



CONTENTS

Agenda item 34 (concluded):	Page
Declaration of the Indian Ocean as a zone of peace: report of the Secretary-General	1
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	5

Chairman: Mr. Radha Krishna RAMPHUL
(Mauritius).

AGENDA ITEM 34 (concluded)

Declaration of the Indian Ocean as a zone of peace: report of the Secretary-General (A/8809, A/C.1/L.631/Rev.1, 633)

1. The CHAIRMAN: In accordance with the decision taken at this morning's meeting, the Committee will proceed to vote on the draft resolution concerning the Indian Ocean as a zone of peace, which is contained in document A/C.1/L.631/Rev.1.

2. In this connexion, I wish to draw the Committee's attention to the statement by the Secretary-General on the financial implications of the draft resolution, submitted in accordance with rule 155 of the rules of procedure. That statement is contained in document A/C.1/L.633.

3. I should also like to inform the Committee that Somalia has become a sponsor of the draft resolution.

4. I shall now call on those representatives who wish to explain their vote before the vote.

5. Mr. SHUSTOV (Union of Soviet Socialist Republics) (*translation from Russian*): The Soviet delegation has carefully studied the draft resolution submitted by Sri Lanka and supported by a number of other States on the Declaration of the Indian Ocean as a zone of peace and we should like to set forth our views in connexion with the problem which is raised in this draft resolution.

6. On the question of declaring the Indian Ocean a zone of peace we proceed from a position of principle designed to support the proposal which really promotes the strengthening of peace and security of States and the lessening of international tension. The Soviet Union believes that in

preparing the recommendations relating to peace and security equal account should be given to the interests of the security of all sides, without any one side receiving an advantage. In this regard we should like to express the view that in deciding this question there should be no artificial singling out of a group of countries for special rights.

7. The Soviet Union believes that declaring the Indian Ocean as a zone of peace requires the elimination of all foreign military bases in this area, which are a serious source of international tension and conflict. The resolving of this problem would be a major contribution to the strengthening of the security of the States in the area. The taking of steps to strengthen security in any given area should not be detrimental to the universally acknowledged rules of international law, particularly the principle of freedom of navigation. As is well known, the Geneva Convention of 1958 on the high seas¹ confirmed as a universally acknowledged rule of international law freedom of navigation for all vessels, including naval craft, and the carrying out of scientific research by means of such vessels.

8. Last year the General Assembly adopted resolution 2832 (XXVI) on the Indian Ocean. In spite of the intentions which guided its sponsors, in the Soviet Union's view it was not fully consistent with the above-mentioned principles. As a result of this the delegation of the Soviet Union abstained in the voting last year.

9. The draft resolution now under consideration provides for practical steps to implement the Declaration of the Indian Ocean as a zone of peace. Therefore our delegation will also abstain in the voting on the draft resolution.

10. In setting forth this position we should at the same time like to stress as has already been stated by us, that the Soviet Union is ready to consider and settle, along with other interested States and on an equal footing, the question of declaring the Indian Ocean a zone of peace.

11. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): I should like to explain that my delegation views with particular sympathy the peaceful intention behind draft resolution A/C.1/L.631/Rev.1.

12. For strictly procedural reasons connected with the unitarian treatment of the law of the sea, which will be examined in the forthcoming conference on the law of the sea, and also certain discrepancies with regard to the very text of the draft itself, we are compelled to abstain in the vote.

¹ United Nations, *Treaty Series*, vol. 450 (1963), No. 6465.

13. The CHAIRMAN: I should like to inform the Committee that Madagascar has become a sponsor of draft resolution A/C.1/L.631/Rev.1, which I shall now put to the vote.

A vote was taken by roll call.

Venezuela, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Algeria, Australia, Bahrain, Bhutan, Brazil, Burma, Burundi, Cameroon, Central African Republic, Chad, Chile, China, Cyprus, Egypt, Ethiopia, Fiji, Ghana, Guyana, Iceland, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Nepal, Nigeria, Pakistan, Philippines, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Upper Volta.

Against: None.

Abstaining: Argentina, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Finland, France, Greece, Guatemala, Honduras, Hungary, Ireland, Israel, Italy, Mongolia, Netherlands, New Zealand, Norway, Oman, Peru, Poland, Portugal, South Africa, Spain, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The draft resolution was adopted by 72 votes to none, with 35 abstentions.

14. The CHAIRMAN: I now shall call on those representatives who wish to explain their vote after the vote.

15. Mr. GIUFFRIDA (Italy): We certainly sympathize with all initiatives aimed at creating lasting conditions of peace in all regions of the world. The efforts made by Sri Lanka and other countries in order to ensure these conditions in the Indian Ocean reflect, in our view, a sincere willingness to promote peace and mutual co-operation in this region. However, we noted that the Declaration of the Indian Ocean as a zone of peace [resolution 2832 (XXVI)] sponsored last year by those countries contained concepts and criteria that did not seem to us to be fully consistent with the existing principles of the law of the sea. We found, *inter alia*, that paragraph 1 of resolution 2832 (XXVI) embodying the Declaration included in the same context the Indian Ocean, the air space above and the ocean floor adjacent thereto. This approach might lead to arbitrary interpretations aimed at identifying the régime to be applied to the surface of the sea and to the sea-bed; the implementation of the Declaration would imply the recognition for certain States of new rights likely to impair or restrain the principle of freedom of navigation on the high seas for all types of vessels.

16. The acceptance of these criteria, regardless of generally recognized views of international law, might constitute a precedent for other maritime areas, with military and political implications which, in our view, would need to be carefully considered. We therefore abstained on resolution 2832 (XXVI).

17. The purpose of the draft resolution that has now been adopted is to start a procedure and establish an *ad hoc* committee in order to open the way for the furtherance of a Declaration about which, for the reasons I have just explained, my delegation has serious doubts. Consequently we have abstained on this new draft resolution also.

18. Allow me to add that, bearing in mind the need to avoid any misinterpretation of the law of the sea and to ensure its constant observance, we entirely reserve the Italian position regarding any conclusion which may be reached or action taken following the adoption of this draft resolution.

19. Mr. SCALABRE (France) (*interpretation from French*): In the course of the general debate on disarmament last year our representative explained to this Committee [1838th meeting] the position of France on the Declaration of the Indian Ocean as a zone of peace contained in resolution 2832 (XXVI). I should like to reiterate that my delegation fully understands the concern of the coastal States of the Indian Ocean and their desire that that zone be kept free from possible seeds of conflict. However, we feel that the basic principles of international law—that of the freedom of the high seas being one of the most ancient and unchallengeable—cannot be modified even in a limited geographical region by any resolution of the General Assembly of the United Nations even though, as in this case, it be inspired by eminently peaceful and laudable intentions.

20. Furthermore, we believe that only international détente and true disarmament can bring to the coastal States of the Indian Ocean, as to all the peoples of other regions of the world, the security to which they aspire.

21. Since the intention of the draft resolution submitted to us is essentially to prepare for the implementation of resolution 2832 (XXVI), my delegation could only abstain, as it did last year when the draft resolution itself was put to the vote.

22. Mr. NUR ELMI (Somalia): My delegation has voted in favour of the draft resolution just adopted by this Committee because, when the proposal for a United Nations declaration on the Indian Ocean as a zone of peace was introduced last year, the delegation of the Somali Democratic Republic welcomed that initiative on the part of the Government of Sri Lanka and became a sponsor of the draft resolution which, of course, contained the Declaration and was subsequently adopted by the General Assembly as resolution 2832 (XXVI). We believed then, and we continue to believe, that the Declaration is a major contribution to the strengthening of international peace and security. We hold this view because the implementation of the Declaration would undoubtedly have beneficial effects that would reach out in a number of directions. Its potential may be seen, first of all, in the context of that

landmark resolution 2734 (XXV) on the strengthening of international security. My delegation has always emphasized its belief that the provisions of resolution 2734 (XXV) constitute a blueprint for the practical application of the principles of the Charter.

23. The Declaration of the Indian Ocean as a zone of peace is a positive response to that resolution, since it constitutes a vital element in the system of universal collective security which the United Nations is working to establish. If, in addition, the big Powers can be persuaded to halt the expansion of their military presences in the Indian Ocean and to eliminate from the area bases and military installations established in the context of great-Power rivalry, this will be a great contribution to the reduction of international tension.

24. Obviously, the Declaration would have a strong impact on the area of disarmament, whether one considers the question of the limitation of the arms race in conventional weapons, the restriction of nuclear weapons, or general and complete disarmament. While the level of armaments in the Indian Ocean area is still comparatively low, it is clear that the area's strategic importance could lead to an escalation of armaments as a result of the rivalries of the larger Powers.

25. Another way in which the Declaration on the Indian Ocean is a positive response to resolution 2734 (XXV) is in its tangible expression of the principle of regional co-operation, which is strongly endorsed by that resolution. The regional co-operation envisaged in the Declaration could span three continents and include diverse peoples. It would certainly reflect African-Asian unity and the third world's aspiration for development in conditions of peace.

26. My Government's interest and involvement in the Declaration of the Indian Ocean as a zone of peace has been motivated not only by the relevance of the Declaration to important international issues but also by considerations which fall within the realm of Somalia's national policies and interests. As a non-aligned State we welcomed the initiative based on principles which are identical with those of non-aligned States. As the Prime Minister of Sri Lanka said when she introduced the proposal on the Indian Ocean in October 1971:

"The concept of a zone of peace is inherent in the concept of non-alignment, which requires that the land territories, air space and territorial waters of non-aligned States must be closed to great-Power conflicts and rivalries. All areas under the jurisdiction of non-aligned States should, therefore, be by definition zones of peace." [1962nd plenary meeting, para. 18.]

27. As far as our particular national interests are concerned, the Somali Democratic Republic has the distinction of having the longest coastline of any African country, so the Declaration affects us closely. We naturally have a strong interest in the modalities of its implementation.

28. My delegation felt that at this session the General Assembly should do two things with regard to the Declaration of the Indian Ocean as a zone of peace. First, it should reaffirm the Declaration with the strongest possible

show of support. Although resolution 2832 (XXVI) was adopted at the twenty-sixth session the support it received was not as overwhelming as one might have wished. This was perhaps due to the fact that this was a new presentation of the concept of zones of peace and there was need for more time for the implications of the question to be carefully studied.

29. The second direction in which my delegation believes the General Assembly should move is towards agreement that the time has now come to go beyond a statement of principles to consideration of the many questions—some of them no doubt difficult questions—that will be raised by the application of those principles. The Indian Ocean area, for example, must be defined and the legitimate rights of States and people to safeguard or achieve their independence and national sovereignty must be taken into account. The Declaration's commitment ensuring the free and unimpeded use of the Indian Ocean peace zone by vessels of all nations must also be carefully spelled out.

30. With regard to the establishment of an *ad hoc* committee, as mentioned in operative paragraph 2 of the draft resolution just adopted by the Committee, my delegation will in due time put forward for the consideration of the littoral and hinterland States of the Indian Ocean a proposal on how we think the implementation of the Declaration can best be achieved.

