



CONTENTS

Agenda item 25:

(a) Question of the 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 the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (<i>continued</i>);	
(b) Marine pollution and other hazardous and harmful effects which might arise from the exploration and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction: report of the Secretary-General (<i>continued</i>);	
(c) Views of Member States on the desirability of convening at an early date a conference on the law of the sea: report of the Secretary-General (<i>continued</i>);	
(d) Question of the breadth of the territorial sea and related matters (<i>continued</i>)	1
Organization of work	4

Chairman: Mr. Andrés AGUILAR M. (Venezuela).

AGENDA ITEM 25

- (a) Question of the 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 the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (*continued*) (A/8021, A/C.1/L.536, 542 to 545);
- (b) Marine pollution and other hazardous and harmful effects which might arise from the exploration and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction: report of the Secretary-General (*continued*) (A/7924, A/C.1/L.536 and 545);
- (c) Views of Member States on the desirability of convening at an early date a conference on the law of the sea: report of the Secretary-General (*continued*) (A/7925 and Add.1-3, A/C.1/L.536, 539 and 545);
- (d) Question of the breadth of the territorial sea and related matters (*continued*) (A/8047 and Add.1, Add.2/Rev.1, Add.3-4, A/C.1/L.536 and 545)

1. Mr. EL HUSSEIN (Sudan): The political, economic and legal issues involved in the exploration, use and exploitation of the sea-bed and the ocean floor and their resources give rise to numerous diverse and complex problems. The

complexity of these problems and the rapidity with which technology is advancing necessitate genuine and serious attempts on the part of the world family to reach an acceptable formula that ensures an equitable and just solution to these problems in a manner that will avoid conflict and friction and will pave the way for co-operation and understanding among nations. The Secretary-General, in his guiding remarks which he made the other day before this Committee, stated that:

"There is concern that in the absence of international agreements, national Governments may encounter difficulties and may feel compelled to interpret their ... national interests in such an extensive fashion that international co-operation could be severely compromised." [1773rd meeting, para. 4.]

2. The United Nations has for three years given special attention to this important question. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, which was entrusted by the General Assembly, in its resolution 2467 A (XXIII), with studying the elaboration of legal principles and norms which would promote international co-operation in the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, has given prolonged and careful attention, during the last two years, to the elaboration of these legal principles and norms.

3. It is through the tireless efforts, skill and devotion of Ambassador Amerasinghe and members of the Ceylon Mission, particularly Dr. Pinto, and of Ambassador Galindo Pohl, the Chairman of the Legal Sub-Committee, that the First Committee has now before it a draft declaration of principles governing the sea-bed and the ocean floor. We wish to extend to them all our warmest thanks and appreciation for their valuable contribution.

4. Our delegation to the sea-bed Committee has offered, during the extended negotiations over the last three years, its fullest co-operation, guided by the hope that some acceptable compromise could be arrived at that would meet the aspirations of future generations, particularly those of the young nations.

5. It is our opinion that the draft declaration [A/C.1/L.542] which has been introduced by Ambassador Amerasinghe presents a compromise that has commanded the widest possible support among members of the Committee. In his introductory remarks he stated that this draft reflects the highest degree of agreement attainable at the present time. It is obvious that neither this draft, nor any draft for that matter, can satisfy every individual delegation or meet

the interests of every country. My delegation, for one, does not consider this draft declaration as an ideal one, and yet we feel that it provides a firm basis on which rules relating to an international régime could be elaborated. For this reason we have joined in sponsoring draft resolution A/C.1/L.544, containing the draft declaration, now before the Committee. We wish to stress here that this document is the brain-child of an arduous series of consultations among the various groups of the sea-bed Committee. It constitutes a delicate balance of principles which any changes or amendments might upset and hence render unacceptable to many delegations. This, however, should not be taken to imply that new avenues towards wider agreement should not be explored, nor should it mean that the doors towards unanimity should be locked.

