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Chairman: Mr. Radha Krishna RAMPHUL (Mauritius).

AGENDA ITEM 36 *(continued)*

Reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and use of their resources in the interests of mankind, and convening of a conference on the law of the sea: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/8721 and Corr.1, A/C.1/L.621, 622, 632, 634 to 637)

1. The CHAIRMAN: Before I call on the first speaker for this morning, the representative of the Ukrainian Soviet Socialist Republic, and with his consent, I propose to call on the representative of Singapore, who wishes to submit amendments to draft resolution A/C.1/L.632.

2. Mr. JAYAKUMAR (Singapore): The purpose of my speaking today—and I shall not take more than five minutes—is first to comment on the amendments which have been moved to draft resolution A/C.1/L.632 and then to propose revisions to the draft resolution.

3. The sponsors have taken careful note of the proposal to amend the draft resolution introduced by the representative of Canada at the 1911th meeting and contained in document A/C.1/L.637. We find those amendments completely unacceptable. They do not have even the remotest connexion with the objectives of the draft resolution.

4. As we have repeatedly stated, the sponsors want information on the area beyond the limits of national jurisdiction and the resources which will accrue to the international community if any of the proposals for limits were adopted. My delegation, together with other sponsors, have painstakingly clarified why this information was so essential.

5. We are disillusioned to find that although the representative of Canada put forward this amendment as a helpful suggestion, the fact is it has absolutely nothing to contribute towards obtaining the information to which we attach so much importance. Indeed, far from helping us obtain this information, it is actually a separate idea altogether. What does it seek to do? Its chief feature is to replace operative paragraph 1 of the draft resolution with an altogether new operative paragraph which would require the Secretary-General to up-date his study on the mineral resources of the sea. This is so completely different that the sponsors feel that the one and only effect would be to kill the request for the study which we proposed.

6. We urge the sponsors not to press this amendment to a vote. We hope that since the Canadian representative said that it was being submitted for illustrative purposes, it will be withdrawn. If the representative of Canada and others sincerely want the Secretary-General to up-date his study, by all means they can move a separate draft resolution. My delegation may even join in sponsoring it or vote in favour of it. But it is a completely different matter when it is proposed that this new and fresh study should be substituted for the study requested by the 31 sponsors of draft resolution A/C.1/L.632. If that is the situation, we would have no choice except to regard it as nothing but a move to abort the reasonable request of the 31 sponsors.

7. With regard to Kenya's proposed amendments contained in document A/C.1/L.636, the sponsors are still in the process of considering them. We hope to give a definite response in time for the voting, if it takes place today.

8. I should now like briefly to introduce two revisions *[A/C.1/L.632]* to the draft resolution.

9. In operative paragraph 1, delete all the words after the words "each of the"—including the enumeration—and substitute the following wording:

> "various proposals on limits of national jurisdiction submitted so far to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction".

10. In brief explanation of this revision, several delegations felt that the enumeration was subjective, and we responded that we selected these limits because these were the proposed limits mentioned in the sea-bed Committee, orally or formally. But some delegations said that perhaps others were mentioned that were not mentioned in our draft resolution. Accordingly—and we are flexible on this—we are willing to delete that enumeration and instead to have the general wording mentioned in operative paragraph 1. We are convinced that the Secretary-General,

when he prepares the study, will also find that the five limits we mentioned were mentioned in the sea-bed Committee sessions; but should he put forward other proposals, then the sponsors would have no difficulty with their inclusion for the purpose of the study.

11. The second revision is the inclusion of a new, additional operative paragraph, reading as follows:

> "4. *Declares* that nothing in the present resolution or in the study shall prejudice the position of any State concerning limits, the nature of the régime and machinery or any other matter to be discussed at the forthcoming United Nations Conference on the Law of the Sea."

12. Again, in brief explanation, several delegations expressed the view that such a study may be prejudicial. The sponsors responded to this by saying that information of a factual nature could not prejudice; but in deference to the views expressed, we are agreeable to making this point explicit in our draft resolution, in the same way that the sponsors of the agreed list of subjects also included wording to this effect, to make it clear that the inclusion or the wording of any matter on the list of subject does not prejudice the position of any country.

13. In view of these revisions which seek to accommodate the views of some of the delegations which expressed apprehensions, it is our hope that those delegations will now be able to support the draft resolution.

14. Mr. MATSEIKO (Ukrainian Soviet Socialist Republic) *(translation from Russian):* This is the sixth time that our Committee is considering the complex and many-faceted problems of the sea-bed and the law of the sea. There can be no doubt that during this comparatively short period of time a great deal of genuinely important, thorough and constructive work has been done.

15. The results of the activities of the Committee on the sea-bed for 1972 are here evaluated in different ways. However, even with the substantial divergencies in the statements of many delegations, we could quite clearly descry something in common underlying them. This common factor, as our delegation interprets it, is the recognition of the fact that the Committee on the sea-bed, by overcoming a number of substantial difficulties, has in the current year made considerable efforts in order to discharge in practical terms those tasks which were vested in it by resolution 2750 (XXV) of the General Assembly, including those tasks connected with preparations for a new international conference on the law of the sea.

16. Referring to the process which has been achieved, a number of delegations have quite correctly given first place to the Committee's drawing up a list of items and topics in connexion with the law of the sea. There were quite considerable difficulties in doing this and the fact that it was possible to overcome them is to a large extent due to the co-operation and compromise which is being displayed by many delegations, including of course the delegations of the socialist countries. It is our hope that work on the substance and substantive issues will proceed in the same spirit. This will make it possible for our delegation to view with cautious optimism the prospects of future work in the Committee and also the work of the forthcoming conference.

17. It appears to us—and this is something we have frequently referred to already—that the conference should concentrate on those problems of the law of the sea which have not yet been solved. This is why the adoption of the list cannot prejudge either the actual agenda of the conference on the law of the sea, or the question of the desirability of drafting articles on all the items in that list.

18. As is quite correctly indicated in paragraph 23 of the Committee's report *[A/8721 and Corr.1]*, the adoption of the list:

> "does not prejudice the position of any State or commit any State with respect to the items on it or to the order, form or classification according to which they are presented."

19. Referring to the work done by the Committee, the delegation of the Ukraine would like also to refer to a certain degree of progress which has been achieved in preparing the articles of a treaty regarding a régime for the sea-bed and ocean floor beyond the limits of national jurisdiction. Of course, in the course of this work substantial difficulties emerged which are reflected in the report we have before us. However, it would not be correct if we were not to refer also to the positive results. There was reference made to definite and concrete work, and in this way the course which has been chosen by the Committee, that is, to set up a working group, seems to us to be correct and promising.

20. The second item of the working programme of Sub-Committee I was more difficult, that is, that problem connected with the status, the sphere of action, the functions and authority of the international machinery. Without going into the substance of those difficulties on this particular point, our delegation would like at this stage to emphasize one matter of paramount importance. The question of creating the machinery itself, and also what its nature and competence would be, is something which was closely connected with defining the precise boundaries of national jurisdiction. This is a feeling which is shared by many delegations. This is particularly clearly shown in paragraph 80 of the report.

21. Speaking of the work of Sub-Committee II, we should like to say something about the problem of maritime fishing. The importance of this problem cannot be a question of doubt in anybody's mind, and one of the main tasks of the Committee and of the future conference must necessarily be to find a rational and acceptable solution, taking into account the legitimate interests of all States, both the coastal and land-locked countries, and both the developed and developing countries. In this connexion, our delegation would like to refer to the Declaration of Principles governing the rational exploitation of the living resources of the seas and oceans in the common interests of all peoples of the world, which was adopted on 7 July 1972 in Moscow by the Fisheries Ministers of the socialist countries. In this important document the socialist countries declared that they support the efforts of the developing countries to create their own national economies,

including the fishing industries. It was also stated that the developing countries should be given certain preferential rights which would help to promote the development of their national fishing industry.

22. The delegation of the Ukraine believes that solving the problem of the complete and rational utilization of the living resources of the sea is in the common interest of all peoples, and that this can be sought on the basis of the judicious combination of the interests of both the coastal States and those States which are more remote from the fishery areas, but not by means of taking unilateral steps.