31. The CHAIRMAN: I should like to inform the Committee that I am aware that according to the rules of procedure a delegation which has sponsored a draft should not speak in explanation of its vote. However, I called on the representative of Somalia because, as is well known, Somalia is represented by a very small delegation in this Committee and is also a very active member of the Security Council. It was with this in mind that I extended that courtesy to the delegation of Somalia, but I should not like this to be taken as a precedent.

32. Mr. ECKERBERG (Sweden): I should like to take this opportunity to explain why my delegation abstained in the voting on the draft resolution concerning the Declaration of the Indian Ocean as a zone of peace.

33. The Swedish delegation has often expressed its support for regional approaches to disarmament and it was in accordance with that general policy that it voted in favour of resolution 2832 (XXVI) last year. As was explained then, we interpreted the operative part of that resolution as calling for consultations between the countries in the region and other States involved in order to try to work out conditions and measures for such a regional approach towards peace and not as predetermine in any way the exact outcome of those consultations.

34. The Swedish delegation shares the hope of the sponsors of this year's resolution that the Indian Ocean will continue to be a zone of peace. We regret that the consultations envisaged in last year's resolution have not taken place. It is also notable that few of the States immediately concerned have replied to the Secretary-General's letter of 10 February 1972 in which he asked to be informed in due time of any measure taken with regard to the implementation of the Declaration of the Indian Ocean as a zone of peace.

35. The basis for a regional measure of this kind must, in the view of my delegation, be active co-operation and agreement among, in the first place, the countries in the region itself, and, secondly, the other States involved. When they are ready to agree on specific measures and thus the proposed zone of peace can be clearly defined, the General Assembly might well endorse their decision.

36. The vote which took place a few minutes ago was encouraging in that almost all the littoral or hinterland States voted in favour of this year's draft resolution. We welcome this and hope it can be interpreted as a first step towards concrete consultations and agreement between those States. However, pending some such progress, the Swedish delegation felt constrained to abstain in the vote today.

37. Mr. ASHTAL (Democratic Yemen): Notwithstanding the good intentions of the sponsors of the draft resolution, my delegation abstained in the vote. I should like to reserve the right of my delegation to explain its vote in detail when the matter comes up in the General Assembly. Nevertheless, it is the contention of my Government that if the Indian Ocean is to be a zone of peace, all foreign military bases in the littoral and hinterland States of the Indian Ocean should be immediately dismantled. Unless such a provision is incorporated in the resolution, we feel that the resolution is not fully acceptable because it disregards the causes of tension and the threat of conflict, that is, the foreign military bases.

38. Mr. SCOTT (New Zealand): In the absence of final instructions my delegation abstained in the vote on draft resolution A/C.1/L.631/Rev.1, without prejudice to the position we may adopt when it is considered in plenary meeting.

39. The CHAIRMAN: The list of speakers wishing to explain their vote after the vote is now exhausted.

40. I call on the representative of Sri Lanka, who wishes to make a statement.

41. Mr. AMERASINGHE (Sri Lanka): I realize that there is no rule of procedure that permits me to speak at this stage, and I am therefore all the more grateful to the Chairman and the Committee for extending me this special indulgence. I realize that the representative of Somalia was allowed to speak, and for a very good reason, and I therefore take comfort in the thought that I am not imposing unduly on the Chairman's generosity or that of the Committee.

42. I wish merely to express my sincere thanks to all those who have found it possible to support our draft resolution this year and also to say to those who abstained that we quite understand the reasons for their abstention.

43. We may not agree with those reasons and I feel that I can explain to them why they need not have entertained the doubts which compelled or impelled them to abstain on this draft resolution, which was after all one of a purely procedural nature in the form of a request that the international community as represented in the General Assembly of the United Nations should study a proposal,

should examine its implications. We did not even ask for a categorical acceptance of all the concepts of a peace zone as we had spelled them out in last year's resolution nor did we ask for a complete and explicit acceptance of the Declaration itself.

44. It was because the Declaration in all its details presented problems to Members of the United Nations last year that this year we felt that it was necessary to ask for the appointment of a committee which would study the implications of the proposal. Here I wish to attempt at least to allay the doubts and misgivings of some delegations which abstained on this draft resolution, procedural though it is. One of the difficulties that confronted certain delegations was that in some way or other this proposal—the Declaration of the Indian Ocean as a zone of peace and the appointment of a committee—would interfere with the work of the conference on the law of the sea and its ultimate findings.

45. This proposal does not in the least interfere with what was described as the basic principle of the law of the sea, namely, the freedom of the seas. Only peace can ensure freedom; it is not necessarily freedom that ensures peace, certainly not the freedom of the high seas as it is understood today by many of the major Powers, which is purely a licence and not a freedom—a licence which is exercised, contrary to the interests of the developing countries and the weaker nations of the world, to maintain the power and perhaps the prestige of the great nations of the world.

46. That is why I maintain that this concept does not in the least interfere with the freedom of the high seas. On the contrary, it seeks to reinforce that freedom, a freedom which, if properly exercised, should ensure justice and equality for all.

47. Another argument that was adduced was that there should be no regional treatment of the problem of peace. We are not trying to dissect peace, but there is no such thing as a regional or global treatment of peace. If you wait for the global treatment of peace, you will never get it. So let us therefore try to approach it regionally, step by step, as even the major Powers try to achieve disarmament step by step. Why should we be denied the privilege that they seek? They ask us to state as a first step that all foreign military bases and installations should be removed from the Indian Ocean. But that, according to them, is the last measure that they themselves are contemplating. They proceed to that ultimate stage by degrees. We therefore cannot be expected to adopt a measure which they themselves regard as the final outcome of their deliberations.

48. While appreciating the reasons which impelled many countries to abstain and while expressing our gratitude to those who were able to change their vote from an abstention to an affirmative vote this year, we must express our regret that none of the major Powers, with the shining exception of China, found it possible to vote in favour of what was purely a procedural draft resolution, namely, the study of the implications of this proposal. If this Organization does not show a willingness and a readiness to study a proposal, how can we expect anything of it, how can we

expect any progress in the direction of peace? That is all I wish them to bear in mind when the proposal comes up before the General Assembly, and I sincerely hope that they will appreciate our motives in bringing forward this proposal in the United Nations. Our proposal is: let us start peace somewhere; start taking positive measures for the creation of a climate of peace somewhere. Perhaps, as I have said, the infection will spread, and I hope that nobody will get himself inoculated against it.

49. The CHAIRMAN: When I called on my colleague, Mr. Amerasinghe of Sri Lanka, I did so to extend a courtesy to the father of agenda item 34.

50. I call now on the representative of India in exercise of the right of reply.

51. Mr. RANGANATHAN (India): My delegation is most gratified that the First Committee has adopted draft resolution A/C.1/L.631/Rev.1. We see this as a step in the direction of the realization of the objectives in the resolution declaring the Indian Ocean as a zone of peace which was adopted last year.

52. From a quick glance at the record of the vote that has just taken place, it is a matter of satisfaction to my delegation that some of the delegations that had abstained last year voted positively this year.

53. In the course of the discussion on this item this morning some pointed remarks were made on the events which took place in the South Asian subcontinent last year. Any person truly interested in this matter can consult the records of the Security Council debates, and I do not propose to go into the details here.

54. We hope that the adoption of this draft resolution will be followed by the actual creation of the proposed *ad hoc* committee with the full and active participation of all the permanent members of the Security Council and some of the interested littoral and hinterland States.

55. The CHAIRMAN: I wonder whether the statement of the representative of India was an explanation of vote after the vote or an exercise of the right of reply.

56. The Committee has thus concluded its consideration of agenda item 34.

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, 634 and 635)

57. Mr. KIKIĆ (Yugoslavia): After years of hard work we are nearing the point of convening a third United Nations

conference on the law of the sea. Many speakers, at different times and on different occasions, have spoken at length and with great conviction about its importance for the international community as a whole and in particular for the developing countries. The position and views of most countries on the third conference are therefore well known to all of us present here. Fully appreciating this, I should like briefly to outline only two questions. First, the evaluation of my delegation of the last session of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, and secondly, how we should proceed in our efforts for the codification of a comprehensive international law of the sea.

58. In the opinion of my delegation, the meeting of the Committee on the sea-bed, held in July-August of this year, was one of the most intensive and most successful of all those held so far. When saying this I have primarily in mind the adoption of the list of subjects and issues [A/8721 and Corr.1, para. 23] for the third United Nations conference on the law of the sea. Its formulation and the concurrence of all members of the Committee after the adoption of the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction [resolution 2749 (XXV)] undoubtedly represents in fact the greatest success in our work thus far. When speaking of the list—without minimizing the efforts, consistent work and the spirit of compromise reflected in the position of all delegations—we cannot but stress once again the role played by the developing countries in its adoption. In presenting its joint list in the Sub-Committee II, and then harmonizing its views with other Member States, the Group of 77 has once again demonstrated its ability, homogeneity and the spirit of compromise which prevails within it. Without neglecting their own vital interests, the sponsors of this list, in their negotiations with other interested States, have demonstrated full sensitivity to the position of other members of the Committee.

59. I should like at the same time to point out at its autumn session, in spite of conflicts and intensive work on the formulation of the list, Sub-Committee II found sufficient strength and time also to examine a series of concrete draft articles. However, we must take cognizance of the fact that on substantive issues outlined in various drafts there was a visible lack of unanimity in the views voiced by different groups of countries.

60. The work of Sub-Committees I and III, in our opinion, is not making sufficiently rapid progress. We are not at all satisfied with progress in drafting the future régime and machinery for the exploitation of the sea-bed. It is regrettable that, at times in the discussions in the working group of Sub-Committee I, some of the basic elements of the Declaration of Principles governing the sea-bed were brought into question. In such circumstances I shall reiterate that for my delegation and, I am confident, for the majority of Member States as well, the Declaration of Principles represents the vital basis for the formulation of the future agreement on the international régime and machinery. In this respect we consider as the most important underlying principle that the sea-bed and ocean floor and the subsoil thereof, as well as the resources of the

* Resumed from the 1909th meeting.

area, constitute the common heritage of mankind. We strongly feel that the sea-bed should not become subject to appropriation by any means, either by States or persons, national or juridical, and no States shall claim or exercise sovereignty or sovereign rights over any part thereof. Exclusive jurisdiction over the area and administration of its resources should, in our opinion, be exercised on behalf of mankind by an international body to be established. Only if in our future work we consistently adhere to these fundamental principles, will it be possible realistically to expect a formulation of the régime and machinery which would be acceptable and which would meet with the requirements of the greatest majority of the countries of the international community. As to Sub-Committee III, its work is still in the embryo stage, but we feel that there exist all the potential possibilities and elements to have it finally take substantive steps forward in the resolution of the tasks entrusted to it.

