed any further. The preparations for the conference could, we believe, more effectively or more directly be undertaken by experts representing States than by experts acting in their personal capacity. To change what exists and create what does not yet exist requires the political will of States, and here I am making a distinction between the task of the International Law Commission and the task of a committee like the sea-bed Committee. The International Law Commission is composed of experts who meet in their personal capacity. They are required to draw up the rules that exist and to suggest rules that do not exist but in accordance with a very complicated procedure and with the States themselves. The urgency associated with the questions of the sea made it necessary for the General Assembly directly to appoint a committee composed of representatives of States to facilitate the task of the conference and to speed up the work, because that committee can directly and more effectively reflect the opinions of the States it represents.

114. The highly representative Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor has met a number of times. Its sessions have made certain progress both psychologically and technically.

115. On the psychological level it is easy to feel that at recent sessions, particularly the most recent, the debates did not reflect a hardening of positions but rather a certain flexibility which at least made it possible for each side to understand the positions of the other. This is no longer a one-way dialogue, a dialogue of the deaf as it is called; in fact, we have seen the beginnings of a common language, signs that the attitudes of one side are beginning to affect the attitudes of the other. The negotiations which have gone forward have made it possible to see more clearly the different and sometimes opposing views, a state of affairs which is absolutely essential to any compromise.

116. In technical terms, the Committee has been able to make some progress as regards the international régime. Profiting from the efforts made in other international gatherings, it has made some progress in the field of the protection of the marine environment and, above all, the attempt to control pollution of the sea. The Committee has also begun work on scientific research. But the most important of its achievements is the list of topics and questions to be considered by the conference *[see A/8721*

and Corr.1, para. 23]. This list will serve as the framework for the preparation of draft articles and will therefore enable the Committee to embark on the crucial phase of its work.

117. What will enable us to convene the conference, however, is not so much the progress the Committee has already made as the progress which it is called upon to make in the next year. Very few formulas have as yet been accepted as a basis for discussion in regard to the broad range of questions to be considered by the conference, but it does not seem to us essential, in order that the conference may begin, that there be a homogeneous and comprehensive draft. In any case, given the brief time that remains—less than a year—there would not be time to draft such a document.

118. The Committee's task is not solely technical; it is also political. It can of course draft articles on non-controversial points but it can also negotiate towards agreement on controversial points. The Committee must therefore bend every effort to carry out this dual task, political and technical, so as to enable the conference to continue negotiations on such essential points as, for example, the limits. We cannot expect the Committee itself to find final solutions. The negotiations will be carried on by the conference itself with a view to achieving satisfactory results, and even to drafting articles on the solutions thus achieved.

119. Furthermore, the characteristics of the conference and of the Committee making preparations for it require the States themselves to make certain initiatives. That is to say, they should try to facilitate the difficult task of drafting by introducing draft articles which reflect their respective views on the various subjects. There can be no homogeneous and complete draft such as that submitted by the International Law Commission, because, as I have said, the task of the sea-bed Committee is different. It is as much a political as a technical task. So that Committee could assist both in the drafting of articles and in the negotiation of solutions, and the conference could continue both the negotiations and the drafting.

120. On the technical level, what the Committee has already accomplished and what we hope the Committee will accomplish in its future sessions make it possible for us to convene the conference no later than 1973 in New York to deal with questions of organization, and again in 1974 in Santiago, Chile, to deal with matters of substance. I should like to take this opportunity of expressing my delegation's gratitude to the Government of Chile for its generous invitation, repeated this morning in the General Assembly by President Allende.

121. What strengthens my desire to see the conference convened at an early date is our wish to see the common heritage of mankind preserved. As we explained two years ago in this Committee, and as we reaffirmed in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor at its last session, as reflected in paragraph 31 of the report of the sea-bed Committee *[A/8721 and Corr.1]*, it is our opinion that 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)]* has already affected positive law and has limited the freedom of exploration and exploitation of the sea-bed and ocean floor. Nevertheless, in order to dispel any doubts and avoid the danger that the technologically more advanced may already monopolize the resources of the sea-bed beyond the limits of national jurisdiction, it is prudent that we act quickly to clarify the concept of the common heritage. We are therefore in agreement with the passage in a leader headed "Vanishing Heritage" of *The New York Times* of 28 November 1972, which reads:

> "Two years ago the General Assembly declared the resources of this vast area to be the 'the common heritage of mankind', to be exploited for the common good and especially for the benefit of developing nations. Unless the world community moves quickly to implement this historic claim, however, the 'common heritage' could dwindle to insignificance."[2]

122. Mr. WARIOBA (United Republic of Tanzania): Several speakers who have already spoken have expressed views to which my delegation gives support on the questions now before the Committee. I wish only to lay emphasis on a few points on which my delegation has some strong feelings at this stage of the discussion. As the representative of Canada stated in his opening remarks, the time has come for us to decide whether, when and where to commence the third conference on the law of the sea, as required by General Assembly resolution 2750 C (XXV).

123. In considering whether the time has come for us to commence this conference, we begin with a brief examination of the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction this year.

124. The report of the Committee *[A/8721 and Corr.1]* reveals that in 1972 Sub-Committee I conducted an extensive general debate on the issues which were before it and then moved to the next stage, that is, discussion of specific issues. In this area we find that the Sub-Committee discussed the status and scope of the régime, the international machinery, including its status, scope, functions, powers, and organs, more especially with regard to their composition and procedures. During the discussion of these items delegations went into detail regarding the various aspects of every major question. The positions of the various delegations, indeed of the majority of States represented in the Committee, have been clearly explained and a number of draft conventions and working papers have been submitted. In addition, a comparative table prepared by the Secretariat indicates where there is some agreement and where there is still some disagreement. It has been stated that those draft conventions and working papers are documents which can only be attributed to individual delegations or groups of delegations. As a factual statement it is true that these documents have been submitted by individual delegations or groups of delegations, but it would not be true to state that they represent the views only of the delegations which have submitted them. Consultations were undertaken before the submission of these documents and those who drafted them tried their best to incorporate

2 Quoted in English by the speaker.

the views of many delegations. Moreover, in the debate that has taken place so far delegations have made reference and given support to one or other of these working documents and it is fair to say that the documents represent the broad but different approaches to the issues under discussion.