6. The preambular part of the draft declaration emphasizes certain ideas which my delegation believes should not give rise to any controversy or disagreement. First, it is affirmed that there is an area of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction. This concept has been widely recognized and world attention has been focused on it for many years. The second idea, which projects the factual aspect that the existing régime of the high seas does not provide substantive rules for regulating the exploration, use and exploitation of the area and its resources, has been emphasized by nearly all delegations. It is for that reason that the necessity of holding a new conference on the law of the sea has arisen. Thirdly, there is a conviction that the area should be reserved exclusively for peaceful purposes and that its exploration and use and the exploitation of its resources shall be carried out for the benefit of mankind as a whole. In our view, this idea is fundamental and incapable of compromise; it stems from the fourth concept that the development and use of the area and its resources should be undertaken in such a manner as to foster the healthy development of the world's economy and balanced growth of international trade. We wish to stress that careful measures should also be taken in order to minimize any adverse economic effects which may be caused by fluctuation of prices or raw materials resulting from such activities, especially those materials on which the economy of the developing countries depends.

7. One of the basic concepts to which my delegation attaches great importance is that the sea-bed and the ocean floor beyond the limits of national jurisdiction and the subsoil thereof, as well as the resources of the area, are the common heritage of mankind. They shall therefore not be subject to appropriation by any means, by States or persons, natural or juridical, and no State shall claim or exercise sovereignty over any part thereof. This is the corner-stone of the declaration on which the other principles and norms are elaborated. The most important principle is that the exploration and use of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, taking into particular consideration the interests and needs of the developing countries.

8. International co-operation in the field of scientific research relating to the area and its resources is a desired goal. We feel that this could be achieved effectively through

closer co-operation between the technologically advanced countries and those which are still at the development stage in this field. The developing countries must have every possible opportunity to make use of research programmes conducted in the sea-bed and the ocean floor to enable them to strengthen their research capabilities and to participate effectively in the activities undertaken in that area. This might be done by making available to them the results of the research programmes.

9. With regard to sub-item (b) relating to marine pollution and other hazardous and harmful effects which might arise from the exploration and exploitation of the area, my delegation wishes at the outset to express its appreciation for the useful material prepared by the Secretary-General in his report in document A/7924 relating to measures of protection of the living and other resources of the sea-bed and the ocean floor, the superjacent waters and the adjacent coasts against the consequences of pollution and other hazardous and harmful effects arising from various modalities of such exploration and exploitation. We are aware of the lack of practical experience that makes such a study a difficult task. As the report indicates in paragraph 6: "there has been very little practical experience of pollution from exploration and exploitation of the resources of the area in question". We feel, however, that the material contained in part C of the report, regarding the legal aspects, should be taken into consideration in the elaboration of principles underlying possible future international agreement for the area under consideration.

10. At this time it is necessary to include in the draft declaration a provision ensuring that States should take appropriate measures for the prevention of pollution, contamination and other hazards to the marine environment, and for the protection and conservation of the natural resources of the area.

11. It is equally important to stress in this respect the legitimate rights of coastal States to take measures to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or any hazardous effects. These measures should be taken in conformity with the régime to be established.

12. We have had the opportunity on various occasions to express our views in detail regarding the international machinery to be entrusted with the promotion of the exploration and exploitation of the resources of the area. We have shared with many delegations the view that the machinery should take the form of an autonomous, universal organization possessing full legal personality and having jurisdiction over the sea-bed and the ocean floor, to ensure the national exploration, supervision and control of development, the prevention of pollution, protection of life, property and mineral resources. In short, we stress that the constituent instruments establishing the international machinery should be so drafted as to enable it to undertake wide functions and comprehensive powers.