61. Now I should like to touch upon our future work and the conference on the law of the sea. Proceeding from the position that it is in the interests of all Member States to have the conference convened at an early date, it is nevertheless equally important that it be thoroughly prepared so as to ensure its full success. My delegation is therefore advocating the following procedures: two further sessions of the sea-bed Committee should be held in 1973, one of five weeks in New York, beginning in early March, and the other of eight weeks at Geneva, beginning in early July. By allowing the Committee 13 weeks for its work in 1973, we feel confident that realistic possibilities will be created for an exhaustive and substantive final preparation for the holding of the conference on the law of the sea.

62. The first session of the third United Nations conference on the law of the sea should, in the opinion of my delegation, be held in New York for a period of approximately two weeks in November/December 1973, for the purpose of dealing with organizational matters. The second session of the conference, for the purpose of dealing with substantive work, would be held in Santiago, Chile in April/May 1974 for a period of eight weeks, and such subsequent sessions, if necessary, as may be decided by the conference and approved by the General Assembly.

63. We are also prepared to authorize the Secretary-General, in consultation with the Chairman of the sea-bed Committee, to make such arrangements as may be necessary for the efficient organization and administration of the conference and the Committee, utilizing to the fullest extent possible the staff resources at its disposal. When we say "in consultation with the Chairman of the Committee", it goes without saying that the Chairman of the Committee, before formulating positions, will consult Member States of the Committee on the sea-bed.

64. Finally, my delegation favours the participation of all States at the forthcoming conference on the law of the sea. However, we are willing to have the decision on this matter taken at the twenty-eighth session of the General Assembly.

65. I wish to point out that the next session of the General Assembly should, as a matter of priority, review the progress of the preparatory work of the sea-bed Committee and, if necessary, take measures to facilitate the

completion of the substantive work for the conference and any other action we may deem appropriate. By "any other action we may deem appropriate", my delegation understands also the right to alter the date of the commencement of the conference if there is a prevailing opinion that insufficient substantive progress has been made in the work of the Committee during 1973. In saying this, we have in mind in particular the work and efforts on the elaboration of the régime and machinery for the exploitation of the sea-bed. However, I should like to state that my delegation sincerely hopes that this will not come to pass and that the Committee, by its persistent and systematic work, will enable the holding of the conference in the not too distant future, that is, within the specified time-table. Thus, understanding our work and assignments in the days to come, the Yugoslav delegation, together with 43 Powers—among them a great number of developing countries—has sponsored draft resolution A/C.1/L.634. We hope that this draft will be adopted in our Committee by consensus. Having said this, it is quite clear that, for my delegation, the amendments put forward by the delegation of Malta in document A/C.1/L.635 are not acceptable.

66. Finally, I should like to express my confidence that in 1973 we shall take a significant step forward, a step that will bring us closer to the goal to which we all aspire. To this end, my delegation will, as in the past, make its full contribution.

67. Mr. SCHRAM (Iceland): The delegation of Iceland has noted with satisfaction the progress which was made at the session of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction during this year for the preparation of a comprehensive international conference on the law of the sea. Our thanks and appreciation go to the Chairman of that Committee, Mr. Amerasinghe, and to all the officers of the Committee for a job well done.

68. My delegation was among the sponsors of resolution 2750 C (XX) of 17 December 1970, by which the General Assembly decided to convene a new conference to solve the manifold and increasingly urgent problems relating to the law of the sea.

69. Indeed, from the very beginning of the work of the sea-bed Committee, the Icelandic delegation has viewed the items on its agenda as some of the most important topics under consideration by the United Nations. The oceans, after all, cover over 70 per cent of our globe, and their resources are of immense value for the whole of mankind—not only the living marine resources but no less the resources of the sea-bed and the subsoil, as has so vividly been brought to our attention by the deliberations of the sea-bed Committee and by numerous valuable studies on the exploitation of these resources, so ably drawn up by the Secretariat. The sea-bed resources will, if properly managed and exploited, bring much wealth to countries with low national incomes at present, and hopefully strengthen the role of the United Nations by adoption of the principle of the common heritage of mankind.

70. A necessary prerequisite is, however, that we succeed in solving the jurisdictional problems involved in attaining agreement on the important question of limits of national

jurisdiction and make a decision on the machinery necessary for exploiting the resources of the international area for the benefit of all mankind. We are, however, acutely conscious of the fact that time is running out for the international community in this respect. Scientists have emphasized that it is only a matter of one or two years until it will be possible for international mining companies to exploit the manganese nodule resources of the deep ocean floor, and new technology will shortly make other resources of the deep ocean floor accessible to industrial conglomerates of the most advanced nations.

71. Consequently, if we do not act with speed and decisiveness hardly anything will be left of the common heritage and the international area will have shrunk to the deepest creeks and ravines of the mid-ocean floor, leaving a mere pittance of inaccessible resources. This is a development which must not happen. Only through the efforts of this Organization and the forthcoming conference on the law of the sea can this be prevented.

72. The delegation of Iceland fully supports the view that the first organizational session of the conference should be called in 1973 here in New York during the General Assembly session to continue with matters of substance in 1974. We warmly support the proposal that the second session of the conference take place in Santiago, Chile, underlining the important role the Latin American States have played in the development of the law of the sea.

73. Turning now to the living resources of the sea, it is quite appropriate that this Committee has allotted items such as the territorial sea and the exclusive economic zone beyond the territorial sea a prominent place on its list of subjects and issues relating to the law of the sea.

74. That the seas and oceans are one of the most important sources of food for mankind has often been stressed, perhaps most recently by the Conference of Ministers held in Moscow last July. We fully concur in the conclusions expressed in the last paragraph of the Declaration of the Conference, where it is stated:

"The living resources of the sea and oceans must become a constant source for improving the well-being and raising the standards of living of the peoples of our planet and be of benefit to all mankind." [*See A/8721 and Corr.1, annex I, sect. 5.*]

75. These are noble aspirations, but unfortunately the present state of the world's fisheries does not give cause for any optimism. From the annual report published by the Food and Agricultural Organization (FAO) on the state of food and agriculture it may be seen that during the past three years the total world catch of fish has hardly increased, in spite of a considerable increase in the fishing effort. This is an indication of the fact underlined in a report by the Secretariat of FAO, "Conservation Problems with Special Reference to New Technology", where the following is stated: "It will be seen that many if not most of the stocks of the more valuable types of fish are already, or are becoming, heavily exploited."

76. These developments are the reason why a number of States have requested that the concept of an exclusive

economic zone beyond the territorial sea be given prominence in a list of issues for the forthcoming conference. Various proposals on the nature and extent of the economic zone have been put to the Committee and we notice with considerable interest that the limit of 200 miles seems to be the common denominator for the maximum distance. The interest of the coastal States in a fairly extensive economic zone, or a patrimonial sea, is of course governed by the need to protect the living marine resources of the area and, secondly, to reserve the fisheries there for the benefit of its own development.

77. But even if the concept of a very wide economic zone of up to 200 miles were to be generally accepted at the conference, there would remain, however, an area beyond that zone—an area which corresponds to about 60 per cent of the earth's surface. That is the international area where the community of nations is responsible for conservation of the resources found there. It is, indeed, a heavy responsibility, as many valuable marine resources have already been destroyed by indiscriminate overfishing for short-sighted commercial gain.

78. It must unfortunately be concluded that the present system of management of ocean resources by regional fishery commissions has to a large extent failed to conserve and augment the world's marine resources. Those commissions have, more frequently than not, done too little too late.

79. The main reason for the General Assembly's decision two years ago to convene next year a new conference on the law of the sea is the lack of agreement in the international community on what rules of international law exist in this field of international relations. This juridical uncertainty is evident in not one, but in a number of situations in the general field of ocean law, such as the permissible extent of fisheries' jurisdiction, the outer limits of the continental shelf, and the rights of coastal States to establish a pollution-zone off their coasts. On these and other issues relating to the law of the sea there is no agreement, either among experts or national Governments.

80. This legal uncertainty has led, in various areas of the world, to disputes and conflicts. One such conflict exists today in the coastal areas of my own country, Iceland. Indiscriminate exploitation of the marine resources around Iceland has in the last few years reached such ominous proportions that the Icelandic nation was faced with economic ruin unless this overexploitation by foreign vessels ceased. In the absence of undisputed legal norms the Icelandic Government had recourse therefore to a normal course of action in such a situation, which was a unilateral extension of the fisheries' jurisdiction around the country to 50 miles from base lines. I should like to point out in this connexion that Iceland's territorial sea of four miles remains unchanged.

81. No agreement or universal rule of international law exists today on the limits of the economic jurisdiction of the coastal State. For sea-bed resources the limit is at least 200 miles off the coast, I think most of us would agree. As regard marine resources, 30 States have already claimed conservation or fisheries jurisdiction beyond 12 miles, some of them more than 20 years ago, and have effectively

maintained that jurisdiction. Indeed, one of the main reasons why the conference on the law of the sea is being convened is to arrive at a definite limit of coastal jurisdiction, thereby indisputably and clearly implying that no such rule of law exists today.

82. For this reason the Government of Iceland felt it was fully entitled to extend the fisheries limits on 1 September of this year, thereby following the example of 30 countries with extensive jurisdiction. That such extension is certainly not contrary to any existing rule of international law is clearly evidenced by, *inter alia*, a recent act of the French National Assembly, which on 5 July last extended the fisheries jurisdiction of French Guiana to 80 miles from the coast. This law, signed by the President of the French Republic, Georges Pompidou, and the Foreign Minister, Maurice Schumann, on the same day, clearly shows that the leaders of the French nation, steeped in international legal tradition, certainly do not think that an extension of fishing limits to 80 miles is in contravention of international law. Indeed, as early as 1951 the Government of France enacted legislation extending the territorial limits of Tunisia to 30 miles or more in certain extensive areas. And it is interesting to note that since gaining independence Tunisia has maintained that extensive jurisdiction originally decreed by France.

83. The extension of the fisheries limits of Iceland, as is well known, has created an international incident because of the refusal of the Government of the United Kingdom and that of the Federal Republic of Germany to respect the new regulations. It has therefore been asked why Iceland did not wait until after the conference on the law of the sea. I shall try very briefly to answer that question, as it is certainly a crucial one.

84. First, the Government of Iceland, as I have already outlined, believes, along with the Government of France and a great many other nations, that such an extension is not contrary to international law.

85. Secondly, the fish stocks in the north-east Atlantic around Iceland had deteriorated to such an alarming degree that remedial action was required immediately. Of the two main species found there, the Atlanto-Scandia herring has all but disappeared and the cod stocks have now reached the danger point. Indeed, in a report issued on 28 April of this year, a group of international experts on cod stocks in the north Atlantic set up by the International Council for the Exploration of the Sea and the North-East Atlantic Fisheries Commission recommended that the desirable level of fishing effort would be approximately one-half of the present level. In other words, for sensible exploitation of this most important fish stock of that ocean, it is deemed necessary to cut the fishing effort by 50 per cent. It is precisely this that the Government of Iceland, through international negotiations with the countries concerned, has been trying to effect in the areas around Iceland during the past years.

86. One of the main points, indeed, of our offer to the United Kingdom Government has been a reduction in the fishing effort, especially in the taking of young, immature fish, around Iceland.