125. The most important thing to note is that in the area of political negotiations the Sub-Committee has made a lot of progress. It has reached political agreement in certain areas and where it has not yet reached agreement the issues have been put in very clear terms.

126. With regard to Sub-Committee II, we note that agreement has been reached on a comprehensive list of subjects and issues *[ibid., para. 23]*. This was a very difficult area of negotiation and, late as it came, we consider this to be a very important step forward. But that is not all. A perusal of the report shows that during the course of the year the Sub-Committee had a substantial amount of debate on the various subjects before it, for example, the question of the breadth of the territorial sea, straits used for international navigation and arrangements for the living resources of the sea. The question of limits has of course received a great deal of treatment, both in the plenary of the Committee and in the relevant Sub-Committees. We also find that a number of working papers and draft conventions on these subjects have been submitted for consideration. The Sub-Committee having reached agreement on the list of subjects and issues and there having been a substantive debate on other matters, we can now expect it to move a stage further and set up working groups to deal with specific areas in more detail and to proceed to draft treaty articles.

127. The same can be said with regard to Sub-Committee III. In the area of pollution a good start has already been made and a working group has been set up. We can, with optimism, expect some draft articles by the end of 1973. Furthermore, discussion has already started on scientific research, and we have no doubt that good progress will be made.

128. Apart from the deliberations in the sea-bed Committee, the question of the law of the sea, as has been stated, has been discussed extensively in other meetings, both global and regional. Some meetings treated the subject as a whole, while others dealt with specific aspects. The fact is that they have all contributed tremendously to the required preparation for the conference.

129. We are not saying that the work done so far, either in the sea-bed Committee or elsewhere, is sufficient to justify the convening of the conference: we know it is not. However, we feel there is enough time between now and the end of next year for preparations to be completed. We have arrived at this conclusion after examination of the report of the sea-bed Committee and in the light of the circumstances that led the General Assembly to adopt resolution 2750 C (XXV).

130. In deciding to convene a third conference on the law of the sea, the General Assembly acted in the light of two compelling considerations. The first was that the conference should be convened as soon as possible. With the present chaos in the oceans and the further complications which are added daily as a result of rapid progress in technology, we do not believe it was intended to delay the conference indefinitely. The second consideration, of course, was adequate preparation. In this regard we do not believe that there must be agreement in the sea-bed Committee on every issue, every article and every term before a conference is convened. The kind of preparation that was intended for this conference is not the same as that which preceded the 1958 and 1960 Conferences. Those Conferences, as has already been stated, were mainly codification conferences and the preparatory work was mainly a drafting exercise which was entrusted to the International Law Commission. The forthcoming conference will essentially be a conference for the progressive development of the law and, that being so, there must be a large element of political negotiation. This is actually evident in the nature and size of the preparatory committee. A committee of 91 members, composed not of technical experts but of government representatives, was not intended to produce a perfect set of draft articles. The establishment of such a committee of government representatives was in fact an acknowledgement of the political nature of the negotiations. As a number of speakers have stated, the conference in fact started with the establishment of the sea-bed Committee.

131. The inauguration of the conference depends therefore on the balance between urgency and perfect preparation. We believe that the inauguration of the conference in 1973, with the first substantive session in 1974, will meet the need for an urgent conference to resolve the problems of the law of the sea.

132. If there is any further delay many nations may be driven to taking unilateral measures to protect their national interests and that will surely create further complications and conflicts. With regard to the question of adequate preparation, we believe that, given 13 weeks of serious discussion in 1973, the sea-bed Committee will achieve political agreement on most issues and, with the working documents so far submitted, including the draft conventions and working papers, and any others that might be submitted, it will be able to produce a framework in the form of draft articles which will form the basic material for discussion at the conference. The 1958 Conference did not owe its success merely to adequate preparation in the form of draft conventions. It succeeded because the participants at that time had a great deal of political agreement on many of the issues. Indeed, the Conferences in 1958 and 1960 both failed in areas where such understanding did not exist. The third conference on the law of the sea will not fail as a result of the absence of a complete and perfect set of draft articles. It will succeed if we meet with a good basis of political accommodation, and we believe that can be achieved in 1973. Further delay will not serve to bring about political accommodation; it will in fact create more and more problems.

133. It is within that context that we support the renewal of the mandate of the sea-bed Committee for a further two sessions in 1973–one in New York in the spring, and the other, a longer one, at Geneva in the summer. We also support the inauguration of the conference in 1973 in New York during the twenty-eighth session of the General Assembly. That short session will clear the way for a

substantive session in 1974 by dealing with such matters as the election of officers, adoption of the agenda and rules of procedure, and the establishment of the organs of the conference and the allocation of subjects to them. It has been suggested that the Committee might be entrusted with some role in the organizational aspect of the conference. We find it difficult to go along with that suggestion. In the first place, the sea-bed Committee has the important task of completing its preparatory work for the conference and it would be prudent to spare it further responsibility. Secondly, and more important, organizational matters for a conference of this importance in political terms should be left to all States that will participate. We do not see what role the sea-bed Committee can play in this respect—certainly not the role of making expert recommendations. We do not need that kind of recommendation for this type of conference. Even if it were needed, the sea-bed Committee, which is composed of government representatives, not independent experts, is not suitable for the job.

134. Every State is interested in all aspects of the conference, and all States should be given an equal chance to participate in the organization of the work of the conference. Obviously, consultations will have to take place before certain organizational matters are decided. However, those consultations can take place elsewhere—for example, in regional organs or in the General Assembly.