23. Turning now to the activities of Sub-Committee III, my delegation would like to note with some satisfaction that the problems connected with the prevention and control of the pollution of the marine environment as well as scientific studies were considered extremely thoroughly and that very concrete proposals have been put forward in this connexion. One of these proposals was put forward by many delegations, including the Ukrainian SSR, regarding preliminary measures to prevent and control marine pollution. That proposal is annexed to the report of the sea-bed Committee, in the list of documents in annex IV, document number 5. We are convinced that—and this appears in operative paragraph 1 of our draft resolution—

> "... States pending the elaboration and implementation of international instruments to take appropriate preliminary steps to prevent and control to the extent possible, marine pollution from whatever source it may arise within their jurisdiction, including especially the indiscriminate discharge into the ocean of toxic or hazardous substances or materials from the various means of transportation and from rivers, lakes or estuaries leading into the sea;".

24. These measures should also include the prevention and control of pollution arising as a result of the exploration and exploitation of the mineral resources on or within the subsoil of the continental shelves.

25. We commend the creation of a working group on pollution, part of whose mandate will be the preparing of texts which should lead to the formulation of draft articles to be part of a treaty on the preservation of the marine environment and the prevention of its pollution. The intention here is that the working group should have concrete ideas presented to it by the members of Sub-Committee III. We should like to draw attention to the fact that in paragraph 206 of the report it is proposed that:

> "These comments should be submitted as soon as possible, preferably before the end of the twenty-seventh session of the General Assembly, but in any event before 15 January 1973 . . .".

26. In conclusion, my delegation would like to present a few thoughts on concrete problems connected with the convening of the conference on the law of the sea. Of course it is necessary first and foremost that there be very careful preparatory work undertaken by the sea-bed Committee. We are in favour of that body holding two sessions in 1973, one in New York and the other in Geneva. We consider the proposal that the session of the Conference on organizational matters be held in November-December 1973 in New York a reasonable one, and also that this should last approximately two weeks. The need for this special session is particularly apparent in the light of the experience we have already had in the work of the sea-bed Committee itself. Those who participated in its first session will recall the procedural and organizational difficulties that were encountered by the Committee at that time and how much effort and time were needed for these difficulties to be overcome.

27. My delegation believes that the conference on the substance of the matter should be convened in 1974. We share the feeling of gratitude which has been voiced here by many delegations to the Government of Chile, which has offered Santiago as the site for the holding of the conference. As we understand it, if the conference goes beyond 1974, then it will be necessary to consider the question of resorting to the traditional venues for the holding of international conferences. This would be considerably facilitated by the fact that we already have a kind invitation from the Government of Austria to hold such a conference in Vienna.

28. All those ideas have been reflected in draft resolution A/C.1/L.634, sponsored by a large number of States. It is therefore understandable that we shall support this draft resolution and vote for it.

29. Mr. AKHUND (Pakistan): The General Assembly, in resolution 2750 C (XXV), decided to convene a conference on the law of the sea in 1973. It was also provided in that resolution that, should the Assembly at its twenty-seventh session determine the progress of the preparatory work to be insufficient, it might decide to postpone the conference. Hence it devolves on the current session of the Assembly to review the preparatory work done so far by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and to take definitive action regarding the proposed conference.

30. For the last two years the sea-bed Committee has been engaged in doing the preparatory work for the conference. Its task has been by no means easy, considering the variety and complexity of the issues to which it had to address itself. What is the extent of the progress of the preparatory work? Does it warrant the convening of the conference on the law of the sea? These are the questions we are faced with at present and to which I now turn.

31. While answering these questions we should bear two points in mind. In the first place, the preparation for the conference is a continuing process. One cannot say at any given point that the preparatory work is complete and nothing more needs to be done. There will always be something more which could profitably be done. What we can and are called on to determine is the sufficiency or otherwise of the preparatory work so far done. Then we must also remember that there is still one more year to go in order to continue the preparatory work.

32. Keeping these two considerations in view my delegation feels that the preparatory work done by the sea-bed Committee has reached such a stage that one can with a measure of optimism look forward to the commencement

of the conference on the law of the sea towards the end of next year. In this regard one of the major achievements no doubt has been the agreement reached last summer on the list of subjects and issues relating to the law of the sea *[A/8721 and Corr.1, para. 23]*. It has wisely been emphasized that the list is not intended to be exhaustive and does not establish any order of priority. The list represents the culmination of efforts to identify and tabulate all the closely interrelated aspects of the sea and its various uses and will provide the basis of the agenda of the forthcoming conference.

33. We welcome especially the spirit of mutual co-operation and accommodation displayed by all the members of the sea-bed Committee in reaching agreement on the list. Such an attitude encourages hope for the successful outcome of the proposed conference.

34. Besides working out a list, the working group established to deal with the régime of the sea-bed and the ocean floor beyond the limits of national jurisdiction has produced texts *[ibid., annex II, sect. 1]* illustrating areas of agreement and disagreement on the status, scope and basic provisions of the régime on the basis of the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction. Sub-Committee I also held a comprehensive discussion on various aspects of the international régime. Similarly, the working group on marine pollution has commenced its work.

35. In addition to the preparatory work carried out within the framework of the sea-bed Committee, a very useful fund of information on a number of specific issues has been produced by other United Nations bodies and governmental and non-governmental organizations. The results of the United Nations Conference on the Human Environment and the Inter-Governmental Conference on the Dumping of Wastes at Sea, held in London, the work of the Food and Agriculture Organization of the United Nations and of the Inter-Governmental Maritime Consultative Organization and the exchange of views under the aegis of the Stanley Foundation, the University of Rhode Island and the Oceanographic Institute of California, to mention only a few things, should contribute to the deliberations of the conference on the law of the sea.

36. This process of preparation, both within and outside the United Nations system needs to be further expanded and intensified. It would indeed be very helpful if the conference had some draft articles on various issues ready before the commencement of its deliberations.

37. By now the issues and subjects to be discussed by the conference on the law of the sea have been tabulated and agreed upon; differences in the points of view of the various countries or groups of countries have crystallized and, in some cases, narrowed. Without in any way minimizing the importance of further preparatory work, my delegation considers that in order to reach agreement on the various issues, Governments will now have to take political decisions and we feel this can be done in a conference of plenipotentiaries

38. We therefore share the view that the conference on the law of the sea should hold its first session for a period of approximately two weeks in November/December 1973 to deal with organizational matters and its second session for a period of eight weeks in April/May 1974 to deal with substantive matters.

39. As regards the site of those meetings, the organizational session, for convenience and practical reasons, should, we think, be convened in New York, and the substantive session during 1974 be held in Santiago, Chile. My delegation would like to take this opportunity to express its thanks to the Government of Chile for its very generous offer to host the conference sessions during 1974.

40. The schedule of meetings I have just outlined depends, of course, on further progress in the preparatory work during the coming year. The General Assembly, fairly early in its twenty-eighth session, should have the opportunity to make a final assessment of the preparatory work and to take appropriate action.

41. We therefore support the view that the sea-bed Committee should hold two further sessions in order to complete its preparatory work. We are hopeful that the Committee will make good use of the time available to it and that the inaugural session of the conference can take place in November/December 1973 as now envisaged. It is in the light of the views of my delegation on the degree of preparatory work done and the desirability of the early convening of the law of the sea conference that my country has agreed to join the 42 sponsors of draft resolution A/C.1/L.634. That draft resolution takes a realistic view of the present situation and combines elements of definiteness and elasticity. We strongly commend it to the First Committee for adoption. With its adoption one can hopefully expect the opening of the much heralded conference on the law of the sea in November/December 1973.

42. The CHAIRMAN: I have been requested to inform the Committee that Greece has become a sponsor of draft resolution A/C.1/L.634 and, as we have just heard, Pakistan too has become a sponsor of that draft.

43. Mr. LIMPO SERRA (Portugal): My country, in an observer capacity, continues to give its best attention to the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. My delegation wishes to congratulate that Committee on the progress achieved during 1972. The agreement reached on the list of subjects and issues *[A/8721 and Corr.1, para. 23]* to be submitted on the forthcoming law of the sea conference is the main positive achievement of the Committee, and it must be stressed that this has produced an important psychological effect both within the Committee itself and in the world outside. Indeed, such agreement was essential in order to sustain the confidence expressed by the General Assembly in its resolution 2750 C (XXV) that our hopes would be realized. If the sea-bed Committee had returned to the Assembly this year without an agreed list of subjects and issues, a feeling of frustration would have overwhelmed the world, casting it into the depths of pessimism.

