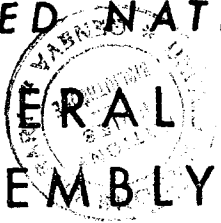




UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/7925/Add.3
1 October 1970

ENGLISH

ORIGINAL: ENGLISH/FRENCH/
SPANISH

Twenty-fifth session
Agenda item 25 (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

Addendum

CONTENTS

	<u>Page</u>
REPLIES RECEIVED FROM GOVERNMENTS	
Australia	2
Bolivia	3
Finland	4
Gabon	6
Ivory Coast	7
Kenya	7
Libya	7
Romania	8

REPLIES RECEIVED FROM GOVERNMENTS

AUSTRALIA

[Original: English]
19 September 1970

The Government of Australia considers that the recent history of international conferences, especially at Geneva on the law of the sea and later at Vienna, demonstrates the great utility of conferences of plenipotentiaries, working on the basis of adequately prepared texts, in the codification and progressive development of international law by multilateral agreement.

In view of the great divergency of opinion disclosed by the replies, as so far circulated, to the Secretary-General's note, the Government of Australia thinks that the first step in considering the question of procedure posed by General Assembly resolution 2574 A (XXIV) should be to seek something like a consensus as to the maritime matters that call for early action by one or more than one international conference.

For itself, the Government of Australia does not think it necessary to reopen or review, as a whole, the matters that are now regulated by the four Geneva Conventions of 1958. It is plain, however, that quite a number of maritime matters are now emerging as appropriate for an attempt to adopt agreed international rules. The need to establish by treaty a new legal régime for regulating the exploration and exploitation of the resources of the area of the sea-bed which lies beyond the limit of national jurisdiction clearly belongs to this category.

In addition, the Government of Australia thinks that the need to fix the breadth of the territorial sea, and thus to fill the gap left by the Geneva conferences of 1958 and 1960, will be generally recognized. Related matters are the rights of transit by sea and air through international straits, and the rights of the coastal State and of other States in high seas fisheries beyond the territorial sea. The Government of Australia does not however wish to be understood as excluding other matters, particularly the preservation of the marine environment and the prevention of pollution of the sea.

...
/...

The Government of Australia has at the present stage no fixed view on the question whether the desirable developments in the law of the sea should be considered at one conference or at more than one, or how any such conference should be prepared for. It may be found possible, at the twenty-fifth session of the General Assembly, to reach an agreed answer to these questions. The Government of Australia thinks an attempt should be made to do so.

Though the Government of Australia considers that any further conference or conferences should be convoked as early as is practicable, it attaches greater importance to the need for thorough preparation than to the need for expedition. It considers moreover that a conference should not be convoked unless prior consultations have disclosed that there are reasonable prospects of reaching an agreement on the matters to be discussed.

BOLIVIA

[Original: Spanish]
3 September 1970

1. In principle, Bolivia believes that a conference on the law of the sea should be convened and that it should be of a general nature. Consequently, it should deal with the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation of the living resources of the seas, bearing in mind that all these aspects are closely interrelated and that it would not, therefore, seem desirable to examine them separately.
2. However, Bolivia considers it essential to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and ocean floor which lies beyond the limits of national jurisdiction, through an international régime which should be established for that area, before the conference on the law of the sea is convened.
3. In addition, the preparation for the conference should be such as to enable it to deal profitably with the outstanding problems and to improve on the present situation with regard to the law of the sea.

/...

4. The preparatory work should include something that is already recognized as a part of the law of the sea but requires further development, namely, the aspects relating to the right of free access to the sea, which were incorporated in article 3 of the Geneva Convention on the High Seas.
5. There should be no repetition in this instance of what happened in 1958, when it was necessary to convene rather hastily a preliminary Conference of Land-locked States immediately before the main Conference because the International Law Commission had not studied any of the aspects of the right of free access to the sea, despite the fact that one sixth of the States in the world at that time had no sea-coast.
6. With the admission of new States to the United Nations, the number of those having a particular interest in this important aspect of the law of the sea is now one quarter of the total membership of the United Nations; for these States, the principle of the universality of the sea and the possibility of sharing in the benefits which the sea offers depend essentially on the characteristics of the right of free access to the sea, in its dual aspect of the right of transit and of rights exercised over the sea itself.
7. Consequently, the Bolivian delegation believes that it is necessary not only to await the completion of the work of the United Nations Committee established under resolution 2467 (XXIII) but also to make preparations for the part of the proceedings relating to the right of free access to the sea for land-locked countries, so that when the Convention on the High Seas is discussed it will be possible to reconsider this subject with reasonable expectations of reaching positive agreements that will improve on the present régime.

FINLAND

/Original: English/
11 September 1970

The Government of Finland has consistently held the view that all activities relating to the sea, whether national or international, must be based on internationally recognized and binding rules of law. The progressive development of these rules should be guided by generally recognized norms and principles and be based upon agreements that take into account the interests of all countries.

/...

The Government of Finland has noted with satisfaction that the efforts made by the United Nations in this field over the years have been based on these premises. Finland, for her part, has acceded to the four United Nations Conventions and the Optional Protocol of Signature concerning the compulsory settlement of disputes that were completed during the United Nations Conference in Geneva in 1958 on the law of the sea.