13. Turning now to agenda item (c) regarding the conference on the law of the sea, I wish to make a few brief remarks.

14. The Third Conference of Heads of State or Government of Non-Aligned Countries, held at Lusaka in Septem-

ber 1970, supported the convening of such a conference at an early date after the necessary preparations have been made. The Government of the Democratic Republic of the Sudan is a party to the Lusaka Declaration. We are in favour of holding a conference on the law of the sea to deal comprehensively with the related problems affecting all aspects of the exploration, use and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction. As its main priority, the conference should be entrusted with establishing an appropriate international régime based on the declaration of legal principles and norms upon which we hope this Committee will reach agreement at this commemorative session of the United Nations. We are of the opinion that the establishment of such a régime would facilitate the task of determining the limits of the area and other related matters regarding the régime of the high seas, the continental shelf, the territorial conservation of living resources and questions relating to pollution and scientific research.

15. We reserve the right to intervene at a later stage when the draft resolutions are formally submitted.

16. Mr. STEVENSON (United States of America): My delegation is extremely gratified at the debate which has taken place thus far on this important matter, and particularly with regard to the question of convening a future conference on the law of the sea. The debate can leave little doubt concerning the determination of the international community to deal comprehensively with the outstanding issues of the law of the sea and establish an international régime including appropriate machinery for the exploration and exploitation of the sea-bed and the ocean floor beyond the limits of national jurisdiction. Moreover, there seems to be a broad measure of agreement regarding our goal, namely, a conference at which final decisions are reached in 1973.

17. In the draft resolution contained in document A/C.1/L.536, the United States delegation suggested the specific dates of January 1972 for a preparatory session of the conference and January 1973 for a second session at which final decisions would be taken concurrently. That is to say, States would not be expected to agree finally on certain matters without at the same time being satisfied with regard to other items of particular importance to them.

18. These references to specific months are by no means sacrosanct, and we would not oppose the suggestion made by a number of delegations that a preparatory session of the conference be convened after the United Nations Conference on the Human Environment in 1972 in Stockholm, and the second session sometime early in 1973. Details regarding the convening of the conference, including the precise dates and the conference site, might well be left for decision by the next General Assembly.

19. We do feel, however, that this General Assembly should give the highest priority to fixing definite years and an over-all time frame in which the sessions of the conference will be held. This is of vital importance. Until international agreement is reached on the important unsettled law of the sea issues, the world will be faced with increasing conflict in international relations. More impor-

tant—and this is frequently overlooked—the establishing of such definite dates will enable our respective Governments to accomplish two things: first, with such definite dates for a conference, they can begin to take the hard decisions necessary to arrive at negotiating positions which afford some prospect of mutual accommodation and international agreement; secondly, with the prospect of an actual scheduled international conference at which a multilateral solution will be sought, they can resist domestic internal pressures for unilateral actions which would make the task of ultimate mutual accommodation and international agreement more difficult. Unilateral actions should be of concern to us all, for they could involve not only the territorial sea and fisheries claims, but also the area of the sea-bed reserved for the international community.

20. If 1973 is the year of decision for the conference, how can we ensure that we have the preparatory arrangements best designed to lead to a successful conference? We believe it is important to involve all conference participants in the preparations at the earliest possible stage. Therefore, our draft resolution incorporates the suggestion of a preparatory session of the conference in 1972. I should like to stress the educational purpose of such a preparatory session. I should also like to emphasize the opportunity that States would be afforded in the exchange of views in a multilateral context, and the opportunity between the two sessions to arrive at positions which would ensure the success of the second session when the decisions are actually taken.

21. The concept of a two-session conference has a recent precedent in the United Nations Conference on the Law of Treaties held in Vienna. I am sure many of you here who participated, as I did, in that Conference recognize how many of the hard problems that were identified at the first session were resolved at the second because of the opportunity that a year's interval afforded for many types of informal exchanges and developments of Government positions to take place. Although we are not inflexibly committed to any specific procedure, we continued to believe that a two-session conference on the law of the sea would facilitate the agreement-reaching process. All of the outstanding issues should come before both sessions of the conference and final decisions should be taken concurrently at the second session.

22. We have also had a useful exchange of views in this general debate concerning the initial preparatory steps that should be taken next year in 1971. Most delegations share the view that substantive preparations must get under way on all of the outstanding issues as soon as possible.