44. Sub-Committee I has made notable progress, especially through the work by its first working group. In Sub-Committee III also conditions have been prepared that presage rapid progress.

45. My delegation is in favour of holding two sessions of the Committee in 1973, as proposed in draft resolution A/C.1/L.634.

46. The Committee should continue to adhere to the system of accepting the consensus. In this respect, we firmly support the efforts of the Chairman of the Committee to ensure that that system be maintained. The tremendous efforts which the sea-bed Committee is expending will be fully rewarded and be useful only if the forthcoming conference on the law of the sea results in decisions which set up a régime acceptable to all.

47. My delegation is not too optimistic about the Committee's being able to complete its mandate fully in 1973. It is true that the advances made by the Committee so far have been notable, when considered by themselves; but if we view them in the light of the mandate conferred by resolution 2750 C (XXV) of the General Assembly we find that there is much yet to be achieved. In effect, it may be said that the Committee is hardly finished as yet with the work of analysing and clarifying the divergent positions of the various interest groups, in order to pass on to the task of convergence for which the drafting of articles calls. The difficulties experienced in achieving agreement on the list of subjects reveal the difficulties which await the Committee in the future. Even if we take into consideration that the aspects that are essentially political in character and *de lege ferenda* concerning the work of the forthcoming conference are such as to make it necessary to dispense with the achievement of full accord on all the matters in dispute, it will be necessary to arrive at a minimum basis of agreement that will ensure the success of that conference.

48. With reference to the preparatory meeting, which draft resolution A/C.1/L.634 foresees being held at the end of 1973, we would prefer that the resolution to be adopted by the General Assembly this year be definite concerning the convening or non-convening of the conference at that time. As it is not possible to foresee what decisions the achievements of the sea-bed Committee in 1973 will permit the twenty-eighth session of the General Assembly to adopt, we would prefer that this preparatory meeting should not be planned for 1973, and that the General Assembly should decide at its twenty-eighth session on its being convened in 1974. If the twenty-eighth session of the General Assembly is going to decide whether this preparatory meeting shall take place in 1973 or not, as appears from the final part of operative paragraph 5 of draft resolution A/C.1/L.634, it will continue to be a matter of doubt until the last moment whether that meeting will actually be held or not. We should like to point out that all States have to make preparations for that meeting, especially those countries which, not being members of the sea-bed Committee, would be participating for the first time in the negotiations. If the General Assembly should decide next year that the results achieved by the sea-bed Committee are not sufficient to warrant the holding of the conference and that the work of that Committee should continue, all these arrangements would be frustrated. If that happened we think that the preparatory meeting also should not be convened in 1973, for it would not make sense if, once the conference opened, we were to return once again to the Committee. Despite these considerations, however, we do not wish to go against any initiatives that may serve as a stimulus to the sea-bed Committee and permit the holding of the conference earlier, and we are sure that the Committee will not spare any effort to achieve such a result.

49. During 1973 the sea-bed Committee will find itself torn between the need to work efficiently and the need to complete its task rapidly. As my delegation emphasized last December in the First Committee *[1850th meeting]*, the sea-bed Committee should strive to work efficiently rather than speedily. On the other hand, we also see the need to stem as quickly as possible the deterioration of the juridical régime governing maritime activities and to avoid a situation in which any agreement as to solutions becomes more difficult or even impossible. The sea-bed Committee is well aware of this need. The agreement achieved regarding the list of subjects points, above all, to this need for urgency.

50. The draft resolution provides a period of only eight weeks for the functioning of the conference on the law of the sea in 1974. That question will depend on the progress achieved by the sea-bed Committee in 1973. In any event, the General Assembly at its twenty-eighth session could rectify the decision concerning the duration of the conference in the light of the progress achieved.

51. The delegations of States that are members of the sea-bed Committee have manifested a certain optimism as to the future. This optimism fills us with hope that the Committee may achieve in the course of 1973 the fulfilment of its mandate.

52. My delegation takes this opportunity to thank the delegations of Chile and Austria for the invitations they extended in the name of their respective Governments for the successive meetings of the conference to take place in their capitals. We hope that Santiago will become the symbol of a reinforced law of the sea.

53. Mr. NOGUES (Paraguay) *(interpretation from Spanish)*: Draft resolution A/C.1/L.632, sponsored by my delegation, is in accord with the view which Paraguay has maintained in regard to the law of the sea. When my delegation speaks of the law of the sea, it must be perfectly clear that by "law" we understand not only an international régime as applying to the sea-bed and ocean floor, the specific subject being dealt with by the First Committee, but also that law as including the wide range of subjects suggested in the list in document A/8721 and Corr.1, para. 23.

54. It is with regard to this basic idea that I shall develop my very brief statement. It will be brief because the great competence of the representatives who have spoken before me has sufficed to assess in its probable scope the success that the coming conference on the law of the sea may achieve. It will be brief also because my delegation will not at this time refer to subjects relating to the preparation of the conference but will in due course make reference to what we deem appropriate to decide in that regard. And it

will be brief, finally, because I wish only to recall the position of Paraguay on this question, a position which is already well known and can be summarized as follows. To the extent that States with a sea coast arbitrarily extend their sovereignty by enlarging the area of their territorial sea, they also arbitrarily limit the rights of inland or land-locked States. Unrestricted navigation, fisheries resources, access to underlying riches of the sea, and freedom of flight in the superadjacent space would be greatly affected in the absence of the consent of all the States concerned, whether coastal or land-locked, consent which must be enshrined in international agreements.

55. Therefore, my delegation maintains that the extent of the territorial sea, the contiguous zone and the patrimonial sea cannot be determined nationally, whether on the basis of a law or the constitution of a country. That must be determined on the basis of the consent of all States, whether coastal or land-locked, and that consent must be expressed in international agreements.

56. I also wish to state that my delegation upholds the view that each continent is a geological entity or unit and must be dealt with as such, and that the interests of the international community of that continent cannot be resolved exclusively by the coastal States, neglecting the land-locked countries which are their neighbours. On the contrary, we maintain that the adjacent sea and its natural resources must reasonably benefit not only the development and well-being of the coastal peoples, but also of the land-locked peoples of the same continent who are also members of the international community and whose rights are to be equally respected.

57. That international community–and here I support what the distinguished representative of Peru said–is not an abstract entity, but a concrete reality made up of the countries which constitute it and of the populations which live in those countries.

58. We, the land-locked countries and those which have no continental shelf, are also inhabitants of the Earth and need the sea.

59. We are supported by the conviction that a balanced judgement will prevail in the solution of the subtle and complex problems which arise in connexion with the law of the sea. My country, in honestly stating its position on this subject, is not defending controversial interests nor is it opposing any legitimate aspirations. My delegation is not taking a negative attitude but, on the basis of the views which I have stated, is open to dialogue and relevant negotiations so as to reach the appropriate agreements. That is why we are a co-sponsor of the above-mentioned draft resolution, which pre-supposes a prior and necessary step in order to arrive at conclusions that will be satisfactory to the international community.

60. Mr. WEHRY (Netherlands): The Netherlands is one of the sponsors of draft resolution A/C.1/L.632 and is one of the few so-called developed States among those sponsors.

61. To its regret, my delegation sees itself obliged to take the floor in support of a request for information which, we thought, deserved the sympathetic understanding of all nations, particularly of those which are more generously endowed than the sponsors with access to the sea and its immense wealth. As members will have noticed, the request for a study by the Secretary-General is especially sponsored by land-locked developing nations, which are not by tradition well equipped to seek and analyse information on matters pertaining to the sea, but of which it is expected, none the less, that they will soon participate in the making of territorial and economic decisions of an unprecedented scale in the history of mankind, namely, decisions about the definition and management of the common heritage of mankind. To our alarm, unexpectedly strongly worded objections have been raised here to draft resolution A/C.1/L.632, objections voiced sometimes in a polemic tone and alleging that a request for available information from a neutral source is of "dubious appropriateness" and "prejudicial to the interests of a majority of States". Before replying specifically to the objections raised, I should like first to ask certain general questions which are addressed as much to the delegations present here as to the press, scientific circles and the public at large. These general questions are:

62. First, could anyone, on reflection, afford to call a carefully considered request, considered for more than a year by more than 30 nations, reflecting a cross-section of all continents, all political systems and all stages of development, a request of dubious appropriateness?