87. The objective of conservation and protection of the fish stocks there is the other main reason for our action in extending the fisheries limit. For this very reason we have for a number of years forbidden all fishing by our own nationals in certain areas within our jurisdiction and will continue to do so, although this entails considerable financial sacrifice on the part of Icelandic fishermen.

88. But, needless to say, our attempts to promote multi-lateral fishery conservation efforts have consistently come to nothing because of lack of response. At the same time, we have observed the total catch of cod by Icelandic fishermen decline by 30 per cent during the past two years, in spite of a markedly increased effort.

89. This is the reason why we could wait no longer. Iceland is not an industrial Power like the United Kingdom or the Federal Republic of Germany, but a small nation which bases its very existence on the marine resources off its coasts. The 50-mile extension on 1 September was therefore essentially an act of self-defence in a situation which had become untenable. But allow me to emphasize strongly that this action was certainly not aimed against any nation. We were and we remain willing to respect the economic interests of other nations which have been fishing for a long time in the area, granting them a reasonable period of readjustment. This offer has already been accepted by the Government of Belgium by a treaty of 7 September last between Iceland and Belgium under the terms of which Belgian trawlers may continue fishing within the 50-mile limit for a reasonable period of time.

90. This treaty can serve as a model for the bilateral solution of fisheries disputes, and we would like to express our appreciation and esteem as regards the understanding which the Government of Belgium has shown in this matter and its decision to maintain fishing activities off Iceland through concord and agreement rather than by the use of force.

91. At the same time, my Government regrets that repeated attempts by Iceland to negotiate similar fisheries agreements with the Governments of the two other Powers have so far met with failure. The two countries concerned have chosen not to respect the decision of the Icelandic Althing and the Icelandic nation. Instead, their fishing fleets continue illegal operations within Icelandic jurisdiction. An offer by the Icelandic Government only last week aiming at a reasonable reduction in the fishing effort was rejected by the other party.

92. The situation thus created is reminiscent of another age when gunboats prevailed over peaceful negotiations and small nations were at the mercy of powerful neighbours.

93. Be that as it may, the Icelandic nation will not yield or surrender in this matter, because in this struggle its very right to existence is at stake.

94. At the same time, I would like to emphasize what I said earlier, that our actions are not aimed against any nation. We still hope that goodwill may prevail and that a *modus vivendi* can be found in our dispute with the Governments of the United Kingdom and the Federal Republic of Germany which will be acceptable to both

sides. We realize that this is not an easy task, but I would like to emphasize that we remain willing to reach an agreement on this matter.

95. The case of Iceland illustrates in a vivid manner the urgent need to convene the conference on the law of the sea as soon as possible. We hope it will prove successful in its deliberations and that its results will confirm the right of coastal States to utilize and protect the marine resources of their coastal areas, thereby preventing such disputes as I have referred to from arising. We trust that this hope is shared by all the delegations in this Assembly.

96. Mr. SIDDIQ (Afghanistan): In the two sessions this year of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction substantial progress has been attained.

97. The delegation of Afghanistan wishes to avail itself of this opportunity to express its congratulations to the officers of the Committee and, in particular, to its very able Chairman, the representative of Sri Lanka, Mr. Amerasinghe, on their part in making the progress of the Committee possible.

98. As indicated in the report of the Committee, the provisional list of subjects and issues on the law of the sea has been accepted by the Committee [see A/8721 and Corr.1, para. 23]. In this respect, I wish to state on behalf of the delegation of Afghanistan that we still have reservations in regard to that list. We therefore believe that the provisional acceptance of the list will not in any way prejudice the viewpoint of individual States or the agenda of the future conference on the law of the sea.

99. The views of the delegation of Afghanistan with respect to the issue of an international régime and the international machinery have already been set out in the meetings of the Committee, and it is not my intention now to restate our position. However, we wish to emphasize here that the future international régime should be based on the already existing text, namely, the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction adopted by the General Assembly at its twenty-fifth session [resolution 2749 (XXV)].

100. My delegation cannot accept the unilateral extension of States' national jurisdiction. It is our view that international law does not allow such extension and we believe that any decisions regarding the limits of States' national jurisdiction should be taken by the forthcoming conference on the law of the sea. We also believe that the sea-bed Committee as well as the future conference on the law of the sea, in deciding on changes needed in the field of international law, should take into account the realities of the present time and the recognition of the specific needs and interests of the developing and the least-developed countries, particularly the legitimate rights and interests of the land-locked and the shelf-locked countries.

101. Afghanistan, as one of the least developed among the developing countries and in view of its geographic situation and limited natural resources, has a keen interest in the development and exploration of the resources of the

sea-bed and the legal régime and the international machinery governing the exploration and exploitation of the resources of the sea-bed and the ocean floor.

102. In this respect, we believe that before any concrete legal conclusions are drawn, certain objective facts need to be determined and clarified. It is obvious that the determination of such conclusions will undoubtedly affect the international régime of the sea-bed and the kind of international machinery needed beyond the limits of national jurisdiction.

103. At the summer session of the Committee, a proposal requesting the Secretary-General to prepare a study on the economic implications for the area which falls within the scope of the international machinery, on the basis of the various proposals made so far concerning the confines of different national jurisdiction, was made by some land-locked and shelf-locked countries. Unfortunately that proposal did not secure a consensus in the Committee. The representative of Singapore at the 1904th meeting, on behalf of all the sponsors of draft resolution A/C.1/L.632, including Afghanistan, has presented to this Committee a request for a similar study to be carried out by the Secretary-General. As is apparent from the draft resolution itself, the Secretary-General is requested to prepare, on the basis of the 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 the various proposals on limits for national jurisdiction presented to the sea-bed Committee so far. Obviously, the extent of the area and its resources which should form the common heritage of mankind will depend on the eventual agreement on the limits of national jurisdiction reached at the future conference on the law of the sea.

104. The availability of such information, in our view, will undoubtedly facilitate the work of the conference and influence the decisions taken by it with respect to the international area and the necessary international machinery.

105. For these reasons, it is the earnest hope of my delegation that draft resolution A/C.1/L.632 will meet with the approval of a large majority of the members of this Committee and that the study will be completed before the summer session of the Committee in 1973.

106. In conclusion, on behalf of the delegation of Afghanistan I wish to state that we are of the opinion that the organizational session of the conference on the law of the sea should be convened during the twenty-eighth session of the General Assembly and the substantive session of the conference in early 1974.

107. As one of the least developed among the developing countries, Afghanistan always, as a matter of principle, supports the convening of such conferences in New York or Geneva because of the facilities available and the minimum expenditure that is incurred by the participating countries. Nevertheless, I wish to take this opportunity to express the gratitude of my delegation to the Government of Chile for its generous invitation for the session of the conference to be held in Santiago.

108. We have also taken note with gratitude of the offer of the Government of Austria to have the meetings of the conference after 1974 in Vienna. We agree that if a further session of the conference is deemed necessary after 1974 it should take place in Vienna.

109. Mr. VAN USSEL (Belgium) (*interpretation from French*): In recent years Belgium has taken an active part in work concerning the sea-bed and in the present preparatory stage of a diplomatic conference on the law of the sea.

110. Today, while refraining from going into questions of substance which are being considered in the course of that preparatory work, we should like to express our views on the convening of a diplomatic conference on the revision of the law of the sea. Indeed, my Government shares the view of those who believe that the time has come for the Assembly to take on this subject, at this session, a decision which will be of extreme importance for the world community.

111. In December 1970, the Assembly, in resolution 2750 C (XXV), had already taken a decision of principle to convene that diplomatic conference in 1973.

112. In the light of the work done since then and in view of the extremely rapid development of technology and international life, my Government continues to feel that the time-table laid down by the Assembly can and should be respected.

113. Some representatives may feel that the work done in 1971 and 1972 by the preparatory Committee has not progressed as fast as they had hoped. If 1971 was, quite naturally, for an organ the size of the Committee, an installation period, since then, thanks to the the enlightened leadership of Mr. Amerasinghe, considerable progress has been achieved, particularly this summer in Geneva, in such fields as the drawing up of a list of items and the discussion of principles which should govern a sea-bed régime. In the three Sub-Committees, outlines of work were prepared and organs set up which give us grounds for hope that in 1973 the Committee will be able to achieve substantial results in its preparatory work. We must face the facts: the difficulties which confront the Committee will continue to grow as we begin to go into questions of substance. These, however, should be the subject of detailed negotiation within the framework of the diplomatic conference itself. We do not believe that it is possible to conceive of a committee as an organ of negotiation properly speaking. At the same time, we consider that it will have fulfilled its task if, following its work in 1973, it has prepared draft articles as provided for in paragraph 6 of resolution 2750 C (XXV) and has clearly indicated to governments the various negotiating options.

114. The Belgian delegation, as in the past, is ready to play its part in this delicate work. We shall do so in a positive spirit, convinced that the concept of the common heritage of mankind can best be served by solutions which will govern the various uses of the sea in light of the interest of the international community as a whole. We believe that the compartmentalized approach on the exclusive basis of the concept of the sovereign national State, which with regard to the sea can only be the coastal State, carries the

risk of subjecting the ocean areas to the old Westphalian system with all its imperfections and absurdities.

115. Belgium feels that if the preparatory work is properly done, a decision to convene the conference in the autumn of 1973 can be taken by our Assembly.

116. If it is to be successful, its work should cover several sessions. The representative of the United States has already advocated two meetings of the conference in 1974. Although my Government does not have any clear-cut views on this subject, we nevertheless support the idea of proceeding by stages.

117. With regard to the site of the conference, we know that several cities have been nominated. Without any definite position having been adopted by the Belgian authorities, I have been asked to remind the Committee here of the position of principle which has for many years now been taken by Belgium on the question of international conferences. For practical and budgetary reasons the Belgian authorities have always shown a preference for conferences organized under the aegis of the United Nations being held in one of the headquarters of our Organization. We wanted to mention this position of principle once again at a time when, both nationally and within the realm of international organizations, strict budgetary orthodoxy should increasingly be the rule.

118. The Belgian delegation is convinced that on a subject which concerns the whole international community our Committee could adopt the necessary decisions by consensus.

119. Together with some 30 other countries, Belgium is a sponsor of draft resolution A/C.1/L.632, which requests the Secretary-General to undertake a study which would provide us with some idea of the economic value, in terms of resources, of the international zone of the sea-bed, on the basis of the principal delimitation solutions proposed or suggested in the discussions in recent years within the sea-bed Committee. It is clear that such a study would in no way prejudice the solution or solutions which might be adopted by any future conference on the law of the sea. It would, in fact, be nothing but an attempt to gather objective information, comparable to the study which was once carried out by the Secretary-General on the impact of the exploitation of undersea minerals on the market prices of certain primary commodities. It is a study which should enable us to get a better, more realistic and more objective picture of what the common heritage of mankind represents in economic terms.

120. I find it difficult to believe that some members can object to this legitimate request for information addressed to the Secretary-General and proposed by more than 30 States, the great majority of which are developing countries. A comparative study of the extent and economic value in terms of resources of the international zone would give them a better over-all, universal understanding of all the objective factors which could determine their economic policy.