135. Finally, with regard to the venue, we are happy to express our appreciation to the Government of Chile of its kind invitation to play host to the conference in 1974. Apart from the warm friendship between Chile and the United Republic of Tanzania and the fraternal bonds that exist within the group of developing countries, Chile has already demonstrated the excellent facilities it can offer for such a conference. At the same time, we have also received with warm feelings the invitation of the Government of Austria to hold a subsequent session of the conference in Vienna.

136. Most of the views I have expressed are reflected in document A/C.1/L.634, containing the draft resolution of which the United Republic of Tanzania is a sponsor. Many others I have not touched upon are also included in that draft, and I need not bore the Committee with a long explanation of our position.

137. Mr. CHEN (China) *(translation from Chinese):* The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction had held two sessions this year, during which questions concerning the international régime for the sea-bed and the preservation of the marine environment were discussed. Preliminary considerations were put forward for the time and venue of the conference on the law of the sea and, in particular, a list of subjects and issues relating to the law of the sea *[A/8721 and Corr.1, para. 23]*, based on the proposal of 56 States of Asia, Africa, Latin America and Europe, was adopted, thus creating favourable conditions for the convening of the international conference on the law of the sea.

138. In the sea-bed Committee, a most acute struggle unfolded in connexion with the list and the question of the exploitation of marine resources. Playing the bully and running amok on the seas and oceans, the one or two super-Powers totally disregarded the sovereignty of other countries. They arbitrarily insisted on restricting the limit of the territorial sea and areas under the jurisdiction of other countries, adamantly protecting the old régime of the law of the sea, which serves the interests of imperialism. Such acts of seeking gains at the expense of others could not but arouse the righteous indignation and opposition of the great majority of medium-sized and small countries. In order to defend their State sovereignty and protect their national economies, the developing countries and other medium-sized and small countries firmly maintained that every nation has the right to determine the reasonable limit of its territorial sea and the areas under its jurisdiction. They resolutely demanded a break-away from the bondage of the old law of the sea and the creation of a new law of the sea, and severely condemned the super-Powers for their outrageous acts of wantonly plundering marine resources.

139. The struggle in the sea-bed Committee reflected the current historical trend of the peoples of various countries opposing the power politics practised by the super-Powers and demonstrated the might of the united struggle of the medium-sized and small countries, particularly the developing countries.

140. The super-Powers are certainly unwilling to give up their policies of hegemony. Not long ago, when this Committee was discussing the question of the Treaty for the Prohibition of Nuclear Weapons in Latin America, a super-Power which assumed the air of a world overlord babbled that the definition of this zone contained in that Treaty was not in keeping with the rules of international law. Obviously, the spearhead of these words is directed against the 200-mile territorial sea rights of the Latin American countries, and it is also an open negation of the rights of States to determine the breadth of their territorial sea and the limits of jurisdiction. The facts show that the developing countries have to carry on serious struggles before they can acquire a truly equal status on the question of the rights over the seas and oceans.

141. Although the sea-bed Committee has now achieved some results in its work, it must be noted that serious differences still exist on many basic problems related to the law of the sea, and that the drafting of the provisions of the law of the sea has just got started. In order to make a success of the international conference on the law of the sea it is very important to make adequate preparations in advance. For these reasons we agree that the sea-bed Committee should hold two further sessions next year so that full discussions and consultations can be held among States. We also agree in principle to the convening of the international conference on the law of the sea in 1974, and we are of the opinion that the Committee should submit a report on its work to the twenty-eighth session of the General Assembly for final review. As to the venue for the international conference on the law of the sea, we once again express our appreciation and support to the Chilean Government for its invitation. Chile is a developing country and, together with many other Latin American countries, is standing at the forefront of the struggle against maritime hegemony. Therefore, it is most appropriate for the international conference on the law of the sea to be held in Santiago.

142. The Chinese Government and people have always deeply sympathized with and resolutely supported the just struggle initiated by the Latin American countries in defence of their rights over the territorial sea and have firmly supported the peoples of Asian, African and Latin American countries in their just struggle to defend State sovereignty and oppose the super-Powers' plunder of marine resources. We will, as always, stand firmly by the developing countries and all the justice-upholding countries to work for a fair and reasonable settlement of the question of the rights over the seas and oceans.

143. Mr. JAYAKUMAR (Singapore): My delegation has listened with care and attention to the various comments that have been made with regard to draft resolution A/C.1/L.632, which is now sponsored by a total of 31 delegations.

144. My delegation would now like to respond to the main observations made by some of the preceding speakers since my delegation introduced the draft resolution.

145. First, some delegations have said that the study we have requested would prejudge the question of limits. In my delegation's view, a study of a factual nature, based on data and information, cannot prejudge anything, including limits. Far from prejudging, such a study would indeed facilitate decision-making. We are not asking the Secretary-General to come to any conclusions on the appropriateness or inappropriateness of any limits proposal. Indeed, he is not even being asked to comment on any of the limits proposed. If he had been asked to do so, then perhaps it could have been said that the study would be prejudicial, but the draft resolution does not seek that. All that we want is information. Several proposals have been made on the limits of national jurisdiction. The area of the sea-bed and ocean floor beyond national jurisdiction, which would be the common heritage area, will depend on the limits of national jurisdiction agreed to at the conference. So let us now have some idea of what kind of area we would get, what resources there would be in it if one or the other of the limits proposed were to be adopted. How such a study and how such information would be prejudging completely baffles us. Nor are we asking, in the draft resolution, that States or anyone else do something or refrain from doing anything beyond any specified limit. If the draft resolution sought that, then perhaps it could justifiably be said that limits were being prejudged. But our proposal in no way, directly or indirectly, asks anyone to pass judgement on any limits proposal.