These conventions signify considerable progress in the codification of the law of the sea. At the same time a number of issues remained unsolved by the 1958 and 1960 Conferences. Since then a number of new questions have emerged. The possibility of exploiting not only the resources of the sea as such, but the sea-bed and the ocean floor as well, have introduced new concepts with regard to the law of the sea. Given the great number of these questions and their far-reaching importance for individual States as well as the international community as a whole, their effective solution would seem to require the establishment of a certain order of priority as well as careful preparation. It would, therefore, seem desirable to limit the number of questions to be dealt with by the proposed Third International Conference on the law of the sea.

In the opinion of the Finnish Government an early agreement is required on the question of the breadth of the territorial sea. The present lack of such agreement has prevented the creation of more orderly and co-ordinated conditions as some countries have unreasonably extended their territorial waters. The problems involved in this respect are not new. They have been subject to informal discussions that have taken place between Governments during the last three years resulting in a clarification of the issues. There seems, therefore, now to be a better possibility of reaching agreement on this particular question.

Another important issue connected with this question is the problem concerning fisheries and other living resources of the high seas, which is intimately related to the breadth of the territorial sea, and, therefore, obviously requires a solution at the same time. The Government of Finland would like particularly to stress, in this connexion, that those coastal States, which

/...

are exceptionally dependent on fishing, should be granted preferential fishing rights on the high seas adjacent to their coasts to safeguard their vital interests.

The precise definition of the outer limits of the jurisdiction of coastal States for the purpose of exploration and exploitation of the resources on the continental shelf is another issue of major importance. The present rules regarding the right to exploit the natural resources of the sea-bed and the subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, have not been defined with sufficient accuracy. As technology in this field will continue to develop, it will be important for States to agree in a multilateral convention on a clear, precise and internationally accepted definition on the limits of that area of the sea-bed over which coastal States exercise sovereign rights for the purpose of exploration and exploitation of natural resources. Such a definition would also expedite the efforts of the United Nations Committee on Peaceful Uses of the Sea-Bed and the Ocean Floor to reach agreement on the principles concerning the exploration and exploitation of the resources of the sea-bed and ocean-floor beyond the limits of national jurisdiction.

Finally, the Government of Finland wishes to express the view, that not all questions mentioned in the Secretary-General's note seem sufficiently well prepared to be taken up at the next conference of the law of the sea. Such a conference should be carefully prepared and should concentrate on the most urgent problems that need to be regulated by international instruments.

GABON

[Original: French]
8 September 1970

My Government is in favour of convening a conference on the law of the sea.

I believe that you will fully understand my country's interest in the holding of such a conference.

/...

IVORY COAST

/Original: French/
27 July 1970

The Government of the Ivory Coast would welcome the convening of a conference on the law of the sea to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation of the living resources of the high seas.

In the view of the Government of the Ivory Coast, such a conference will be all the more timely in that it will make it possible to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and ocean floor which lies beyond the limits of national jurisdiction. It will also make it possible to prevent improper appropriation, by certain coastal States having a broad continental shelf, of the superjacent international waters and unbridled destruction of the entire exploitable ocean floor, which constitutes a common heritage and should be subject to the control of an international body.

KENYA

/Original: English/
11 September 1970

The position of the Government of Kenya is that any future conference on the law of the sea should be comprehensive and cover all outstanding problems particularly those connected with the sea-bed.

LIBYA

/Original: English/
23 September 1970

In principle, the Libyan Arab Republic is in favour of convening at an early date, a conference on the law of the sea, in accordance with operative paragraph 1 of General Assembly resolution 2574 A (XXIV).

/...

ROMANIA

/Original: French/
12 September 1970

With a view to achieving the goals of maintaining international peace and security and promoting friendly and co-operative relations among nations, the States Members of the United Nations have accepted the obligation, specified in the Charter, to encourage the progressive development of international law and its codification.

The Socialist Republic of Romania believes that international law should reflect the realities of international life, since knowledge of and strict respect for the principles and norms of law recognized by the international community are a prerequisite for peace, security and progress in the world.

In keeping with this belief, Romania attaches particular importance to the task of codifying the law of the sea which is being performed within the United Nations, and considers that it is the duty of all Member States to contribute to the consolidation and progressive development of that task.

In order, therefore, to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and ocean floor which lies beyond the limits of national jurisdiction, the efforts of the United Nations should be directed towards resolving those problems that were not settled, or not adequately settled, by the Conferences on codification of the law of the sea held at Geneva in 1958 and 1960.

The competent Romanian authorities believe that, in keeping with the objective set by resolution 2574 (XXIV), priority should be given to such problems as regulation of the breadth of the territorial sea and the establishment of precise criteria for defining the limits of the continental shelf over which the coastal State exercises jurisdiction.

With regard to criteria for delimitating the continental shelf, it would be desirable to define clearly the "special circumstances" which affect the boundary of the continental shelf and to lay down the conditions under which an island can be regarded as having its own continental shelf.

Simultaneously or consecutively, consideration should be given to the formulation of principles for the peaceful use of the sea-bed and ocean floor,

/...

to problems relating to the protection, exploitation and exploration of the marine environment, and to any other questions that might be agreed on.

In convening an international meeting to settle problems of the law of the sea which have not yet been resolved or have been resolved in a manner that has proved to be inadequate, one should necessarily respect the principle of universality by inviting all States to participate in the formulation of whatever international instruments are adopted, so that those instruments, having the widest possible acceptance among States, may contribute to the promotion of peace, friendly relations and co-operation among nations.