63. Secondly, are we witnessing the phenomenon that on a topic so epoch-making and of such magnitude a number of advantaged States are repressing the obvious desire of disadvantaged States for neutral, if necessarily incomplete, information?

64. Thirdly, is the community of heirs-apparent willing to assess the extent and the value of its common heritage, inasmuch as information is available, or is such otherwise common practice prejudicial to the interests of certain heirs? How can any scientific mind say that factual information, as long as it is not wholly and perfectly complete, is dangerous or prejudicial? Would not the application of that sort of argument to any topic simply kill any human endeavour? Are we asking the Secretariat to interpret the information it gives, as was feared by certain delegations? No, we are not asking the Secretariat to interpret. That is the privilege of every sovereign State.

65. Fourthly, do certain heirs to our common heritage realize that, by disregarding universal approaches to our problem–like the approach of obtaining the maximum factual information before making decisions–they might disregard the interests of their brother heirs and cousin heirs?

66. I refer here to the as yet not so widely known fact, under certain proposals for limits substantially more than half of the total area that falls under national jurisdiction would accrue to the 38 developed States of this world that are coastal nations while the remaining smaller area that falls under national jurisdiction would be shared by 98 developing States that are coastal nations. This means that the so-called "rich" nations–of which my nation is considered to be one–would profit under certain proposed limits

and in terms of square miles would do so immensely more than the "poor" nations. Are we going to suppress factual information on the economic benefits that one can hope to derive from the international area, in view of such evidence that the gap between the developed and developing countries is more likely to grow under certain limit proposals?

67. Those were a number of similar questions, and I will now comment on specific objections made to the text of draft resolution A/C.1/L.632.

68. First, the five limit proposals mentioned in operative paragraph 1 of the draft resolution have been criticized as being incomplete or not faithfully reflecting proposals actually made. I hope that it will be appreciated by the delegations which made those criticisms that, as explained this morning by the representative of Singapore, the sponsors having recognized that there were genuine difficulties, have proposed the rewording of part of the text so as to cover all proposals made in the sea-bed Committee, either in working documents or in speeches. Thus, such original proposals as the Canadian partition proposal and the 100-mile limit suggestion by the representative of Italy, and combinations of proposals will be covered. In this respect I should like to mention for the benefit of the possibly overburdened Secretariat that the sponsors have an open mind on the mandate that in principle covers all proposals on limits made thus far in the sea-bed Committee. The Secretariat is of course authorized to treat very briefly criteria which would appear not to change significantly the assessments of a study as compared with one of the criteria proposed by a larger number of States, but it is for the Secretariat to decide.

69. My second comment on specific objections is this. It was observed by the representatives of Peru *[1904th meeting]*, Argentina *[1905th meeting]* and Chile *[1906th meeting]* that the study would be incomplete if the economic significance of the international area only were to be studied. Those delegations thought that it would be fair if a study were also made of the comparative advantages and disadvantages which the national area would have for individual States, depending on different hypothetical limits. I could not agree more. Such territorial and economic comparisons related, as suggested, to population, land territory and income *per capita* of the coastal State—the social significance, as it was called—would be most helpful indeed. We are for a coast-to-coast study as proposed by the representative of Chile. This would certainly add to the study we propose in our draft resolution.

70. Such comparisons might be further computed into comparisons between coastal States individually, between regional groups of States, and between categories of States, listed in order of social-economic development. By all means let us have, bit by bit, whatever available information can be reasonably processed in order that we may compare from one State to another the significance of both the national and international jurisdiction over the sea-bed that would result from different limit proposals. Naturally the study of the national areas would have to mention a certain number of caveats or reservations or warnings that there were certain political alternatives which would have to be taken into account, such as the question of *de jure* versus *de facto* jurisdiction over certain territories and so on. That can be done, and has been done in certain private studies. It is only a matter of careful wording. Also, no precise quantifications in tons and prices could be expected; nor is it expected in the study the sponsors have in mind, but the Secretariat could identify a number of interesting comparisons and call our attention to general considerations, as it did quite well in the previous study on the possible economic implications of mineral production in the international sea-bed area. These documents have been mentioned several times. They are A/AC.138/36[1] and A/AC.138/73 *[see A/8721 and Corr.1, annex II, sect. 2]*.

71. As can be seen, my delegation has no quarrel on this point with the delegations mentioned previously. The sponsors of draft resolution A/C.1/L.632 agreed not to be too ambitious in their request in view of the financial implications and the need to have some material available not later than the summer session of the sea-bed Committee in 1973. But we could certainly envisage the wording of requests, if that is the feeling of the General Assembly, to reflect the need for follow-up studies to the extent of technical feasibility and budgetary flexibility. One such follow-up study, which would have the interest of my delegation, would be the proposal of the representative of Kenya, made in document A/C.1/L.636, to study the economic significance for the international community, particularly for developing members of that community, of the hypothetical establishment of an exclusive economic zone not exceeding 200 miles. I would remark that perhaps Kenya could clarify whether it means a national economic zone or regional economic zone: it is not clear from the text. Further, Kenya is invited to clarify whether, in view of the context of our draft resolution, which speaks only about the sea-bed, it means the significance of an economic zone as regards the sea-bed, or whether it involves the totality of the concept to be studied. In the latter case perhaps a separate request should be made but, I dare say, such a request would not encounter the opposition of the Netherlands. However, contrary to the Kenyan proposal, we do not think the amendments by Canada, France and Malta *[A/C.1/L.637]* helpful because they would not meet the need of the ill-equipped developing countries to assess the significance of the different limit proposals.

72. In conclusion, we should like to make it clear that whatever the final mandate, or mandates, for a study, or studies, to be given to the Secretariat, we would expect the Secretariat to issue this material, as far as possible, in separately publishable segments, one after the other. To delay the publication of any information until the whole of a possibly large mandate is fulfilled would jeopardize the usefulness of the exercise.

73. Mr. VINCI (Italy): First of all, I wish to congratulate Mr. Amerasinghe for his lucid and skilful presentation *[1903rd meeting]* of the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction *[A/8721 and Corr.1]* on the work performed during 1972. Indeed, the results of its activities are such as to encourage optimism with regard to

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

the possibility of convening, the conference on the law of the sea in 1973, as decided in resolution 2750 C (XXV).

74. As for the general principles of the law of the sea-bed, already approved by the General Assembly,[2] Sub-Committee I made some significant progress during the summer session in Geneva. This can be said even if there are many alternate solutions such as the ones put between brackets *[ibid., annex II, sect. 1]*. More encouraging, in our view, is the progress achieved by Sub-Committee II entrusted, as is known, with the preparation of a list of items to be used as the basis of the work of the next conference. The list of items has finally been approved *[ibid., para. 23]*; even if it is an outline list, not exhaustive and not binding for the future conference, the result attained is remarkable for many reasons. It shows that the pressure put by the indication of a final date has proved extremely effective for the achievement of concrete results in the work of the Committee. For that reason, we consider that a pre-established time-table would be a well-inspired move, since it would enable us to overcome even more serious obstacles and bring about further agreed solutions. The sea-bed Committee in 1973 will indeed be faced with a heavy task. That is why, in our opinion, the Committee should hold two sessions next year, the first session lasting five weeks between March and April, the second one of eight weeks between July and August in Geneva. All together 13 weeks of work should allow the Committee to accomplish the task entrusted to it. This will make possible the convening of a first session of the conference of the law of the sea essentially on organizational matters, in New York, during the twenty-eighth session of the General Assembly, and more precisely during November/December 1973. The convening of this first session of the conference not only will allow us to keep to the date fixed in resolution 2750 C (XXV) but will also be very useful for a rapid start of the work when the conference holds its second session during the spring of 1974.

75. Having solved all the organizational problems during the first session at the end of 1973–distribution of tasks, adoption of rules of procedure, etc.–the conference will be able to start its extensive and difficult work in its second session in the spring of 1974. We can already foresee a second session of the conference in 1974, as suggested by the representative of the United States. In this connexion, I should like to welcome the generous offer of the Chilean Government to be host to the conference and the equally generous offer of the Austrian Government to have the following sessions in Vienna. My Government will certainly be happy to attend conferences in the capitals of two countries so close to my own.