146. The representative of Canada asked whether "we are really going to ask the Secretariat to give an opinion on the appropriateness of national legislation already in existence in many countries and State practice on the part of many countries" *[1904th meeting, para. 119]*. As I have said, the draft resolution is clear and there could be no basis for misinterpretation. Operative paragraph 1 requests the Secretary-General "to prepare, on the basis of data and information at his disposal, a comparative study of the extent and . . . significance, in terms of resources, of the international area that would result from" the various proposals for limits. So all that the study is expected to show—and this is the intention of the sponsors—is the area and resources which the international community might get under the common heritage concept under each of the limits proposed.

147. A related objection is that the study is intended to be an argument against the claims of some coastal States for broad national jurisdiction. It is impossible, in our view, to say whether such a study would be advantageous to one or another group of States. Indeed, one can, if one wants to speculate, take exactly the opposite view and say that such a study may prejudge the claims of States urging narrow national claims; for, after all, the study may well show that there are substantial quantities of exploitable resources for the common heritage and for the international community even if broad national claims are recognized. The point is that we just do not know and we shall never know unless we have the information before us.

148. Secondly, it was contended by some delegations that this draft resolution should be rejected because it would be very difficult for the Secretary-General to prepare the study and it was not clear whether he would have all the necessary information. This argument is untenable when we consider that the draft resolution requests the Secretary-General to prepare the study on the basis of whatever information he has at his disposal. It is, therefore, difficult to see why this cannot be done. As the representative of Kuwait pointed out, it is better to have some information than to have no information at all. The undeniable fact is that the majority of States Members of the United Nations do not have the information. We cannot obtain the information ourselves—certainly not the developing land-locked and shelf-locked countries. All we are asking is for some light to be shed on the common heritage that would eventually accrue to mankind and the international community. If we cannot have all the information, let us have some information. The alternative would be that many of us would have to go to the conference in glaring ignorance. Delegations might do well to ponder over the question how viable and long-lasting any international conventions adopted at the conference would be if they were based on inadequate knowledge. In connexion with the argument that the proposed study would be very difficult to make, permit me to say that the Secretariat has had a long tradition of preparing studies and its ingenuity should not be underestimated. Indeed, in the context of questions of the law of the sea the Secretariat has already prepared several studies which in our opinion are far more complicated and difficult than the modest one requested in draft resolution A/C.1/L.632. Let me offer three examples: a study of the possible impact of sea-bed mineral production in the area beyond national jurisdiction on world markets, with special reference to the problems of developing countries: a preliminary assessment;[3] a study on additional notes on possible economic implications of mineral production from the international sea-bed area *[A/8721 and Corr.1, annex II, sect. 2]*; a study on the mineral resources of the sea beyond the continental shelf.[4] Since the Secretariat could prepare such studies as these, it seems to us that it should not be beyond its capabilities to at least attempt to prepare the study we have requested. In our view such a study would be complementary to these other valuable studies.

3 *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 21,* Annex II, sect. 1.

4 Documents E/4449 and Add.1 and 2.

149. Thirdly, some delegations have opposed the proposal on the ground that it would involve financial implications. This is a circuitous argument, for the question is not whether there are financial implications and therefore whether the study should be done. If we took this approach, no study could ever be undertaken by the Secretariat. The sponsors recognize, of course, that any study on a subject worth studying requires time, effort and money. Instead of inquiring first whether there are financial implications, we should inquire first whether the information sought is necessary. If the answer were in the affirmative–and my delegation has taken pains to show that such a study would provide indispensable information for the conference–then the expense would be well justified, although, of course, as responsible Members of the United Nations we should endeavour to keep costs at a minimum.

150. This is precisely why the sponsors have drafted the resolution in such a way as to keep costs minimal. Therefore, in paragraph 1 of the draft resolution, it is made clear that the study is to be prepared "on the basis of data and information at his disposal", and in paragraph 3 States and relevant United Nations agencies are invited to co-operate with the Secretary-General. Such co-operation, it is hoped, will give the Secretary-General additional information without further costs.

151. With regard to costs, my delegation would urge that we should be penny wise and pound foolish. My delegation is rather surprised that there is so much concern about the financial implications of the study when in other circumstances decisions have been made to hold sessions of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction away from New York, in Geneva, thus incurring additional expenditure of hundreds of thousands of dollars. These should be the kinds of decisions that should give rise to concern among those interested in saving money for the United Nations. My delegation has always had, and still has, reservations on holding the sea-bed Committee sessions away from New York because, *inter alia,* the additional costs are unwarranted. We would prefer, therefore, that we concentrated on major financial questions like those, instead of exaggerating the costs argument as a pretext for opposing a study which would provide the conference with indispensable information.

152. Fourthly, several delegations have maintained that other studies of a related nature should also be prepared simultaneously by the Secretary-General. On the one hand, the representative of Chile proposed that a study should be made on the totality of resources in the sea-bed area from coast to coast. My delegation considers that the Chilean proposal is a constructive one and helpful to our deliberations. The information obtained in such a study could be of value in filling existing gaps in knowledge. Unfortunately, such a study would go only half way towards meeting the important objective of our draft resolution, namely, clarifying the area and resources which would accrue for the international community under the common heritage concept from the various limits proposed. On the other hand, several delegations have proposed various other studies which they wish the Secretary-General to prepare in conjunction with the study we have proposed. While some of those suggestions merit careful consideration on a separate basis, my delegation is of the view that those suggestions should not prevent a favourable decision on our reasonable request for a study. Some of those other studies which have been proposed, if they are to be done simultaneously, would surely burden the Secretariat with a truly titanic task. The study we have requested is a modest and limited one.

153. We therefore submit that we should make a start with the study we have requested. We find it strange that some delegations which oppose our study on the dubious premise that it would be difficult and costly are the same delegations as now advocate a course of action calling for more complicated studies, which, unlike our proposal, would definitely be the one to give rise to the serious problems of costs and preparation mentioned by them.