23. In the draft resolution [A/C.1/L.536] submitted by my delegation, certain procedures are suggested whereby the sea-bed Committee would undertake preparation of sea-bed matters for the conference, and a preparatory committee would be established to prepare other matters, including questions relating to the territorial seas. We continue to believe that such a division of labour would allow for broader participation at the early preparatory stages and would permit special attention to be devoted to the highly complex new questions involved in the preparation of sea-bed matters. However, we also appreciate the arguments very cogently advanced in favour of the sugges-

tion that all of the conference preparations be entrusted to a single committee. We are confident that this problem can be resolved within the framework of a generally satisfactory resolution. Similarly, we should make every effort to find common ground for agreement on the terms of reference for the conference.

24. Let us therefore work together in the hope that this Committee can and will achieve broad agreement on conference procedures that will ensure an early and successful conference on the law of the sea. Let me stress again that in my delegation's view that would mean a conference in 1973, when effective and very necessary decisions could be taken.

25. The CHAIRMAN (*interpretation from Spanish*): The statement we have just heard concludes the Committee's general debate on agenda item 25.

Organization of work

26. The CHAIRMAN (*interpretation from Spanish*): We have now four draft resolutions and a draft declaration on this item: draft resolutions A/C.1/L.536, 539, 543 and 545 and draft declaration A/C.1/L.544. I understand that another draft resolution may be submitted to the Committee on agenda item 25.

27. In that connexion I should like to remind the Committee that the General Assembly set the date of Tuesday, 15 December, for the closure of the current session. Therefore, as I have pointed out previously, the First Committee will have to complete its consideration of the remaining items on the agenda at the latest by Monday, 14 December, in the morning.

28. We still have pending the following items: first, consideration and perhaps adoption of the draft resolutions and the draft declaration on agenda item 25; secondly, we have to consider and vote on the draft resolutions on agenda item 32, which concerns the strengthening of international peace and security; and the consideration of agenda item 26, which deals with outer space.

29. If the Committee is to be able to conclude its consideration of all those items on time, I should like to make the following suggestion. The Committee should fix a final date for the introduction of new draft resolutions under agenda item 25, the question concerning the sea, for Wednesday, 9 December, at 6 p.m.—in other words, tomorrow at 6 p.m. If I hear no objection, I shall take it that the Committee agrees to that proposal.

30. Mr. JAMIESON (United Kingdom): I should like some clarification. Would that time-limit apply also to the submission of draft amendments to draft resolutions?

31. The CHAIRMAN (*interpretation from Spanish*): I shall be very pleased to answer the question just raised by the representative of the United Kingdom. It is my understanding that that time-limit would not apply to amendments. Indeed, as a matter of pure logic it could not apply, because if a time-limit for the submission of draft amendments to any draft resolutions submitted in the time allowed.

32. Mr. BEESLEY (Canada): Do we understand correctly that, if it is possible for sponsors to reach agreement on a single text or texts, then they will not be treated as new resolutions?

33. The CHAIRMAN (*interpretation from Spanish*): The representative of Canada, if I understand correctly, refers to the fact that the various draft resolutions may be combined into one and submitted even after the deadline. As I believe that that would facilitate the work of the Committee, it would certainly be a welcome initiative.

34. As I hear no further objections, I shall take it that the Committee agrees that the time-limit for the submission of draft resolutions will be tomorrow, Wednesday, 9 December, at 6 p.m.

It was so decided.

35. I should like to suggest that the Committee begin consideration of agenda item 26 on outer space tomorrow, 9 December. I hope I can count on the co-operation of members to conclude consideration of that item by Friday morning at the latest. For that purpose, I should like to ask all those who wish to participate in the debate on the question of outer space to inscribe their names on the list of speakers, and those who wish to submit draft resolutions to do so as quickly as possible.

36. The third suggestion that I would venture to put to the Committee is that it should consider, on Friday, 11 December, the draft resolution on measures for the strengthening of international security.

37. My fourth suggestion is that, after the item to which I just referred has been concluded, the Committee should resume its consideration of the draft resolution on questions of the sea. Therefore, if on Friday, 11 December, we finish with the question of the strengthening of international security, we should then proceed immediately to deal with the draft resolutions on the sea.