121. At the 1909th meeting, the representative of Singapore authoritatively refuted the objections made to

the draft resolution. I am convinced that his appeal was heeded and that our Committee will go along with the proposal of the sponsors to obtain from the Secretariat before the session of the sea-bed Committee a document providing comparative data and factual information on the resources of the international zone.

122. The CHAIRMAN: Before calling on the next speaker, I should like to refer members of the Committee to draft resolution A/C.1/L.634 and to clarify one point regarding it.

123. It is my understanding that the sponsors of this draft mean by operative paragraph 4 that the General Assembly accepts the invitation of the Government of Chile to hold the conference on the law of the sea in Santiago in 1974 on the basis that the Government of Chile will pay the additional costs involved. As the representative of Chile made clear at the 1903rd meeting of this Committee, those costs would represent the difference between holding this conference in Santiago and holding it in Geneva, where it would normally have taken place. If I hear no objection, I shall take it that that is the understanding of the Committee.

124. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): After two years of very hard work as a preparatory body for the international conference on the law of the sea, the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has submitted its report to the General Assembly making a very important contribution: the acceptance virtually as a provisional agenda of the conference of a wide list of items and matters dealing with the law of the sea. [*See A/8721 and Corr. 1, para. 23.*]

125. Thus the Committee has fulfilled one of the specific mandates that the General Assembly entrusted to it in 1970 in resolution 2750 C (XXV). This result was made possible by the devotion shown by the delegations of the developing countries, together with other States, in the preparations for the conference, so that it should not be limited to studying questions of specific interest to a small group of States but should endeavour to formulate and ensure international recognition of new tenets for the law of the sea to ensure the validity of a more just and stable legal order on the use of the ocean space in keeping with the realities and needs of our day.

126. In connexion with the work of achieving this agreement we must also stress the ability of the Chairman of the Committee, Mr. Amerasinghe of Sri Lanka, and the Chairman of the second Sub-Committee, Mr. Galindo Pohl of El Salvador, replaced during the July and August session by his compatriot, Mr. Martínez Moreno.

127. Undoubtedly the list of items is an extremely valuable document since it provides for a single treatment of the problems of the law of the sea and sets out also the framework for holding the conference in accordance with the provisions of resolution 2750 C (XXV). It is now for the present session of the General Assembly to decide whether the acceptance of the list of items and the results achieved by the Committee on the other aspects of its mandate are sufficient to guarantee the success of the conference and to justify convening it in the near future.

128. We believe that the significance and scope of the list of items are defined by its very name—a list, a provisional agenda, the fruit of a long process in which my delegation participated actively and which now, and only now, allows us to enter the substantive phases of our true preparatory work, that is, the preparation of draft articles for the treaty. Although, with regard to this last question, some States have submitted drafts, more or less partial, except in the case of Malta, the Committee itself has not, as yet begun to examine them and is still at a preliminary stage, marked by the profound discrepancies which separate the parties.

129. In fact, the first Sub-Committee, whose work has progressed more than any of the others, has been able only to create a precarious foundation for the texts of what might be the first part of a convention on the sea-bed and ocean floor beyond the limits of national jurisdiction. Although the formal presentation of those texts gives an impression of significant progress, a careful study of their content and particularly of the omnipresent brackets leads us to conclude that that impression resembles that given by a rocking chair—the feeling of moving without getting ahead by one centimetre. Those of us who participated in the work of the first Sub-Committee know that there were many efforts to revise the concepts set out 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)*] and that attempts were even made to go back on the idea of the common heritage of mankind and the priority to be given to the preparation of the régime for the sea-bed. We know too, and this is clear from the report, that there are fundamental differences—I stress the word “fundamental”; they are not secondary or merely of detail—regarding the nature of the régime and the international machinery for the administration and exploitation of the zone.

130. In the second Sub-Committee, which considers the so-called traditional items of the law of the sea, which will, as we know, be the subject of very lengthy and difficult discussions, the substantive work of the preparation of draft articles has not even been started, since they have been awaiting the conclusion of the preparation of the list of items.

131. In the third Sub-Committee, which has to consider matters of the preservation of the marine environment, scientific investigation and the transfer of technology, there have been exchanges of view and information which have undoubtedly been very useful, but again little progress has been made in the preparation of draft articles, which was the main object of the preparatory work entrusted by the Assembly to the Committee. Furthermore, in this specific field we have witnessed a struggle to regain, from other organs of the family of the United Nations and even from organs that are not members of the United Nations family, those subjects and matters which fall within the purview of the Committee, according to the mandate of the General Assembly. Thus we see that very recently the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matters was approved in London. My country, among others, did not participate in that meeting because we felt that it violated the unity of treatment of items on our agenda and set aside the Committee, which

had been expressly entrusted with preparing the conference on the different aspects of the law of the sea.

132. In the light of these facts we are being very realistic and sincere in concluding that the preparatory work has been insufficient to implement the tentative decision of the twenty-fifth session of the General Assembly that the conference be held in 1973, and when I say conference I am referring to substantive work.

133. However, some delegations still feel a certain optimism; they foresee the possibility of achieving the political outline of an international solution which is as yet intangible and very difficult to describe. But this blueprint does not strictly comply with the mandate which the General Assembly specifically entrusted to the Committee in resolution 2750 C (XXV) to prepare draft articles for the treaty. Even were the General Assembly to decide that there is sufficient basis for the conference to begin, on the basis of a doubtful assessment of the political achievements thus far, there is no agreement regarding what those parameters are and whether they are sufficient to prevent such partial results as were obtained at the 1958 conference. But without going into an analysis of the blueprints hinted at, and which to our mind are unsatisfactory, I would point out that the greatest lack is that no appropriate régime has been included for the sea-bed and ocean floor beyond the limits of national jurisdiction, although that seems to have been the primary task entrusted to the Conference and which led to the creation of the Committee.

134. Aware of all this, the delegation of Peru, together with other delegations, submitted draft resolutions A/C.1/L.621 and 622, which contain the following main premises and provisions: first, that the international conference on the law of the sea could not begin its substantive work before 1974; secondly, that in the meantime the mandate of the expanded sea-bed Committee should be confirmed and that it should prepare that conference; thirdly, that the Committee should hold two additional sessions in 1973 in order to complete its mandate; fourthly, that once such sessions have taken place the Committee should report to the General Assembly at its twenty-eighth session; fifthly, that the General Assembly should assess that report and adopt the necessary decisions to ensure the successful holding of the conference and sixthly, that the location for the substantive work of the conference in 1974 should be Santiago, Chile.

135. When, on 3 November, we submitted draft resolution A/C.1/L.621, our intention was to promote a frank and clear discussion on the basis of a specific document that would set forth these facts clearly. We are happy to note that we achieved that goal and that, after wide consultations, we have before us now draft resolution A/C.1/L.634. The submission of this last document, co-sponsored by a considerable number of countries, makes it unnecessary, at least for my delegation, to ask for a vote to be taken on draft resolution A/C.1/L.621; the same applies to draft resolution A/C.1/L.622. We are, however, very happy that the selection of Santiago as the site for the holding of the conference in 1974 has, as we hoped, received broad and significant support.

136. Acting as we have done, we believe, nevertheless, that we should make clear that we have serious doubts in mind regarding the existence of the necessary conditions to ensure success for the international conference. We believe that undue emphasis has been placed on the positive aspects of the progress made, without duly assessing the negative aspects. It may well be that this excessive optimism will encourage the giant steps that will have to be taken next year. We ourselves are ready to co-operate fully to ensure that the process that is as yet unripe will mature. With that constructive view in mind, and despite the lack of precedents, we cannot object to the proposal that an organizational session be held at the end of 1973, to adopt the agenda and the rules of procedure of the conference, to establish the committees, to elect the officers and to study other related matters.

137. It is of course understood that the final decision will have to be taken by the General Assembly at its twenty-eighth regular session in the light of the results of the additional work that will have to be done in 1973. It is also obvious that the convening of the conference by the Secretary-General can only take place when the General Assembly has decided which States will participate. Finally, it has been clearly set forth that, at its twenty-eighth regular session, the General Assembly will study the report of the Committee and will be free to take all the necessary decisions, even to modify the time-table set, to facilitate the fulfilment of its mandate before the conference begins. In this case, as was made very clear by the representative of Thailand when he submitted, at the 1908th meeting, draft resolution A/C.1/L.634, the Committee will have to be expanded to allow all countries to participate in the final work if they wish.

138. If these conditions are to be accepted, and we understand that this is to be the case—without the amendments submitted by our good friend, Mr. Pardo, [A/C.1/L.635] which would upset the balance of the draft resolution—it will then be recognized that we were not mistaken when we submitted our original proposal [A/C.1/L.621]. What is important now is to see how far the delegations of other regional groups are equally ready to continue the substantive negotiations in the course of 1973 in order to arrive at an agreement on each of the aspects that will be considered at the forthcoming conference. Whether we can lay the groundwork for an international recognition of the new rules of the law of the sea, linked irreversibly to the security, development and the welfare of peoples, will depend on the extent to which they are prepared to do so.

139. Sir Laurence McINTYRE (Australia): My delegation would like to comment today on preparations for the forthcoming comprehensive international conference on the law of the sea, with particular reference to draft resolution A/C.1/L.634, which the representative of Thailand introduced so ably and comprehensively—and at such short notice—in this Committee at the 1908th meeting. Australia is a sponsor of that resolution, which we hope will receive unanimous support.

140. According to this draft resolution, the General Assembly would decide to convene the conference in New York in November/December 1973, to deal with the

essential preliminary organizational work, and at Santiago, Chile, in April/May 1974, to deal with substantive work. It is difficult, perhaps impossible, to over-estimate the importance of that conference for the community of nations and peoples which we represent here. If successful, as we hope it will be, the conference would establish rules governing the use of the seas and the sea-bed which would influence profoundly patterns of human life and endeavour, including basic relations between nations, for many years into the future.

141. The draft resolution, as is well known, represents a compromise between differing approaches to the question of the conference. This compromise has only come about after a period of prolonged, and at times difficult, labour on the part of delegations. Nevertheless, the fact that it has come about is a good omen for our future work.

142. The heart of the compromise is in operative paragraphs 2, 3, 4, 5 and 7 of the draft resolution. Operative paragraphs 2, 3 and 4 contain firm substantive decisions regarding the additional preparatory work that will be necessary in 1973 and the convening of the conference thereafter. These decisions will enable Member States and officials of the Secretariat alike to make the necessary preparations for the conference.

143. Operative paragraph 5 reflects the reasonable desire of a large number of States that the twenty-eighth session of the General Assembly should be able to review the progress of the preparatory work and if necessary to take measures to facilitate the completion of substantive work for the conference.