154. Fifthly, it was contended by one delegation that the First Committee is not competent to deal with this request and that it should perhaps be referred to the Second Committee or even to the United Nations Conference on Trade and Development. My delegation considers this contention fallacious and unsupportable by law and logic, as by past practice of the United Nations.

155. In the first place, it is the General Assembly which has the ultimate authority for decisions concerning the forthcoming conference on the law of the sea, including all its preparatory work. In addition to the United Nations General Assembly plenary there are several main Committees. It is the First Committee to which the agenda item we are at present discussing has been referred–there can be no doubt about that–and our draft resolution relates to this agenda item and to the conference on the law of the sea.

156. In the second place, there is already a resolution of the General Assembly which originated in the First Committee and which specifically calls upon the Secretary-General to render to the sea-bed Committee "all the assistance it may require in legal, economic, technical and scientific matters" *[resolution 2750 C (XXV)]*. Our request for the study is consistent with that resolution.

157. More important, and in the third place, this suggestion that the First Committee is incompetent to deal with this request has to be rejected when we consider that there are precedents in which the First Committee has decided upon similar requests. Permit me to give only one example. In resolution 2750 A (XXV), which originated in the First Committee, the Assembly requested the Secretary-General to "identify the problems arising from the production of certain minerals from the area beyond the limits of national jurisdiction and examine the impact they will have on the economic well-being of the developing countries, in particular on prices of mineral exports on the world market."

158. It is clear that if on that occasion that Committee had the competence to deal with that complicated request, it should certainly have the competence now to deal with this modest proposal for a study contained in the draft resolution *[A/C.1/L.632]*.

159. Sixthly, the representative of Canada said:

> "It is rather difficult for my delegation to know precisely what the purpose of this draft resolution is, given in fact, in particular, that it seems to be focused on the economic implications for the area–which has never been of any special interest to anyone–rather than on the significance for the international community." *[1904th meeting, para. 117.]*

160. We are astonished by this statement. True, our draft resolution seeks to obtain information about the economic implications for the international area. Now, the representative of Canada said that this "has never been of any special interest to anyone". If this is so, what are we doing in the sea-bed Committee, in Sub-Committee I of the sea-bed Committee, forming working groups, drafting treaty articles on the international régime and the international machinery? Far from his contention that no one has any special interest in the matter being true, we would think that the entire international community would be interested in the economic implications for the area, since 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)]* declared that "the exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole". If we do not know what kinds of resources mankind as a whole will benefit from in the international area, then the common heritage concept enshrined in the Declaration of Principles will be utterly meaningless.

161. The representative of Canada implied that the focus should be rather on the significance for the international community. But in assessing the significance for the international community, the fundamental requirement is a knowledge of the economic implications for the area. We shall be very grateful if the representative of Canada can demonstrate to us how we can understand the significance for the international community of its common heritage without having any idea of the economic implications, including the resources of the area.

162. Seventhly, it has been suggested by one or two delegations that the proposal for such a study would be very close to intervention in the internal affairs of States. Here we would like to reiterate that what is being requested is a study of a general and factual nature. The Secretary-General is not being asked to comment on the appropriateness of any proposal, nor is he being asked to comment on the position of individual countries. Further, the study is to be based on information and data at the Secretary-General's disposal, including any information submitted by States and relevant United Nations agencies. With regard to the latter, their voluntary co-operation is invited. In view of all this, there can be no basis for contending that either the study or its preparation would in any way intervene in the internal affairs of States.

163. Eighthly, reservations were expressed by some delegations over the manner in which the five proposals or limits were selected. We would like to take this opportunity to inform the Committee that the limits mentioned were those which had been suggested, either formally or informally, during the sea-bed Committee's sessions. Naturally, if some delegations feel that there were other suggestions made which are not mentioned in the draft resolution, the sponsors certainly would like to receive such information and to consider making appropriate changes to the text of the draft resolution.

164. Finally, some delegations have told us that such a study is not necessary, since States should be able to work out the economic implications by themselves. My delegation recognizes that there may be some delegations, especially those from advanced countries, which are in a position to work out the implications of the various limits by themselves; but they can do so because they have the required finances, expertise and facilities. Possibly even some developing countries with experience and sophistication in law of the sea matters are also in a position to obtain such information themselves. But the vast majority of developing countries, which are burdened with so many other pressing problems but are nevertheless interested in the forthcoming conference on the law of the sea, do not have such expertise and facilities, and this is why the Secretariat's assistance is so vital and necessary. It should be no surprise therefore that of the 31 sponsors of the draft resolution 24 are developing countries. If some other delegations can obtain the information themselves, well and good; but certainly they should not, on that ground, prevent others, especially developing countries, from obtaining the information we seek. Indeed, we hope that they will share whatever information they have acquired with the rest of the international community by responding positively to the invitation in operative paragraph 3 to co-operate with the Secretary-General in the preparation of the study.

165. After having given these clarifications and having responded to the objections which were raised, it is the hope of my delegation that the members of the Committee will see no difficulty in supporting the draft resolution.

166. My delegation would like to reserve its right to reply to any other points or to comment on amendments that some delegations have indicated they may submit.

167. Mr. GRIGOROV (Bulgaria): The Bulgarian delegation does not intend to dwell on the substantive aspects of the item before us. The position of my country on the numerous issues which come under that agenda item has been repeatedly made known in the course of the deliberations in the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction. I shall therefore limit my brief comments mainly to the question of convening the third conference on the law of the sea and some other related issues.

168. Any decision with regard to the timing of the conference must, in the view of my delegation, take into account the stage reached so far in the sea-bed Committee's preparatory work. It was that Committee to which General Assembly resolution 2750 C (XXV) gave the mandate to elaborate an international régime and machinery for the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as to prepare a complete list of subjects and issues relating to the law of the sea and draft articles on those subjects and issues. It is to be noted with satisfaction that in the past

two years the sea-bed Committee has made encouraging progress, which is eloquently reflected in the Committee's report *[A/8721 and Corr.1]*.