38. Thus in addition to the meetings on Friday, 11 December, perhaps we might be able to schedule a meeting on Saturday, 12 December, and possibly we could also have a meeting on Monday morning, 14 December.

39. Does any delegation wish to make any comment on the suggestions I have put forth?

40. Mr. ZEGERS (Chile) (*interpretation from Spanish*): I merely wanted a point clarified. The draft resolutions on questions of the sea will presumably be considered and voted on with the draft declaration of principles submitted by the Chairman of the sea-bed Committee and then, I suppose, we shall proceed to the draft resolution on a conference on the law of the sea. Is that the position?

41. The CHAIRMAN (*interpretation from Spanish*): I am very pleased to answer the question just put by the representative of Chile. On this point I understand that the usual procedure is to consider draft resolutions in the order in which they were submitted. However, the Committee may decide to give priority to some of these drafts over the others.

42. With respect to the draft declaration of principles to which the representative of Chile has just referred and which appears in document A/C.1/L.544, in the presentation made, I believe it was yesterday, by the representative of Malta, he asked for priority on this text. This is something that the Committee will have to decide. If it decides to give this draft priority, of course, it will be taken up first.

43. Mr. ZEGERS (Chile) (*interpretation from Spanish*): I would like to make this a formal proposal.

44. The CHAIRMAN (*interpretation from Spanish*): We have a formal proposal from the representative of Chile that when we take up consideration of these draft resolutions on questions of the sea we should take up first document A/C.1/L.544. Is there any objection to this proposal?

45. Mr. VELLA (Malta): I would just like to second the representative of Chile in his proposal.

46. Mr. STEVENSON (United States of America): I should just like some clarification. I take it that we will act on this proposal when we again take up the resolutions on the law of the sea. This is not a proposal for present action, is it?

47. The CHAIRMAN (*interpretation from Spanish*): Are there any objections to the idea that we should take up this point of procedure when we revert to the consideration of the draft resolution?

48. I see no objections on the part of Chile or Malta.

49. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translated from Russian*): I should like to speak not only on the question raised by the representative of Chile but on the programme you suggested, Mr. Chairman. It is fully acceptable to the Soviet delegation. We have no objection in principle to beginning consideration of the outer space item tomorrow and continuing it on Thursday. We have no objection to having a vote on Friday on the draft declaration or on the resolution on the strengthening

of international security, or to voting on the resolutions relating to the whole series of sea-bed items. But we do have a question. We wonder whether we could conclude consideration of outer space, including the voting, in two days—Wednesday and Thursday; we might even have an evening meeting on Thursday. Then we could leave Friday open for the consideration of two items: the strengthening of international security and the sea-bed. It seems to us that if on one day, Friday, we vote on the resolution on outer space, the resolution on the strengthening of international security and the resolution on the sea-bed and also have the usual statements in explanation of vote, we shall be greatly complicating the work of delegations. I should think it preferable to conclude the outer space item on Thursday, perhaps even if that means holding a meeting in the evening. I am putting this forward for consideration to see if it is acceptable to the members and officers of the Committee.

50. The CHAIRMAN (*interpretation from Spanish*): Of course, I am at the disposal of the Committee if they wish to have a night meeting on Thursday. We will make the necessary arrangements, but we would hope that the regular morning and afternoon meetings on Wednesday and Thursday will make it possible for us to conclude the question of outer space on Thursday. I share the views put forward by the representative of the Soviet Union that on Friday we should devote our attention to the draft resolutions on the strengthening of international security and then to the draft resolutions concerning questions of the sea.

51. I believe that no other delegation wishes to speak or make any other comments. I take it therefore that the Committee accepts the suggestions that I venture to put forth.

52. Since it is only 4.20 p.m. I wonder whether we could make good use of the time to enable those delegations that wish to submit draft resolutions on these items of the sea to do so at this moment.

53. This does not appear to be the right time.

The meeting rose at 4.20 p.m.