76. Of course, we do not ignore the difficulties with which the conference will be faced. As has already been pointed out, while the Geneva Conference of 1958 was essentially a conference *de lege lata,* the next conference on the law of the sea will also be a conference *de lege ferenda.* It will have the difficult task of adapting traditional law to the necessities produced by the revolutionary technical progress of our times. Awareness of the great difficulties confronting us does not make us less confident that the next conference will be able to accomplish the task entrusted to it and that its positive outcome will contribute to a further strengthening of the good relations between nations in a just and fair reconciliation of the interests of all peoples. We especially express our confidence in the process I have just outlined.

77. Before concluding I should like to voice my support for the initiative taken by a number of delegations in proposing draft resolution A/C.1/L.632. We share the view that it will be useful for the future deliberations of the sea-bed Committee to draw data and information from a comparative study of the extent and economic significance, in terms of resources of the international area, that will result from different limits of national jurisdiction. However, I should like to point out that it might be wise to ask the Secretariat to consider also a limit of 100 nautical miles in so far as I believe that the majority of Member States would consider the proposed limit of 40 nautical miles as too restrictive for national jurisdiction, whilst the limit of 200 nautical miles could risk devoiding the concept of common heritage of mankind of almost all its economic significance. Therefore, I would propose to the sponsors of the draft resolution to amend it either by adding a new limit of 100 nautical miles or by substituting such a limit for the limit based on the 500 metre isobath.

78. Mr. NJENGA (Kenya): My delegation has had numerous occasions, both before the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and this august forum, to express the views of the Kenyan Government on various issues concerning ocean space. Therefore, on this occasion, my delegation will restrict itself mainly to procedural issues arising from resolution 2750 C (XXV) under which, *inter alia,* the General Assembly decided to convene a conference on the law of the sea in 1973. However, this decision was qualified by the proviso that "if the General Assembly, at its twenty-seventh session, determines the preparatory work of the Committee to be insufficient, it may decide to postpone the conference".

79. The question that we have to decide now is not whether the Committee has completed its preparatory work, so as to justify the convening of a conference, but rather whether the preparatory work is insufficient and thus warrants the postponement of such a conference.

80. It is the view of my delegation that some of the more pessimistic speakers who have spoken before me have tended to imply that the Committee should complete its preparatory work before a conference can be held. This is not what the General Assembly required in resolution 2750 C (XXV). As has been correctly pointed out by many speakers who have preceded me, particularly by the representative of El Salvador *[1903rd meeting]*, the conference for which we are aiming possesses less of a character of codification than of *lex ferenda,* involving the political will of nations rather than the meticulous preparation of draft articles.

81. If indeed, as some would seem to suggest, we were required to have agreement on draft articles on each item before the conference could start, we would not in fact require a conference lasting eight weeks or several sessions but just a few weeks at most, to adopt a convention, because then it would be a codification conference.

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

82. But to be realistic, having such agreement on each draft article could take many more sessions of the preparatory Committee and many years would pass before a conference could be scheduled, let alone held. My Government for one has not the patience, the personnel or the financial resources to sustain such a leisurely pace of negotiation, which would totally ignore the urgent nature of the subject.

83. I do not, however, wish to be understood as underestimating the need for adequate preparation for the conference. Such an attitude would amount to simplistic *naiveté* unworthy of a delegation even of a small country like mine. However, it is the view of my delegation that the results accomplished so far by the sea-bed Committee justify cautious optimism that with goodwill and a spirit of accommodation on all sides the Committee will sufficiently concretize a broad framework of understanding during the spring and summer sessions next year to ensure the success of a substantive conference in 1974.

84. The basis for this conclusion is the report of the Committee *[A/8721 and Corr.1]*, which was so ably introduced by the Committee's Rapporteur, Mr. Vella, and by our industrious Chairman, Mr. Amerasinghe at the 1903rd meeting. The fact is brought out that Sub-Committee I established a working group to deal with the régime of the sea-bed and ocean floor beyond the limits of national jurisdiction. Under the wise guidance of its quietly efficient Chairman, Mr. Pinto of Sri Lanka, that working group has produced very valuable texts clearly illustrating areas of agreement and disagreement on the status, scope and basic provisions of the régime *[ibid., annex II, sect. 1]*. The presence of so many square brackets should not be allowed to obscure the importance of the texts, for they serve to indicate the area of intensive negotiations in the coming sessions of the Committee.

85. Similarly, after a general debate Sub-Committee III also established a working group on marine pollution. Although that working group has not been able to do much substantive work, it should be emphasized that it will not be starting from scratch. There exists abundant material on the subject, from the United Nations Conference on the Human Environment in Stockholm, the recent Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, signed in Oslo in 1972, and the even more recent Inter-Governmental Conference on the Dumping of Wastes at Sea, held in London.

86. The most important development, however, must be the conclusion of the debate on the list of subjects and issues by Sub-Committee II. After two years of negotiations the Committee managed to adopt the text unanimously at the final meeting of the summer session, thanks in no small measure to the optimistic endurance of the Chairman of Sub-Committee II of the sea-bed Committee, Ambassador Martínez Moreno and the indefatigable wizardry of Chairman Amerasinghe, who demonstrated his capacity for producing inexhaustible versions of compromise formulas. My delegation thinks that it is misleading to dismiss the list as merely providing a framework for substantive work. During the arduous negotiations States have managed to understand each other's attitudes towards the substantive issues, broad political convergence of approach has been moulded among States sharing common interests as regards the sea, and, as a result, many States, including my own, have presented various draft proposals on specific substantive issues. The remarkably similar results achieved by the Caribbean countries at Santo Domingo and the African participants in the Yaoudé Seminar, the texts of which are annexed to the report *[ibid., annex I, sects. 2 and 3]*, are a striking example of the coalescing of viewpoints in the third world at least.

87. Thus, in our opinion, the way to serious businesslike negotiations has been charted and we believe that by the end of the 13 weeks scheduled for the sea-bed Committee next year we should have completed the preparatory work for the conference.

88. It is this cautiously optimistic approach that led my delegation to become one of the joint sponsors of draft resolution A/C.1/L.634 which was so ably introduced by the representative of Thailand at the 1908th meeting. He dealt so exhaustively with the draft resolution that I should not like to take the time of the Committee to make further comments on it, which at best would be merely repetitive. I should like, however, to re-emphasize that by fixing firm dates for both the organizational session of the conference in November/December 1973 and the substantive session of the conference in April/May 1974 in Santiago, the sponsors do not mean to prevent the twenty-eighth session of the General Assembly from taking a decision to alter either or both sessions should the two sessions of the sea-bed Committee justify the gloomy predictions made by some more pessimistic colleagues during the debate. The sponsors have, however, left the door open for the General Assembly, should it deem fit, to authorize the sea-bed Committee to hold a further session early in 1974 to complete its work, without having to postpone the substantive conference in 1974. In such an eventuality, however, the Committee would have to be enlarged to include all States participating in the conference and this would obviate the need for further prior reporting to the General Assembly before reporting to the conference.

89. As for the venue, my delegation, whose views are well known by now, is gratified to see that Santiago has been firmly adopted by the sponsors, as we hope it will be by the whole General Assembly when we come to adopt the draft resolution. The draft resolution makes it clear that should there be a necessity for further sessions of the conference after 1974 the generous offer extended by the Government of Austria will be considered, along with such other invitations as may have been made by then.

90. What I should like to emphasize, however, is that draft resolution A/C.1/L.634 is a compromise draft resolution which it has taken long-drawn-out negotiations to accomplish. It may not be perfect, a compromise, by definition, cannot be perfect for all sponsors, but the draft resolution establishes a delicate balance which thereby makes possible very broad sponsorship and acceptance by all regions.

91. Amendments to it, however, may very easily disturb this delicate balance and, indeed, the Maltese amendment in document A/C.1/L.635 does precisely that. If the words "and approved by the General Assembly" were deleted from operative paragraph 4, serious difficulties would be created in that, among other things, the conference itself

would have to decide on subsequent sessions but no one would authorize the expenditure necessary for those sessions. In that case, how are the requirements of rule 155 of the rules of procedure to be fulfilled if the Maltese amendments are accepted?

92. I should like to remind the Committee that that rule provides that

> "No resolution involving expenditure shall be recommended by a committee for approval by the General Assembly unless it is accompanied by an estimate of expenditures prepared by the Secretary-General."

How can the Secretary-General prepare estimates in respect of sessions of a conference which at present are at best just a matter of conjecture?