144. My delegation considers that it goes without saying that the twenty-eighth session would have this right, because no Assembly is necessarily bound by the decisions of a previous Assembly and, of course, we all recognize that circumstances can change greatly in the course of a year. At the same time we can acknowledge the logic of those who would argue that if it goes without saying, and if it could be important to say it, then why not do so. For that reason, although we would have been able to dispense with a review clause, we are equally prepared to accept such a clause. For our part we are confident that the sort of circumstances that would make it necessary to consider interfering with the firm plans we are making for the conference will not arise. In this eventuality the twenty-eighth session would have what we hope would be the fairly routine task of deciding upon the issue of invitations to States to attend the conference, forwarding the necessary additional documentation to the conference, and giving the conference its blessing.

145. In regard to operative paragraphs 3, 4 and 5, my delegation takes particular note of the concluding sentence of the statement by the representative of Thailand at the 1908th meeting to the effect that, while some flexibility has been provided for in the draft resolution, the sponsors regard that draft resolution as representing a decision of the Committee to move forward to the substantive work and also to the convening of the conference in 1974. My delegation confirms that it shares this view.

146. My delegation has also taken note of the concern which the representative of the United States expressed at

the same meeting in regard to what he saw as the rather limited amount of time that would be available for substantive work in 1974. We for our part—that is, my delegation—could accept an amendment to the draft resolution to meet that concern, and we would hope that such an amendment would not be controversial.

147. Looking back for a moment at the work of the Committee in 1972, my delegation finds itself of the same view as those who have said that they feel a sense of cautious optimism about the prospects for the conference. The Committee clearly made progress in its two sessions this year. As required by resolution 2750 C (XXV), it negotiated the acceptance of a list of subjects and issues [A/8721 and Corr.1, para. 23], thus removing what was, at least in the minds of some delegations, a formidable obstacle to future progress. Sub-Committee I has moved clearly into the area of drafting texts for the conference and Sub-Committee III has advanced to the working group stage. These are encouraging developments.

148. Perhaps more than that, however, the achievements of 1972 have enabled some delegations to observe that they can discern the outlines of a possible new system of the law of the sea. In the view of those delegations, this system would embrace certain forms of jurisdiction and control for the coastal State in broad areas beyond its territorial sea. Although, of course, there is as yet no consensus as to propositions of this kind, the fact that this line of thinking has developed in some quarters is noteworthy and will provide an important focus for future work.

149. All that does not mean that we are at the point of readiness for a conference or within easy reach of that objective. Those who are inclined to pessimism could have found much to support their case in 1972, and by no stretch of the imagination will the way ahead be easy.

150. It is obvious, therefore, that more—indeed much more—preparatory work will have to be done next year. The decision to hold two further sessions of the Committee is a wise one and has my delegation's support. An important task during the year will be to work towards the sort of broad understanding on the substantive components of the system of the law of the sea which the conference will have to produce in treaty form. One path to this objective could lie through continuation of the process of presentation of proposals by delegations and their refinement by working groups into articles or other propositions, and if necessary alternative articles or propositions, for consideration by the conference. The representative of Mexico made some interesting comments on this aspect of work in his statement at the 1904th meeting. There is also room for a search for broad accommodations of view at a higher level, which in turn would be reflected in the functioning of such working groups as have been and will be established.

151. The question of what constitutes adequate preparation for a conference has been much in the collective mind of delegations lately. My delegation believes that it is unrealistic to insist that a precondition for a conference is the preparation of draft articles on all the subject-matter of the conference or that all decisions, including particularly the ultimate decisions, need to be defined and taken in

principle before the conference. Such a condition could substantially delay the conference.

152. We have taken appreciative note of the statement at the 1903rd meeting by the Chairman of the sea-bed Committee, who said that once the compromise on basic issues has been achieved and an understanding established, it would not be necessary for articles on all the subjects and issues in the list of subjects and issues to be drafted before the start of the conference. Mr. Amerasinghe considered that the conference could begin when we had before us draft articles on the international régime and on inter-related issues. My delegation considers that this objective could be attained in 1973.

153. In our view we should aim next year to move ahead with drafting where possible. We should try to clarify as far as possible the main propositions that will be put to the conference and if necessary the alternatives to them. It would then be for the conference, as the ultimate bargaining and negotiating medium, to take the final decisions and to arrange for these decisions to be presented to the community of nations in treaty form.

154. With reference to the organization of the sea-bed Committee's work in 1973, we would draw attention to a working paper submitted by the delegations of Australia and Canada in Geneva, which is included in annex III of the report of the sea-bed Committee. This paper suggests two main stages in the handling of the subject-matter of the list of subjects and issues. The first step should be to separate from the list those subjects that are the responsibility of Sub-Committees I and III and with which those Sub-Committees are already dealing or will deal. The second step might be to group the remainder, that is, the subjects that are within the mandate of Sub-Committee II, into several sections so as to facilitate their more detailed consideration in the Sub-Committees.

155. This working paper, of course, represents only one approach. Nevertheless we hope that it will commend itself for consideration.

156. As I have said, draft resolution A/C.1/L.634 is another example of that easily-recognizable United Nations creature, the compromise. As such it may not be fully satisfactory to some delegations here. Nevertheless we think that the approach it embodies is essentially reasonable and that the draft resolution accurately reflects the spread of interest throughout this Committee. As such we consider that it merits the support of us all. If the draft resolution is approved with widespread support, this will mean that, whatever our differences on substance, we are resolved to try to secure the satisfaction of our national interests as well as the advancement of the interests of the international community through the process of multilateral negotiation. To our mind this is the best and most sensible approach.

157. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): The Soviet delegation has listened carefully to the statement made at the 1903rd meeting by the Chairman of the Committee on the sea-bed, Mr. Amerasinghe, who presented the report on the work done by the Committee in 1972 [A/8721 and Corr.1], and shares his view that the Committee has made some progress

in this work. Indeed, Sub-Committee I, within the framework of the working group it set up, has proceeded to a detailed discussion of the provisions of a régime for the sea-bed and ocean floor beyond the limits of national jurisdiction, thus turning from general discussion to specific article-by-article analysis of the draft submitted earlier and the search for mutually acceptable formulations on the question of a sea-bed régime.

158. Sub-Committee II has done some lengthy, and in our view, unjustifiably protracted work on compiling a list of subjects and issues related to the law of the sea. This will make it possible in the sessions in 1973 for the Sub-Committee to get down to work on the substance of the problems falling within its terms of reference.

159. A certain amount of progress has been achieved also by Sub-Committee III. This Sub-Committee has just held a general discussion on such general problems as the prevention of pollution of the marine environment, scientific research of the world ocean, and so on. A number of concrete proposals have been put before it which require detailed study within the framework of the working group it has set up for the preservation of the marine environment.

160. The discussion which took place at the plenary meetings of the Committee made it possible on a regular basis to review the work of the Sub-Committees and hear the views of delegations on fundamental questions relating to the law of the sea.

161. We should like to point to the considerable assistance furnished to the Committee by the United Nations Secretariat, which prepared a number of documents on questions of the sea-bed, and also the specialized agencies of the United Nations and other bodies—IOC, UNESCO, IMCO, FAO, WMO, and so on—which presented the Committee with a number of interesting documents and took part in the Committee's work.

162. The Soviet delegation took an active part in the work of the Committee and its Sub-Committees. It suffices to recall that the Soviet delegation put forward in the course of two sessions of the Committee a number of concrete proposals: draft articles on fisheries [*ibid.*, annex III, sect. 4]; draft articles on straits used for international shipping [*ibid.*, sect. 5]; fundamental provisions on international co-operation in scientific research of the world ocean [*ibid.*, annex IV, sect. 3]—these provisions were put forward by the Soviet delegation along with the delegations of Czechoslovakia and Bulgaria; a draft resolution on preliminary measures to prevent pollution of the marine environment and the campaign against this pollution [*ibid.*, sect. 5], together with the delegations of Bulgaria, the Ukrainian SSR, Sweden, Iceland, Canada and other countries.

163. If we add to that list the draft treaty on the use of the sea-bed for peaceful purposes put forward by the Soviet Union for the consideration of the Committee in 1971,² it will become clear that throughout the work of the

² See *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 21*, annex I, sect. 3.

Committee on the preparation of an international conference on the law of the sea, the Soviet Union has been making a constructive and, we believe, concrete contribution on practically the whole complex of questions under consideration by the Committee.

164. The position of the Soviet Union on the whole series of questions related to the law of the sea is well known to everyone here. Without wishing at this stage to go into the substance of the problems under consideration in the Committee, the Soviet delegation would like to stress that, in its approach to the questions of the law of the sea, the Soviet Union firmly supports the legitimate interests of the developing countries. Suffice it to recall, in particular, the proposal of the Soviet Union on questions of fisheries whereby the developing countries, beyond the 12-mile limit, are entitled to reserve for themselves quantity of fish which their fishing vessels are able to catch, taking into account the growth of their fishing fleet. The Soviet Union sympathizes with the interests of the developing countries in the rational utilization of the fishery resources which exist within the regions of the high seas adjacent to their coasts. The Soviet Union is in favour of granting coastal developing countries such special rights with regard to fishing as would permit them to make broad use of the fish resources of the regions of the high seas which are adjacent to them, in the interests of their own countries and the development of their national fishing industry.

165. The wish of the Soviet Union and other socialist countries to ensure a rational exploitation of the living resources of the seas and oceans in the general interests of all peoples of the world was reflected in the Declaration on Principles of Rational Exploitation of the Living Resources of the Seas and Oceans in the Common Interests of All Peoples of the World, adopted in Moscow in July this year by a number of States [*ibid.*, annex I, sect. 5]. The socialist States—Bulgaria, Hungary, the German Democratic Republic, Poland, Czechoslovakia and the Soviet Union—signed this declaration and supported a rational, scientifically well-founded operation of the industry, and supported the proposals with a view to a more efficient carrying out by international fishing organizations of scientific research and the regulating of fishing on the high seas.

166. These States expressed their conviction that a solution to the problem of the use of the living resources of the world ocean in the general interests of all peoples of the world—I repeat, in the general interests of all peoples of the world—can be found on the basis of a sensible combining of the interests of the coastal States and countries which send out expeditionary fishing fleets, by means of international regulation of fishing and not by the adoption of unilateral measures by individual countries.

167. The Soviet Union is in favour of establishing a sea-bed régime whereby the exploitation of its resources would be carried out to the advantage of the whole of mankind, paying particular attention to the interests and needs of developing countries. This is said quite directly in the draft treaty on the use of the sea-bed for peaceful purposes, which was submitted to the Committee by the Soviet Union.

168. In its proposals on straits used by international shipping, the Soviet Union also showed its readiness to take

into account the interests of coastal States with regard to their security, the inadmissibility of pollution and compensation for damages arising from possible pollution.

169. In the document on international co-operation in scientific research into the world ocean, put before the Committee by the Soviet delegation together with the delegations of the Ukraine and Bulgaria, in particular the need is stressed to co-operate:

“in adopting measures designed to extend the research opportunities of developing and land-locked countries, including the participation of the nationals of such countries in scientific research work, the provision of scientific training and the exchange of experience in the conduct of scientific research work.”