169. Among the achievements to be mentioned is, first of all, the adoption by consensus of the comprehensive list of subjects and issues relating to the law of the sea *[ibid., para. 23]* which, we believe, has cleared the way towards substantive preparatory work for the conference. My delegation would like to emphasize, however, that as stated in the explanatory note, "The list is not necessarily complete nor does it establish the order of priority for consideration of the various subjects and issues" and should serve only "as a framework for discussion and drafting of necessary articles until such time as the agenda of the Conference is adopted."

170. Sub-Committee III has also made progress in its work. That Sub-Committee completed the general debate on the problem of preservation of the marine environment and scientific research. Several documents on this matter were presented to the Sub-Committee. A working group was formed and entrusted with the task of drafting provisions on prevention and control of marine pollution.

171. In the view of my delegation, the next step to be taken by the sea-bed Committee is to establish a working group on marine scientific research. The two working papers on this problem—one introduced by Canada *[ibid., annex IV, sect. 2]* and the other provided by Bulgaria, the Ukrainian Soviet Socialist Republic and the Soviet Union *[ibid., sect. 3]*—have laid a good basis for practical measures in regulating the co-operation of States in this field.

172. Due tribute for these accomplishments is to be paid to the Chairman of the sea-bed Committee, Mr. Amerasinghe of Sri Lanka.

173. The sea-bed Committee has, however, only partially discharged its duty. The requirements for convening the conference set forth in General Assembly resolution 2750 C (XXV) have, in our opinion, not yet been met.

174. Let us, for example, take a glance at the situation in Sub-Committee I, which has been dealing with the problems related to the establishment of an international régime and machinery for the sea-bed and the ocean floor beyond the limits of national jurisdiction. There were 13 official documents presented to the Sub-Committee in this connexion. This illustrates the diversity of interpretations made by States on the basic ideas contained in 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)]*, as well as the great variety of concepts and approaches with regard to the scope and the content of the international régime and to the functions and powers of the international machinery, and so on. It was the dedication and the energetic efforts of the Chairman of the working group of Sub-Committee I, that made possible the completion of the first reading of the draft texts reflecting the different views expressed by States on these issues. The second reading of those texts, intended to narrow the areas of disagreement, has not yet been completed. The numerous square brackets, however, reproducing the alternative texts which saturate the working paper presented by Sub-Committee I *[A/8721 and Corr.1, annex II, sect. I]* are an indication of the burdensome and very serious task that still has to be done by the working group in elaborating draft articles acceptable to all States.

175. It is quite clear from the brief analysis I have made that the sea-bed Committee has not fully carried out its mandate. The present stage of the preparatory work does not allow us to assert that an adequate basis exists for convening the conference on the international law of the sea. In the opinion of my delegation it is unrealistic, even wrong, to think that such a conference could successfully carry out its work if the sea-bed Committee has not arrived at draft provisions generally acceptable to all States on such important issues as, for example, the breadth of the international waters, the outer limits of the continental shelf, fisheries, international straits, and so on. My delegation believes that under the able chairmanship of Mr. Amerasinghe the sea-bed Committee could successfully proceed next year towards narrowing the existing disagreement on those and other related issues, now that the necessary political and juridical basis to that end is to hand. What is required now is the creation of various working groups to be entrusted with the task of undertaking practical steps in that respect. The most essential factor for the successful outcome of all efforts is, however, the need for goodwill and understanding to accommodate the interests of all States in this very important matter.

176. It is highly desirable that the third conference on the law of the sea should be held at the earliest possible date. The important thing, however, is not the holding of the conference for the sake of holding it, but its fruitful results.

177. In view of the reasons I have stated my delegation agrees with the suggestions made by many previous speakers that the General Assembly should adopt a decision on the question of the convening of the third conference on the law of the sea along the lines of the following time schedule.

178. First, the sea-bed Committee should continue its work during 1973 by holding two sessions. It would be desirable that the resolution to be adopted should contain concrete directives concerning the specific task of the Committee in the preparatory work of the conference.

179. Secondly, it would be advisable to hold an organizational session of the conference some time during the twenty-eighth session of the General Assembly so that the procedural problems could be decided upon earlier.

180. Thirdly, the conference should be convened not earlier than the spring of 1974. In case the General Assembly should find at its twenty-eighth session that the preparatory work done by the sea-bed Committee was insufficient, it should have the right to postpone both the organizational and the substantive sessions of the conference. That would be in line with paragraph 3 of resolution 2750 C (XXV), which provided for such a possibility.

181. As to the site, or rather the sites, of the conference, I should like to recall that the Bulgarian delegation was among the first to welcome and support the generous invitation of the Chilean delegation at the 82nd plenary

meeting of the sea-bed Committee. My delegation wishes to reiterate its appreciation of and full support for the renewed invitation of the Chilean delegation to hold the conference in Santiago. That invitation was extended once again by the President of Chile, Dr. Allende at the 2096th plenary meeting. We can think of no other State more suitable for such an important event than Chile with which my country maintains the best of relations. In the event that circumstances should require that the work of the conference be prolonged, my delegation would favour Vienna as the site for its second session, the more so since an agreement to that end was reached last summer between the Chilean and Austrian delegations.

182. The views I have just presented will determine the position of the Bulgarian delegation on the draft resolutions which are to be introduced in the First Committee on this item of the agenda. We already have before us the draft resolution introduced on 1 December by 45 countries *[A/C.1/L.634]*. My delegation will not find it difficult to support that draft resolution, since its provisions accord, on general lines, with the ideas and suggestions I have just made.