93. The second Maltese amendment which

> "*Decides further* that the conference should aim at completing its substantive work not later than December 1975;"

is, in our view, necessary in that the draft resolution itself, in operative paragraph 4, contemplates—and I should like to emphasize this—only one "succeeding year" for a future session of the conference. Should it be necessary to make a definitive termination date for the conference, this should be done after the conference has concluded its first substantive session in 1974 when we shall all know how much remains to be done. I should hate to be in a position which would in effect mean that after 1975, regardless of how little remains to be done, we abandon a piece of work which has taken so long and which means so much to the majority in this Committee.

94. Finally, the proposed deletion of the words "and any other action it may deem appropriate;" in operative paragraph 5 is unacceptable to my delegation, as it would upset the delicate balance referred to earlier.

95. I cannot, however, end this statement without expressing the views of my delegation with regard to draft resolution A/C.1/L.632, introduced by the representative of Singapore at the 1904th meeting, if for no other reason than that we have had to amend it. As is well known by now, this draft resolution requests the Secretary-General to prepare, on the basis of data and information at his disposal, a comparative study on the extent and economic significance, in terms of resources, of the international area which would result from the various proposals on limits for national jurisdiction that have been put forward.

96. Neither have the reasons given to justify this draft resolution in Geneva nor those given so far very logically and cogently by the representative of Singapore, in introducing the draft resolution and subsequently commented on by other speakers, been convincing to my delegation. On the contrary, well-nigh irrefutable arguments, with which my delegation associates itself, have been eloquently adduced here by many delegations, particularly those of Peru *[1904th meeting]*, Argentina *[1905th meeting]* and Canada *[1904th meeting]*, which clearly show that this draft proposal is unfortunate, ill-timed, divisive and perhaps should be withdrawn. Without wishing to repeat those arguments, I should like to give some reasons for my delegation's opposition to their amendments.

97. First of all, by overlooking the existing national limits, the sponsors are requesting the Secretary-General to do something far beyond the mandate of the sea-bed Committee, which only has competence beyond the limits of national jurisdiction. Either 200 metres, 500 metres, 40 nautical miles, 100 nautical miles and, indeed, even the edge of the continental shelf—any of them may very well be within the limits of national jurisdiction of some States and until the conference finally takes a decision on limits the Secretary-General is not entitled to speculate on the subject.

98. Even if this were not the case, the comparative study is so extensive as to be well beyond the means of the Secretary-General with the resources, both financial and human, at his disposal. To make a comparative study of the extent and significance of the area proposed would necessitate a highly sophisticated research institute to assess the resources over the very wide area, a research which even the most highly technologically advanced countries admit they have only just recently commenced.

99. Consequently, perhaps the only conceivable comparative study possibe by the Secretary-General as requested in the draft resolution "on the basis of data and information at his disposal" and "no later than the opening date of the summer session of the Committee" is probably just a superficial study confirming the rather obvious fact that the narrower the national jurisdiction limit the broader the area for common heritage. But what I should like to emphasize here is that this proposition does not relate to the other proposition of the greater share of developing land-locked or shelf-locked or coastal States in the economic resources of the area. Whether there will be greater sharing of the area would depend on the nature and the scope of the régime and machinery for the area of common heritage.

100. Further, this proposal, either wittingly or unwittingly, is in a conservative vein and assumes that the present dichotomy between sovereign area and international area should be continued for the future. The incessant references to limits as if they are the only proposals for realizing equity in the utilization of the resources of the ocean space clearly indicate this line of thought. But I should like to remind the Committee that at the African States Regional Seminar on the Law of the Sea, held at Yaoundé from 20-30 June 1972 *[A/8721 and Corr.1, annex I, sect. 3]*, the conclusions clearly show that the solution, as envisaged there, to the problem of geographically disadvantaged States, such as developing land-locked and shelf-locked States, does not lie in the cutting down to size of the nearest coastal State in the hope for manna from the broad common heritage international area—which in our opinion, would result in common suicide for all developing countries. Rather it lies in the co-operative exploitation of the living resources within the area falling within the national jurisdiction of the coastal States on a regional basis for the benefit of all States in the area and a strong international machinery for what remains of the international sea-bed area. This idea is reflected in the fourth recommendation

on the territorial sea, the contiguous zone and the high seas, to be found in the conclusions in the general report of the Yaoundé Seminar. It is also reflected in article VI of the draft articles on the exclusive economic zone concept submitted by Kenya during the last session of the sea-bed Committee *[ibid., annex III, sect. 8]*, which provides:

"The coastal State shall permit the exploitation of the living resources within its zone to the neighbouring developing land-locked, near land-locked and countries with a small shelf provided the enterprises of those States desiring to exploit these resources are effectively controlled by their national capital and personnel.

"To be effective the rights of land-locked or near land-locked States shall be complemented by the right of access to the sea and the right of transit. These rights shall be embodied in multilateral or regional or bilateral agreements."

101. Since the draft resolution has not been withdrawn, as many have recommended, I have no alternative but to amend it so as to request the Secretary-General to take into account this further aspect which, to us, would provide for a more balanced study by the Secretary-General which would not bias any delegation towards any conclusions in the negotiations during the coming sessions.

102. This is therefore the whole purpose of Kenya's amendment in document A/C.1/L.636, circulated yesterday. The first amendment, to the third preambular paragraph, would make that paragraph read as follows:

"*Realizing* that the economic significance of the area would depend on its final delimitation, as stated in the reports by the Secretary-General contained in documents A/AC.138/36 and A/AC.138/73, as well as on the specific arrangements made for the utilization of the area and the whole ocean space for the benefit of mankind as a whole."

This would he helpful in that it would actually reflect the factual situation. Limits are important but specific arrangements, structure and machinery for the international area as well as the regional arrangements for the exploitation of the resources of the economic zone are equally important. The additional paragraph, the new operative paragraph 2, would read:

"*Further requests* the Secretary-General to assess, on the basis of information obtained above, the economic significance for the international community, particularly developing, land-locked, shelf-locked and coastal States, which would result from the establishment of an exclusive economic zone not exceeding 200 nautical miles."

This is imperative to ensure that the information requested in document A/C.1/L.632 is comprehensive and will neither distort nor bias the deliberations.

103. In conclusion, I wish to appeal to my colleagues from the developing countries, and particularly my African and Asian brothers among the sponsors, should they decide not to withdraw their draft resolution, to accept also the amendments which have been proposed by my delegation. Otherwise draft resolution A/C.1/L.632 may very well provide the cleft in the unity of the developing countries in which some of the maritime Powers are hoping to fix the wedge of division. There can be no doubt that such a division would only harm the interests of all developing countries, and, most of all, those of the developing land-locked and shelf-locked countries.

104. I think that in this statement I have managed to answer the question which was raised by my colleague the representative of the Netherlands as regards whether the economic zone I have in mind is a national economic zone. As our proposals clearly show, the exclusive economic zone proposals do envisage a very positive element of sharing within the economic zone of the coastal States with countries at a geographic disadvantage in the region.

105. As for the other question he put, whether we have in mind only natural living resources in the economic zone, I should like to point out that we have to take account of the economic significance not only of the minerals of the sea-bed but also of the living resources and how they are going to be shared within the arrangements for the forthcoming conference. It would be futile to assess one to the exclusion of the other whether you are dealing with the exclusive economic zone or with the area beyond national jurisdiction, in that the fact that you may have a broad area which is exploitable in the sense of not being too deep does not necessarily mean that that area will also be rich in minerals. There are some areas which are relatively small but economically highly significant. In this context I should like to mention that the continental shelf which the Netherlands has managed to obtain through the division of the North Sea is infinitely more valuable now than the 200 nautical miles which Kenya would hope to obtain if the exclusive economic zone concept of 200 miles were adopted. This is a fact that should not be ignored in the general argument about narrow or broad limits of national jurisdiction.

106. Mr. AKYAMAÇ (Turkey): I think it would be fair to say that we have reached a turning point in our efforts aimed at convening a conference on the law of the sea. What leads us to this conclusion is our conviction that the actual progress we have achieved in our preparatory work is sufficient to enable us to look ahead to the conference. For an observer who has tried to follow the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction through its reports, the progress that has been made may seem rather meagre. Indeed, the only concrete results we have achieved are the praiseworthy but nevertheless unfinished work done by the working group on the régime and machinery, the preparation of the list of subjects and issues, and the establishment of another working group on marine pollution.