170. What is stated above is in no way in contradiction with the proposals supported by the Soviet Union to establish a 12-mile limit for territorial waters. This proposal, as is quite clear from the documents annexed to the report, was supported by States in different regions of the world.

171. At the sessions of the Committee held in 1972 fruitful discussions took place which made it possible to discern the outlines of decisions which would be in keeping with the interests both of the developing countries and of the socialist and all other States. The Soviet Union for its part is ready, in preparation for the conference on the law of the sea, to continue to act in such a way as to take into account the legitimate interests of developing countries.

172. Permit me now to dwell on some questions connected with the future work of the Committee and the convening of an international conference on the law of the sea. The Soviet delegation favours a continuation in 1973 of the work of the sea-bed Committee and preparations for the international conference on the law of the sea, and has no objection to the proposal to hold two sessions of the Committee next year. At the same time, we should like to stress particularly that in our view, bearing in mind the importance and complexity of the tasks confronting the Committee, it is necessary to exert maximum efforts in proceeding with the work on the substance of the questions, and to avoid the extravagant waste of the Committee's time which would result from protracted discussions of procedural, organizational and other such matters. On that understanding, the Soviet delegation will not object to the proposals made with regard to the duration of the Committee's sessions.

173. The Soviet delegation has carefully studied the proposal to hold in November/December 1973 in New York a session of the conference on the law of the sea in order to consider organizational matters in particular, such as the election of officers, the establishment of auxiliary organs, adoption of the agenda, and other matters [*A/C.1/L.634*]. In our view, that proposal deserves support, since as a result of a preliminary solution of organizational problems the necessary basis will have been laid for successful work in the conference on the substance of the items to be considered. In the view of the Soviet delegation, it would be advisable to entrust that preparatory work to the Committee and to organize it in such a way as to avoid

creating any difficulties for its Sub-Committees, which would continue to deal with questions of substance.

174. The Soviet delegation expresses the hope that in 1973, in the course of the Committee's session and the organizational session of the conference, sufficient groundwork will be laid for constructive and fruitful discussion of questions pertaining to the law of the sea at the international conference of plenipotentiary representatives in 1974. On that basis the Soviet delegation has no objection to the proposal that the resolution lay down a time-table for the session of the conference to consider matters of substance.

175. The Soviet delegation would like to express its deep gratitude to the Governments of Chile and Austria, which have offered their capitals as sites for the conference on the law of the sea.

176. In our view, the establishment now of a time-table of conferences is important from the point of view that to some extent this will be an organizational element in the work of the Committee and will give it a better opportunity to determine its work schedule. Of course, if it turns out that the process of preparation is inadequate, the General Assembly at its twenty-eighth session will be able to make certain adjustments and take other measures to ensure the success of the conference. The Soviet delegation does not object to the proposal that the solution of questions of participation in the conference should be deferred to the twenty-eighth session. In the view of the Soviet delegation, it might be possible to defer completely to that session the solution of a number of other questions: for example, invitations to observers from United Nations specialized agencies and non-governmental organizations.

177. In the light of what I have just said, and also bearing in mind the explanations made on behalf of the sponsors by the representative of Thailand, the Soviet delegation intends to vote in favour of draft resolution A/C.1/L.634, of 1 December 1972.

178. The Soviet delegation has studied with due attention draft resolution A/C.1/L.632, submitted by the delegations of 31 countries which are either land-locked or have only a narrow continental shelf. Among the sponsors are States from all continents, developing and industrially developed States, socialist and capitalist States. The representative of Singapore, in introducing this draft on behalf of the sponsors, demonstrated most cogently the importance of preparation of the research, which may be very useful for the work of the sea-bed Committee and also for the participants in a future conference.

179. As we know, the United Nations Secretariat, upon the request of the First Committee, has already prepared a number of documents related to matters of the sea-bed which, with all their shortcomings, have nevertheless made possible a deeper understanding of all the questions involved. The Soviet delegation endorses the weighty arguments in favour of adopting this draft resolution expressed by the delegations of Singapore, Austria, Liberia, Nepal, Czechoslovakia, Bolivia and others. In our view, this research can in no way prejudice the solution of the problem of the limits of national jurisdiction with regard to the resources of the sea-bed.

180. As was correctly stressed by the representative of Nepal,

"The importance of the results of the study . . . is that it would facilitate the task of choosing an alternative which provides universal and equitable enjoyment of the benefits of the common heritage of mankind. The choice of such an alternative will also contribute to a rational decision regarding the activities and the functions of the international machinery." [1905th meeting, para. 3.]

That, in our view, is a sound, realistic and correct approach to the problem as a whole.

181. The Soviet delegation cannot agree with the arguments of the opponents of that draft resolution—or, to put it frankly, their unjustifiably severe criticism of its contents. To those representatives who have criticized it, I would say there is no point in looking for something in a draft resolution that it does not contain; we should not resort to the trumped-up argument that this study may lead to intervention in the internal affairs of States, or other arguments of that kind.

182. The Soviet delegation cannot fail to express its objections to the arguments put forward here to the effect that, in deciding the question of the limits of national jurisdiction, account should be taken first and foremost of the interests of coastal States—primarily those which, if geographical conditions permit, may claim a 200-mile limit, as well as the resources contained within that zone. Such countries, according to the calculations of one of the speakers, constitute more than half of all the coastal States—that is 55 or 60. While this number is an obvious exaggeration, it nevertheless enables us to ask what majority is meant. If we are in favour of the establishment of a just—and I stress "just"—international sea-bed régime, then without any doubt we must take into account the interests of all States, including land-locked ones. In the light of what I have said, the Soviet delegation is ready to support draft resolution A/C.1/L.632.

183. In conclusion, I would venture to express the hope that the sea-bed Committee will manage to discharge the tasks entrusted to it in a spirit of business-like, constructive consideration of the problems, and attempt to arrive at acceptable decisions taking into account the interests of both developing and developed States, of coastal as well as land-locked States and of the peoples of all countries, thus ensuring the success of the conference on the law of the sea.

184. Mr. SEIGNORET (Trinidad and Tobago): In resolution 2750 C (XXV), the General Assembly decided to convene a new conference on the law of the sea. There is general agreement to hold such a conference in the near future, but certain differences exist as to its precise time-table. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has made marked progress in the task allotted to it to prepare for the conference. The end of our preparatory work can be seen more clearly today than a year ago. However, in the last 12 months we have moved with less speed than was expected. We believe that the sea-bed Committee can and must find ways and means to

expedite this preparatory work and conclude it in good time to enable the conference to be held successfully and without undue delay.

185. Trinidad and Tobago has participated actively in the work of the sea-bed Committee during the last four years and has always been conscious of the urgent need for the international community to reach agreement on the inter-related questions of the law of the sea. It has rejected a piecemeal approach to these problems and has always sought to have the issues dealt with as an organic whole. Allow me to reiterate the view of my delegation that the success of the conference will depend largely on accommodations made within the context of a comprehensive approach to the law of the sea.

186. In our view, for the conference to be successful, it must produce agreements which will have the support of the international community. Such agreements, if they are to come into force and effect, must necessarily take into account the needs and interests of all countries, whether coastal or land-locked. Further, it cannot be overemphasized that account must be taken of the special needs and interests of the developing countries, including those not yet independent—a group of countries which have played little or no part in the shaping of the existing law.

187. A successful conference must reach agreement on a just and equitable international régime for the area and resources of the sea-bed beyond the limits of national jurisdiction. Agreement has already been reached that such an international régime must be based on the “common heritage” concept. It will be recalled that the General Assembly accepted, in resolution 2749 (XXV), the concept of the common heritage. But at the summer session of the sea-bed Committee, delegations from some developed countries appeared to question the concept. We cannot imagine that anyone at this stage of our preparatory work would question the validity of this concept.

188. My delegation is confident that it is not facile optimism on our part to expect a successful conference to be held. Neither is our confidence mere wishful thinking arising out of fear of the consequences of non-agreement. The sea-bed Committee must intensify its efforts to reach the kinds of agreement that would ensure the success of the conference and my delegation stands ready, as in the past, to co-operate actively in this direction.

189. A noteworthy achievement of the sea-bed Committee at its last session was the agreement reached on the comprehensive list of subjects and issues [A/8721 and Corr.1, para. 23]. Agreement on that list has been due to many compromises, some of them quite unhappy. Many delegations have expressed reservations to some items, quite apart from the general reservation that the list in no way binds States, be they sponsors or not, and does not prejudice any positions they hold on items included therein. The nature of this procedural agreement on the list does not make for easy agreement on the substantive issues of the list, which constitute the agenda for the proposed conference. In the debates and discussions of the sea-bed Committee, substantive questions have been treated and the positions of countries clearly enunciated, revealing the difficulties ahead. This is for us indeed a source of

encouragement, not of pessimism. If the road to agreement must inevitably run through difficult terrain from time to time, these are challenges to be faced, not avoided.

190. We have seen that agreements on some issues are being reached at regional and subregional meetings, and we consider that such agreements can and will make a positive contribution to the effort of the international community in its desire to work out a satisfactory package of agreements at the proposed conference.

191. The international community must move expeditiously to the holding of the conference if the work of the sea-bed Committee in its attempt to structure a new order of ocean-space is not to be pre-empted by anarchic developments in the area beyond national jurisdiction. However, this need for expedition is to be balanced with the need to ensure the success of the conference. It is in the light of these considerations that my delegation examined the relevant draft resolutions submitted to this Committee and we avail ourselves of this opportunity to register our satisfaction that a compromise draft has emerged.

192. I refer to draft resolution A/C.1/L.634. We are aware that this draft is the result of wide consultations and we fear that the amendments to it proposed in document A/C.1/L.635, if adopted, would have the effect of upsetting the balance built into it, with predictable consequences. My delegation therefore hopes that these amendments will not be pressed. We hope, further, that this Committee will maintain a common, unified approach, by consensus if unanimity is beyond reach, to the convening of the conference.

193. Mr. BAVAND (Iran): It is with great satisfaction that we note the considerable progress made in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction in preparation for the third conference on the law of the sea. There is growing consensus that this progress has rested on three underlying assumptions.

194. First and foremost, it is understood that the third conference, unlike the two previous ones, should embark upon the restructuring of the law of the sea rather than mere codification of the existing law. Secondly, since the problem of ocean space is closely related and needs to be considered as a whole, the conference should avoid being selective in its treatment of the various subjects and issues. Finally, the concept of the “common heritage” as crystallized 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)] has already gained the status of *erga omnes*, and thus, this legal concept and its basic modalities should maintain their proper place in draft conventions corresponding to the international régime and machinery. Bearing these principles in mind, I would like to comment briefly on the report of the sea-bed Committee [A/8721 and Corr.1].

195. Sub-Committee I, indeed, has moved forward from the base provided for us by the Declaration of Principles. However, basic differences of approach on some of the main provisions of the régime and machinery remain to be reconciled.