183. Mr. KALOSHIN (Byelorussian Soviet Socialist Republic) *(translation from Russian)*: When one comes to talk about the time and place for holding an international conference on the law of the sea it means that preparations for the conference have entered upon a practical stage; hence one can understand the wishes of those delegations which have submitted specific proposals for promoting solutions to the various problems that are bound up with the establishment of an equitable international régime for the sea-bed, the specific determination of the limits of the area and also a broad range of questions concerning territorial waters and the adjacent zone, fishing, the preservation of the biological resources of the high seas, the preservation of the marine environment and scientific research. On all of those questions my delegation has already stated its views in the sea-bed Committee.

184. As can be seen from that Committee's report *[A/8721 and Corr.1]*, a certain amount of work has already been done in preparation for the international conference on the law of the sea. The Committee has decided many organizational and procedural questions. Sub-Committee I has appointed a working group which prepared texts that shed light on the areas of agreement and disagreement regarding the status, scope of application and basic provisions of the régime. Sub-Committee III too has set up a working group. Sub-Committee II has drawn up a list of topics and questions concerning the law of the sea.

185. In the positive solution of these problems, the contribution of the Committee and its Chairman, Mr. Amerasinghe of Sri Lanka, are obvious. However, the greater part of the preparatory work for the conference still remains to be done. The majority of the problems have not yet been solved. One of them, and perhaps the most important, is that of the limits of national jurisdiction. The solution of many problems connected with the law of the sea depends on the limits of national jurisdiction and on the precise determination of the limits of territorial waters. The question of the limits of national jurisdiction is unquestionably important, not only to coastal States but also to all countries, because it touches directly upon the problem of the international régime, the sphere of action of which will depend upon the establishment of the limits in this way. Everyone understands that the economic significance and sphere of action of the international régime will differ, depending on what limits of national jurisdiction are finally established. There are a number of different proposals regarding the limits. Which of the proposed limits for national jurisdiction would be the best for the international community?

186. Our views on that question have repeatedly been stated. However, for many delegations the question is not an easy one and they have not yet reached a final opinion on it. It is no secret that the limits of national jurisdiction have sometimes been established solely in the light of the interests of a single country, without the interests of other States or of the international community as a whole being duly taken into account. Sometimes the limits have been established arbitrarily.

187. With a view to fruitful discussion and analysis of this question, it is necessary to assess the economic significance and consequences of the various proposals concerning limits. To obtain full information on this question, it would be most useful to have an appropriate study. This is why a large group of States has come forward with the initiative of draft resolution A/C.1/L.632, already sponsored by 31 delegations. The draft resolution proposes that the Secretary-General be requested: "to prepare, on the basis of data and information at his disposal, a comparative study of the extent and the economic significance, in terms of resources, of the international area that would result from each of the following proposed limits for national jurisdiction." My delegation supports this draft resolution and considers that the proposed study will prove useful for all States, being an important element in the process of preparation for the international conference on the law of the sea.

188. Despite this, the representatives of certain delegations immediately pounced on this draft resolution A/C.1/L.632 with critical comments expressing their opposition to this proposed study, but the truth is that they did not put forward any serious arguments in support of their objections. Some speakers have suggested that the purpose of the proposed study is to work up an argument against broad jurisdiction for coastal States, but this does not flow from the proposed draft resolution. You will not even find the words "coastal States" in the draft. Nor does it propose a unilateral approach to the final conclusions of the study, depending on a broad or narrow jurisdiction for coastal States.

189. The draft resolution proposes that a comparative study be carried out of the economic consequences for one area or another depending on the various proposals for limits to national jurisdiction. I emphasize that: depending not on any one proposal but on various proposals. Opponents of the study raise other objections too—asserting, for example, that to hold such a study would be beyond the resources of the Secretariat and would entail a large expenditure of funds and that States should work out for themselves the implications of the various possible limits as regards their individual situations *[ibid., para. 36]*. There is no need to have recourse to legal balancing tricks.

Of course, we do not deny that the Secretariat should do a certain amount of work in preparing the study. However, the draft resolution provides that the study should be based on data and information at the disposal of the Secretary-General and that States and the organs of the United Nations should co-operate with him in this regard.

190. With regard to draft resolution A/C.1/L.632, an attempt has been made, so to speak, to strike a diversionary blow at it. A proposal has been introduced to expand the framework of the study to cover an area described as from coast to coast. This is nothing but an attempt to make such a study to all intents and purposes impossible in the near future.

191. It is a matter for surprise that it is precisely those States that have spoken out against the study that were previously initiators or supporters of the proposal that other studies be carried out. Why should there be what I might call this morbid reaction all of a sudden? If those who entertain such doubts expect that the study will be disadvantageous to themselves, then all the more reason for carrying out the study. The study will make available information essential to delegations that will be taking part in the international conference on the law of the sea, so that collectively they may take decisions on such questions as frontiers and the establishment of a régime on the basis of objective factors and information and not on the basis of chance information. Furthermore, the study, if it is conscientiously prepared, will put an end to the confusion of facts and conclusions adduced by various delegations at various times in meetings in support of one or other limit for national jurisdiction. Let me give just one example. Some delegations, particularly from the Latin American countries, at meetings of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor, defending the 200-mile zone of national jurisdiction, have asserted that this breadth of territorial waters is advantageous primarily to the developing countries, but few facts or figures have been adduced in support of this conclusion. Indeed one might adduce entirely opposite facts and figures, as has indeed been done in this Committee. These facts and figures explode the myth that the 200-mile zone is advantageous to the developing countries. The figures prove that such a zone is disadvantageous not only to the developing countries but to the overwhelming majority of countries. Thus we have different information available to us, and all this should be used in preparing an objective study, which would be in the interests of all.

192. My delegation has carefully studied draft resolution A/C.1/L.634 submitted by 43 countries and is prepared to support the main proposals contained in it. We agree that the sea-bed Committee should hold two more sessions in 1973 to complete its preparatory work, and submit its recommendations to the twenty-eighth session of the General Assembly. It would also be right for the first organizational session of the United Nations conference on the law of the sea to take place in New York in November and December 1973 and the second session of the conference in 1974 to consider the substance. If further sessions are necessary, a separate decision will be taken concerning them.