107. We have not yet been able to complete the drafting of any draft articles. The list of subjects and issues *[ibid., para. 23]* deserves our particular attention. The binding character of the list is an open question, but there is no doubt that it serves an important practical purpose. The list lays the basis for our future work; as such it is a vital document. But equally, and perhaps more important, is the work behind the preparation of the list, which is not seen

on paper. The work on the list clarified the positions of many delegations and enabled us to have a clear view as to where we stand and what are the main differences and difficulties facing us. It also set a pattern of negotiation within the Committee which could be utilized in the conference.

108. Now that the list is ready, the question is how to proceed therefrom. Since it is generally accepted that the sea-bed Committee should have two more meetings in 1973, we should consider this question within the framework of the Committee. Some subjects in the list of issues, such as the international régime and matters related to pollution, have already been assigned to working groups set up by Sub-Committees I and III; the remaining items may be regrouped so as to be dealt with in Sub-Committee II. The working paper prepared by Australia and Canada on the future organization of the work of Sub-Committee II *[ibid., annex III, sect. 11]* provides us with a valuable guideline in connexion with these problems.

109. Organization of the work of the sea-bed Committee is one aspect of the question. Another aspect is the method of dealing with the issues on the list. It is now quite evident that if we expect to draft articles on every issue on the list, even if those issues are regrouped in a more workable way, we will have to wait a very long time before we embark upon the substantive work of the conference. Therefore, we are rather inclined to share the views expressed by the Chairman of that Committee, Mr. Amerasinghe *[1903rd meeting]*, and by the representative of France Mr. Jeannel *[1908th meeting]*, that we should not try to draft articles on every single issue on the list, but rather try to achieve general agreement on the basic issues which are essential for the constructive work of the conference. When one recalls the closing days of the summer session of the sea-bed Committee and the negotiations which resulted in the final adoption of the list, one cannot but recognize the wisdom of this approach.

110. I should now like to express briefly my delegation's views on the conference on the law of the sea.

111. We are of the opinion that the basic issue involved is the necessity to strike a delicate balance in the preparatory work of the conference. On the one hand, every endeavour should be made to ensure that the preparatory work be sufficiently adequate in order to preclude the possibility of an abortive conference. Such an eventuality would result in destroying the very precious opportunity to restructure the law of the sea in a universally accepted manner. On the other hand, we should avoid undue delay in this field which would encourage resort to unilateral actions, thereby rendering it even more difficult to achieve a set of international norms acceptable to all countries.

112. For this reason we favour an approach which, while fixing a date for the conference, would also allow the General Assembly to review the progress of the preparatory work with a view to determining whether the preparations made are in fact adequate to ensure the holding of a successful conference. This approach is reflected in draft resolution A/C.1/L.634, which my delegation has sponsored together with other delegations. Under this draft resolution two organs would be empowered to act in connexion with the organization of the conference.

113. In the first instance the organizational session of the conference to be held in 1973 is to deal with the election of officers, adoption of the agenda and rules of procedure, the establishment of subsidiary organs and the allocation of work to those subsidiary organs.

114. Secondly, the Secretary-General is requested to take action with regard to the organization and administration of the conference. Nevertheless, in contrast to the organizational session's functions, those of the Secretary-General are rather vague, but reflect the necessity of being flexible in describing the functions of the Secretary-General.

115. We fully share the view expressed by the representative of Tunisia, Mr. Kedadi, who, in his statement on 4 December, said:

> "... it goes without saying that the opinions expressed in the debate in the Committee and the views of the various regional groups on this subject would be taken into consideration in such a way as to dispel any misunderstanding regarding the measures to be taken to facilitate the organization of the conference and ensure for it the desired success." *[1909th meeting, para. 7.]*

116. Furthermore, my delegation believes the conference itself should be able to decide some of the organizational matters which would have significant consequences in the substantive work. In this connexion I have to say that we do not subscribe to the view expressed by some delegations that the organization of the United Nations Conference on the Human Environment should set an example for the conference on the law of the sea. The conference on the law of the sea is of a highly political and complex nature and its organization should be considered on its own merits. We believe that if a precedent is required we could usefully draw upon the experience gained during the previous sessions of the sea-bed Committee. My delegation is not aware of any complaint regarding the organization and administration of that Committee which in itself is a large body, larger even than some of the conferences recently held. Therefore, we believe that, should there be a substantial departure from the satisfactory methods utilized earlier for the administration of the sea-bed Committee, that Committee, as well as the geographical groupings, should be consulted.

117. It would be advisable to bear in mind in this connexion that, unlike other conferences, a special committee which has been functioning for the last four years has been established for the preparation of the conference on the law of the sea.

118. As to the site of the conference, my delegation supports the proposal that Santiago, Chile, be the site for the first session of the conference, and views favourably the invitation of the Government of Austria regarding succeeding sessions.

119. I would like now to comment briefly on draft resolution A/C.1/L.632. I should stress at the outset that in principle my delegation is in favour of all initiatives that are likely to shed light on our work in the conference on the law of the sea. Furthermore, my delegation, in its statement

in the March 1972 session of the sea-bed Committee, stated:

> "Would a 200-mile national jurisdiction make it worth our effort to set up a comprehensive machinery? This, in our opinion, remains a moot question. It is evident that the outcome of many questions of the régime and machinery on which we are obviously elaborating our views will depend on the definition of the international area."

We still hold the same view, and therefore we believe that the study to be made by the Secretary-General to this end may furnish us with valuable information that may have a significant impact on our decisions, particularly as regards the international machinery.

120. As to the provisions of draft resolution A/C.1/L.632, we have some misgivings regarding the advisability of imposing certain limits, such as a 200-metre isobath, a 500-metre isobath, 40 nautical miles, 200 nautical miles, or the edge of the continental margin, since there may be other limits as well as different combinations of limits.

121. Apart from this, we deem it useful to have it stipulated clearly in the draft resolution that such a study does not prejudice the position of any State on the limits of its national jurisdiction.

122. Subject to these two reservations, my delegation supports the proposal made in draft resolution A/C.1/L.632.

123. Mr. ARIAS SCHREIBER (Peru) *(interpretation from Spanish):* We have followed with special attention the debate on draft resolution A/C.1/L.632 submitted by the representative of Singapore. In the light of the statements that have been made, several representatives who co-sponsored the draft resolution have spoken in favour of it, which was of course to be expected; similarly, a few delegations from the developed countries, which we also took for granted; but not one delegation representing any of the developing coastal States, which is very eloquent and significant.

124. It was also very eloquent and significant that the delegation of a super-Power, in justifying its support, stated that draft resolution A/C.1/L.632 was sponsored by developing countries. Thus we see that there are some Powers that do not stop at using this circumstance to attempt to divide the developing countries in order to further their own claims. This is a most revealing fact, one which the representatives of all developing countries should ponder seriously before we take a decision.

125. I do not wish to prolong my statement, nor shall I comment, one by one, on the arguments we have heard in the course of the debate. But it does seem indispensable, by way of brief clarification of what I am going to propose, to dispel certain erroneous interpretations and explain the reasons that led us to support a solution different from the one proposed by the representatives sponsoring draft resolution A/C.1/L.632, despite the revision introduced this morning, which in no way alters its substance.

126. We agree that the rules, in order to be equitable, must take account of the rights and interests of both the majorities and the minorities. We have never denied this assertion; on the contrary, we have defended it. But it is one thing to take into account these two factors, and it is another to invert their relative value, even to seek to eliminate the main factor. That is what we cannot accept, namely, the tendency of certain States to speak in the name of the international community as if they were the only members thereof, and to oppose what suits that international community to what suits the coastal States, as if we belonged to another planet. It is only because of this repeated confusion that we find ourselves constrained to recall who constitute the majorities and who the minorities, so that the due proportion may be maintained in any mention of the international community and the interests of the members composing it.