196. In this connexion, my delegation continues to believe that the fundamental principle of the Declaration, namely, the concept of the common heritage, should be transferred *in toto* to the operative part of the draft convention and that we should avoid transferring it to the preambular part, as has been suggested by some members of the working group. The area of the sea-bed is, in our view, susceptible to neither public nor private appropriation and is to be exempt from the assertion of sovereignty and sovereign rights. It follows that the ocean floor and its resources are not severable; what holds for the ocean floor holds for its resources also.

197. The adoption of the list of subjects and issues relating to the law of the sea [*ibid.*, para. 23] is also a great leap forward in the preparation for the conference. Although we have not yet engaged in drafting articles on the subjects reflected in the list, a number of overriding trends, however, appear in the offing. First, there is a growing recognition that coastal States have inherent rights over the resources of their adjacent seas. In the light of technological development, this area falls within the natural field of economic gravity of the coastal States. To that end, a zonal approach is gaining increasing support. There appears to be a tacit understanding that the sovereignty of coastal States over their territorial waters need not necessarily be tied to the other zonal jurisdictions. Secondly, there is a growing inclination in favour of a single jurisdictional boundary line for all kinds of exploitative activity—mineral, fishing or others. This suggestion, which appeared under the heading of economic zone, has the virtue of attempting to solve the legitimate economic interests of the coastal States. Finally, there is also growing recognition that all the rules established for the oceans cannot be automatically applied to the relatively limited and insular waters such as the enclosed seas, semi-enclosed seas and other interior marginal waters without disadvantage to the States bordering them.

198. It is gratifying to note that the special geographical, geological and ecological character of these interior marginal waters, which are almost insular from the ocean space, has been recognized in a number of recent international legal instruments. The London Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matters has specifically stressed the extreme vulnerability of the enclosed and semi-enclosed seas to the threat of dumping and other pollutant operations. The United Nations Conference on the Human Environment has been more explicit on this question. Paragraph 215 of the Sea-Bed Area III under the title of "Identification and Control of Pollutants of Broad International Significance", maintained that "because of the severity of marine pollution in enclosed and semi-enclosed seas, special emphasis should be placed on co-operation among States bordering them".

199. Since Sub-Committee III has already established a working group on marine pollution, we have every reason to believe that this particular aspect of the question of enclosed and semi-enclosed seas will be studied with great care and concrete measures will be suggested. We are certain that Sub-Committee III could facilitate its task by effectively capitalizing on the erstwhile agreements and declarations provided for by the other organs of the United Nations.

200. May I now turn to the subject of the future work of the sea-bed Committee and the plans for convening a third United Nations conference.

201. My delegation, from the start of our session, maintained a flexible attitude on this question. We do not hold the view that a conference on the law of the sea should not be convened until the preparatory work has brought forth a comprehensive set of draft articles. However, we believe that a political understanding for an over-all accommodation, particularly with regard to the fundamental issue of the law of the sea, is essential and should be viewed as a precondition to the work of the conference.

202. Bearing these principles in mind, my delegation worked on and sponsored draft resolution A/C.1/L.634. The draft contains all the elements of accommodation which are necessary for the work of the sea-bed Committee. On the one hand, the decision of the twenty-fifth session of the General Assembly in choosing the year 1973 as the year for beginning the conference is respected. On the other hand, enough safety valves are provided in order to meet the desires of the various groups.

203. Of course, the next logical step is intensive preparatory work, particularly in political terms, by the sea-bed Committee in the spring and summer of 1973. The success of the conference depends on our goodwill and strong sense of accommodation. If new agreements regarding the sea-bed and the law of the sea are to provide long-term stability, they must take into account and satisfy the various interests which have caused and could cause instability.

204. The CHAIRMAN: The representative of the United Kingdom has asked to speak in exercise of the right of reply, and I now call on him.

205. Sir Roger JACKLING (United Kingdom): There are certain comments I am bound to make in view of the remarks made earlier this afternoon by the representative of Iceland.

206. As the Committee will be aware, the question of the validity in international law of Iceland's purported extension of fishery limits has been referred to the International Court of Justice in accordance with the express agreement to that effect which my Government made with the Government of Iceland in 1961. That seems to us to be the proper way in which to resolve the disputed questions of international law which are involved. It is the way which is surely incumbent on both Governments by virtue of the obligations laid upon them by the Charter of the United Nations and the Statutes of the Court itself.

207. If there is any question whether the Court has jurisdiction in this case, that too is a matter which both countries have agreed, by virtue of their adherence to the Statute of the Court, should be determined by the Court itself. My Government, for its part, will loyally accept the Court's decision on this question as also, in due course, on the merits of the substantive dispute.

208. The Court made an interim order on 17 August pending its ruling on the substantive dispute whereby we should limit our catch and Iceland should not enforce its new regulations against our trawlers or crews.

209. We have sought an interim arrangement and regret that we have as yet failed to reach agreement with the Iceland Government. We have shown much flexibility in our attempts to reach agreement. We have based our proposals on the two matters that seemed of prime importance: conservation and the preferential rights of a coastal State. Our proposals would, we believe, have reduced our total catch by about 25 per cent. Iceland's proposals, in our judgement, would have imposed a reduction of 70 per cent.

210. In these circumstances we had to recognize that agreement could not at this stage be reached. We must therefore reserve fully our rights in all areas outside the present 12-mile limit. We shall, of course, continue to observe scrupulously the International Court's interim order.

211. The representative of Iceland referred to the use of force and to gunboats. I can assure this Committee that the United Kingdom Government has not had recourse to either. On the contrary, it is the Government of Iceland which, despite the International Court's order that neither party should act in a manner likely to aggravate the dispute, has used gunboats to interfere forcibly with British trawlers fishing on the high seas. It is only due to great good fortune that these acts have not led to more serious incidents and, indeed, loss of life.

212. My delegation hopes to have an opportunity later to speak on the draft resolutions at present before this Committee.

213. Mr. BEESLEY (Canada): Without going into a long introductory statement, and in deference to the Committee and to the time element, I would merely say that we recognize from the debate on draft resolution A/C.1/L.632 that there is a fairly wide-spread desire for information concerning "the area". We are aware of the possibility of acquiring the necessary factual information without much additional cost and we see a need, which we hope is widely recognized, to avoid unintended, possibly pejorative connotations with respect to present national limits claimed by various countries and, indeed, reflected in their national legislation. Since there have been two earlier studies made on this general subject at the request of the Economic and Social Council—the first of which I believe actually predated the existence of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, and therefore to the extent that there is a point of principle involved I would think that we could all leave it aside—and since there seems to be a fairly wide-spread desire for some kind of accommodation on this point, my own delegation, together with the delegations of France and Malta, have drafted some proposed amendments which I am presenting at this time [A/C.1/L.637], more for illustrative purposes than with any expectation that it would be necessary to press them to a vote. I would ask that the sponsors of draft resolution A/C.1/L.632 take these amendments very seriously into account.

214. The amendments proposed by Canada, France and Malta are as follows. Firstly, replace the third and fourth

preambular paragraphs with the following preambular paragraph:

"Realizing that the economic significance of the area for the international community would depend on the nature of the régime and machinery to be established, as well as on its final delimitation".

That is the first change. I should like to make it clear that there is no suggestion that this language is intended either as final or determinative.

215. The second change is that we would suggest that a further and final preambular paragraph be added as follows:

"Convinced further of the importance to coastal States of the resources of the ocean space adjacent to their coasts for their economic development and social progress,".

216. And finally, we would revise operative paragraph 1 to read as follows:

"Requests the Secretary-General to prepare, on the basis of information at his disposal, a compilation of geological data regarding the ocean floor, in terms of resources, in the context of an updating of his report on mineral resources of the sea (E/4680 and E/4793 and Corr.1)".

217. In explanation I will just add one sentence, if I can make it a long one. The first change is intended to bring out the other elements and, if you wish, the other complications in fixing the limits; the second is intended to show the importance of the adjacent resources to coastal States without attempting to prejudge in any sense the nature of the relationship between these resources and the coastal States; and finally, the third change is intended to give the Secretary-General a mandate which we know he can fulfil, which he has already fulfilled twice, which he would be able to fulfil without much additional expense, and, on the basis of our experience in the other two studies, which he could fulfil without raising the difficulty which we have foreseen in the other kind of study which has been requested.

218. I would only ask that the sponsors take the time to look at these amendments and, perhaps, discuss them with the countries putting forth this proposal.

219. The CHAIRMAN: I now call on the representative of Iceland in exercise of his right of reply.

220. Mr. SCHRAM (Iceland): In view of the lateness of the hour I certainly do not intend to engage in polemics with the representative of the United Kingdom, and, indeed, my delegation feels that the facts of the matter speak for themselves.

221. There are two points which I wanted very briefly to refer to and which were contained in his intervention. The first one was with reference to the International Court at The Hague.

222. My Government exchanged notes with the Governments of the United Kingdom and of the Federal Republic of Germany in 1961 regarding the solving of a fisheries dispute which existed at that time. I want to emphasize and stress strongly that this exchange of notes in 1961 is no longer valid and is not in force, the reason being that by a notification of the Government of Iceland in late August 1971 and by a repeated notification by my Government in February 1972, Iceland terminated its participation in this agreement. Consequently, Iceland, by that termination, does not since that time recognize the jurisdiction of the International Court of Justice at The Hague. Consequently also, the Court has no power to impose interim arrangements in the dispute between the United Kingdom and Iceland. Therefore, Iceland has not abided by the interim arrangement pronounced by the Court this autumn and does not intend to do so. We therefore fail to understand the relevance of the remarks made by the delegate of the United Kingdom on this point. Secondly, the representative of the United Kingdom mentioned that it was Icelandic gunboats that were interfering with British trawlers fishing on the high seas and that it was not the other party which was using force. I should like to point out that here we have a slight confusion of phraseology. The British trawlers are not fishing on the high seas; they are fishing within the Icelandic fishing limits, within Icelandic fisheries jurisdiction.

223. I should also like to point out that Iceland has not arrested a single British trawler in spite of the illegal operations within Icelandic jurisdiction; on the other hand, British trawlers have repeatedly destroyed gear owned by

our small fishing boats in repeatedly trying to ram them, which, of course, could lead to loss of life.

224. Finally, I should like to emphasize once again that the Icelandic Government is willing, and has been willing to come to an agreement in this matter. We only hope that the United Kingdom Government sees fit—as did the Government of Belgium of 7 September last, when it reached a fisheries agreement with the Icelandic Government—to end this dispute by agreement and conciliation, on a bilateral basis, and follow in the footsteps of the Belgian Government by bringing this dispute to an end and reaching an agreement with the Government of Iceland. This is our hope.

225. The CHAIRMAN: I now call on the representative of the United Kingdom in further exercise of his right of reply.

226. Sir Roger JACKLING (United Kingdom): In view of the lateness of the hour, I would not wish to do more than reserve my position completely on both points made by the representative of Iceland.

227. The CHAIRMAN: We have had an encouragingly productive meeting this afternoon and we may be able to conclude the debate on the sea-bed item tomorrow morning. We can then put the various draft resolutions to the vote in the afternoon and so conclude item 36.

The meeting rose at 6.25 p.m.