193. In conclusion, may I express our confidence that the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor will succeed, through the co-operation of all its members, in overcoming the difficulties in making good preparation for the conference which will make a further contribution to the development of the international law of the sea.

194. The CHAIRMAN: Before adjourning the meeting, two delegations have signified their desire to exercise their right of reply. I appeal to these delegations to be brief, please. I call on the representative of Peru in exercise of his right of reply.

195. Mr. ARIAS SCHREIBER (Peru) *(interpretation from Spanish)*: We have heard this afternoon—and I can confess that in my case I was surprised to hear—the comments of the representative of Bolivia in response to the statement I made at the 1904th meeting on draft resolution A/C.1/L.632. I regret that my colleague should have gone further than I did in my statement in seeking interpretations which would provide a foundation for his arguments. The text of my statement has been published, and I handed it over personally to Mr. Guevara Arze at his request. I have not stated, or even hinted or insinuated that the developing land-locked countries are in the service of the great Powers. This deduction by Mr. Guevara Arze is personal and subjective.

196. In deference to the ties of friendship which link Peru with Bolivia, I prefer to refrain from commenting any further. Draft resolution A/C.1/L.632, to which reference is made by Mr. Guevara Arze, has already been the subject of so many comments by other delegations that I think it unnecessary for me to take the time of the Committee to explain once again why it is not acceptable.

197. The CHAIRMAN: I call on the representative of Canada in exercise of his right of reply.

198. Mr. BEESLEY (Canada): I will certainly be as brief as the subject warrants, I hope, because I am only speaking in right of reply.

199. I believe the representative of Singapore set forth 7, 8, 9 or 12 points, but I only took note of three or four, because I felt his argument was somewhat circular and mutually reinforcing.

200. I would ask him to have another look at the nature of the problem on the basis of the comments I make tonight. First, the studies he cited do not raise the kind of issues raised by the study he is now proposing and I think he would be the first to admit that. We are talking here about a study by the Secretary-General comparing not merely various proposals and some suggestions which are not even proposals, but actually a comparative study of the implications of the national legislation of various States. I suggest to him that is quite a different thing from the studies he cited, but I will not go into this because I will leave him to draw the obvious conclusions for himself.

201. However, there is a second point he raised. He reminded us that the results of the study might indeed be prejudicial. They might prejudge the issue, but they might prejudge it in ways that we would like and, therefore, we should support the study. I do not accept that kind of

reasoning because our position was one of principle and I would hope he would give further thought to that kind of argument if he hopes to persuade my delegation to support such a study.

202. The third point he raised, which I thought worthy of reply, was his explanation of the use of the term "area". It is a new one to me. It is a new interpretation of a word that seems to apply to a physical, geographical area. But I understand now what he means. He uses it as a term of art, as a kind of shorthand to mean in actuality the international community. The difficulty in his line of reasoning is that he overlooks one of the premises in coming to this conclusion, namely, that what is missing from his equation is a régime, and the area plus the régime I think can give us some kind of an answer as to the implications for the international community. The area alone cannot, of course.

203. I would suggest even another difficulty in oversimplifying in this fashion. Even the area does not predetermine, for example, the consequences for the international community with respect to the areas under national jurisdiction. I would remind him, for example, that my delegation has made a serious proposal, which I hope his delegation would take as seriously as we intended it, involving resource sharing, in effect, certainly revenue sharing for the area within national jurisdiction. That is a voluntary proposal, of course, but obviously revenue sharing could have quite important implications for the régime, for the area beyond national jurisdiction and thus for the international community. So I really cannot accept his explanation because he did not direct it to the essence of the questions put to him.

204. I would make one further comment, and this is intended to take up a somewhat conciliatory suggestion made by the representative of Bolivia, namely, that he accepts, and I certainly respect his position when he stated it so clearly, that he has not attempted to give us the last word on the kinds of limits which might be suggested. This is encouraging that he has an open mind on that matter, because obviously, as he himself explained, there are different proposals, differing limits, and differing permutations and combinations, distance, depth, formulations, etc. I would only say, however, that the difficulty in pursuing that approach is that we can then make the study more complex and more expensive and still have the same problem of passing judgement, or appearing to do so, on the propriety of national limits.

205. In conclusion, I would say only that I have heard nothing that has removed my own very serious worries about this particular study. I have heard one or two suggestions which perhaps open avenues towards a more constructive approach. The representative of Chile made a proposal at the 1906th meeting. Even that proposal gives my delegation some difficulties of principle. But it is worth noting that the Economic and Social Council has made two studies of the whole of the sea-bed area, including even areas under national jurisdiction, but without any pejorative connotation focusing on varying national limits.

206. Now, I should say quite frankly that had that study been proposed in the sea-bed Committee, my delegation would have opposed it for the same reason it is opposing this study here. But that study was commenced–the first part of it–before the Committee was formed, and there have been two such studies now which cover the ground in very large part and which I understand could be updated without very much additional expense by the Secretariat.

207. Another difficulty again is the one raised by the representative of Venezuela, that all the information comes from one source, and although that source may be unimpeachable, once again it is a question of the propriety of what we are doing here. At least I see some possibility of pursuing that particular avenue and trying to work out some solution but I did not hear any such conciliatory attitude expressed by the representative of Singapore, who seems to be becoming more firm and more rigid as we go along. So I am not too optimistic for a solution on this but at least my delegation stands, as usual, ready to participate in any such effort.

208. The CHAIRMAN: I wish to inform the Committee that Cyprus has become a co-sponsor of draft resolution A/C.1/L.634.

The meeting rose at 6.45 p.m.

Litho in United Nations, New York

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