127. Notwithstanding the ingenious arguments that the sponsors of draft resolution A/C.1/L.632 have set forth in justification, the fundamental question still remains the same, and it can be summed up with a simple syllogism. The delegations supporting that draft start from the assumption that extending national jurisdictions is contrary to the interests of their countries. In our opinion, there is an illusion in this, because at least for the developing land-locked or shelf-locked States, narrow limits of national jurisdiction, far from being advantageous to them, would be of benefit principally to the developed Powers which have the capital and the technical means for exploiting the ocean space for their own benefit. Therefore, contrary to what was thought, the extension of national jurisdiction would enable developing countries, both coastal and land-locked or shelf-locked, to benefit from the resources of the coastal areas by a régime agreed to with the neighbouring coastal States. Otherwise those resources would be at the mercy of the corporations of the larger Powers. But let us assume that, since one lives also on illusions, there is some basis for that. The reasoning would be as follows: major premise: to extend the national jurisdiction is damaging to the land-locked and shelf-locked countries; minor premise: were the Secretariat of the United Nations to prove that the economic significance of the international zone of the sea-bed depended on the extent of the area . . . ; conclusion: the land-locked and shelf-locked countries would have an official document which would support the premise which is their point of departure.

128. In order to be able to accept that line of reasoning as being logical, reasonable and proper, it would have to go hand in hand with another: major premise: to extend the national jurisdiction favours the coastal countries by enabling them to use the natural resources of the ocean space adjacent to their coasts to promote the development and well-being of their peoples; minor premise: were the Secretariat of the United Nations to prove that the greater breadth of the international zone of the sea-bed is detrimental to the coastal States because it reduces the area of their national jurisdiction . . . ; conclusion: the coastal States, particularly the developing countries, would thereby have an official document which would support the premise which is their point of departure.

129. As will be seen, in both cases the validity of the syllogism would depend on the major premise. Why then is

the object of this debate to ensure that the Secretariat of the United Nations, which should maintain the most strict impartiality, considers only one aspect of the question, which favours only a given group of countries and does not take into account the interests of the others? Is that approach serious, equitable, neutral, innocent, peaceful, etc.?

130. For our part, we do not believe so. We left kindergarten a long time ago and we are all sufficiently grown up to understand the implications of a study such as the one proposed. We are not against, nor could we be against, collecting all kinds of information on the resources of the ocean area. But we ask, with very legitimate reasons and with every right that that information be impartial and that it cover both aspects of the question.

131. Consequently, I am pleased to announce that we shall introduce an amendment *[A/C.1/L.638]* to draft resolution A/C.1/L.632 as amended at the beginning of this meeting, to insert in operative paragraph 1, the second line, before the word "comparative" the words "comprehensive and", so that it would read: "*Requests* the Secretary-General to prepare . . . a comprehensive and comparative study . . .;". At the end of the same paragraph the following words should be added: "and of the economic implications for coastal States of those proposals;".

132. Thus, we include the other side of the medal and restore balance to the draft resolution. Since the sponsors of draft resolution A/C.1/L.632 have invoked equity in support of their initiative, I am sure that the amendment I have just suggested will be accepted by them on the basis of that same equity, which can be valid only when it is applied to all.

133. Lastly, I wish to state that amendments to the draft resolution submitted by Canada, France and Malta *[A/C.1/L.637]* seem to us to be a compromise formula which could resolve the difficulties I have explained. We are prepared to vote in favour of that draft, and we hope it will receive the consensus that we seek, thus avoiding an unnecessary confrontation which would be detrimental to the interests of the developing countries, as was rightly pointed out by the representative of Kenya. If that were to take place we would not insist on our amendment. Otherwise would have to insist on it, and we would request a roll-call vote.

134. Mr. JEANNEL (France) *(interpretation from French):* In view of the lateness of the hour, I shall try to be brief. Nevertheless, at this stage of our debate I should like to make a few remarks with respect to the problems which have been raised by draft resolution A/C.1/L.632.

135. In this matter my delegation is above all inspired by a spirit of goodwill, and it is in accordance with that spirit that we have submitted, together with the delegations of Canada and Malta, the draft amendments which we hope will prove a solution acceptable to all.

136. We are particularly aware of the interests for the developing countries of a study which will provide information that will prove useful to them in studying these problems and in enabling them to take informed decisions on them.

137. However, my delegation is somewhat anxious because it has the impression that for the time being the discussion is being conducted in rather theoretical terms. Actually, one has the impression—and I apologize for saying this—that it is more like a doctrinaire quarrel than a discussion that reflects concern about the actual goal to be pursued. It seems to me that, in order to make it possible for everyone to think more clearly about this matter and take an informed decision on it, it may be necessary to be more pragmatic about this.

138. I think in this matter it is necessary for us to know more about the financial implications, and you have said, Mr. Chairman, that the Secretariat is preparing a study on this matter. That is a rule of the Organization, therefore I shall not dwell on that aspect of the question. However, I would very much like the Secretariat to give us some clarification on the following two points, which seem to us to merit very careful study. The first question is whether the studies which are requested are feasible in practical terms. I should like the Secretariat to enlighten us on that point. The second question is this: if it is admitted that all the studies requested are feasible, we should like to know how long they would take. We have now decided to hold a conference in 1974 and, if the studies in question are to be useful, they obviously have to be completed in accordance with a time-table that would make it possible for us to use them at least during that conference.

139. Those are the two questions that I wish to ask and I should like to receive a reply to them in the light of the various proposals which we now have before us: that is, draft resolution A/C.1/L.632 and the other proposals, particularly the proposed amendments.

140. I should like to add that, as I see it, the financial implications which are to be worked out by the Secretariat should also take into account the various options which have been suggested, that is, the various proposals which have been made to date.

141. The CHAIRMAN: The representative of France has asked two questions on which he would like to have some clarification from the Secretariat. The first question is whether the study or studies referred to are feasible in practical terms, and the second, if they are feasible, how long will they take?

142. I am informed by the Secretary that the Secretariat has taken note of this and will be answering these questions in due time.

143. Mr. MOTT (Australia): I take the floor at this late hour simply to support the remarks which the representative of France has just made.

144. Three important questions have been raised about the rather confusing situation in which we now find ourselves with regard to draft resolution A/C.1/L.632/Rev.1—which, we note in passing, would have the effect of broadening considerably the study the Secretariat is asked to undertake—and three sets of amendments thereto, submitted by the representative of Kenya in document A/C.1/L.636, by the representatives of Canada, France, and Malta in document A/C.1/L.637, and just now by the representative of Peru in document A/C.1/L.638.

145. The Chairman has told us that the Secretariat is preparing a statement on the financial implications of these documents. The representative of France has raised two additional questions. First, the question of feasibility, that is, how the Secretariat sees its role in this, whether it could carry out the studies. We recall, in fact, that this question of feasibility was first raised a long time ago at the Committee's session in March, when this idea first germinated.

146. The second question is that of timing, how long it would take to carry out the various studies. This is, of course, important for one reason, namely, that the sponsors of draft resolution A/C.1/L.632/Rev.1 requested the Secretariat to submit its study not later than the convening of the summer session of the Committee next year.

147. We will need the most precise statement possible under these headings to enable us to make up our collective minds as a Committee on the substance of these proposals. My delegation therefore is pleased to support the request made by the representative of France. In doing so, we should like to make it clear that we are not commenting on the substance of the proposals we have before us. We are only asking for information which we regard as necessary to enable us to formulate our attitude towards these proposals.

148. Mr. PARDO (Malta): My delegation shares the concern of the representative of France. As I indicated at the 1909th meeting, we have some sympathy for draft resolution A/C.1/L.632, but we also have doubts as to whether the study requested in that draft resolution, as at present formulated, is likely to be particularly useful.

149. We are, however, like France, motivated by a spirit of goodwill, and we believe that a background paper, perhaps for the sea-bed Committee but even more for the use of the future conference on the law of the sea, could be very useful. Hence we agree with the representative of France that before deciding on draft resolution A/C.1/L.632 it is necessary to have certain information: first, with regard to the technical information available to the Secretariat in relation to the jurisdictional limits suggested in the revised operative paragraph 1 of the draft resolution, and the time which could be required to assemble the information; secondly with regard to the possible or probable costs of the study requested in the draft resolution.

150. We also wonder, in this connexion, whether the Secretariat could perhaps provide some indication of the type and sources of the data which it has available and which it will use in the study.

151. Finally, we would inquire whether, for technical reasons, the data which the Secretariat may have available could not more easily be presented, and at less cost, in a somewhat different format; for instance, in relation to generally recognized geographical features of ocean space, such as the continental shelf, the continental slope, the continental margin, and the abyss.

The meeting rose at 1.25 p.m.

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