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COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR  
BEYOND THE LIMITS OF NATIONAL JURISDICTION

SUMMARY RECORDS OF THE NINETIETH TO NINETY-THIRD MEETINGS

Held at Headquarters, New York,  
from 5 March to 6 April 1973

Chairman:

Mr. AMERASINGHE

Sri Lanka

Rapporteur:

Mr. VELLA

Malta

The list of representatives appears in documents A/AC.138/INF.8 and Corr.1 and 2, A/AC.138/INF.8/Add.1 and Corr.1, A/AC.138/INF.8/Add.2 and Corr.1 and A/AC.138/INF.8/Add.3.

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SUMMARY RECORD OF THE NINETIETH MEETING

Held on Monday, 5 March 1973, at 12.20 p.m.

Chairman:

Mr. AMERASINGHE

Sri Lanka

## TRIBUTE TO THE MEMORY OF MR. KHANACHET

The CHAIRMAN said that it was his sad duty to inform members that Mr. Khanachet, a former Vice-Chairman of the Committee, had died recently. Mr. Khanachet had been one of the most active members of the Committee and would be sadly missed.

Mr. ZEGERS (Chile) said that the Committee had suffered an irreparable loss. He suggested that the Committee should, through the Chairman, send a letter of condolence to the family of Mr. Khanachet and to the Government of Kuwait.

Mr. GALINDO POHL (El Salvador) endorsed the proposal made by the representative of Chile. Mr. Khanachet had made a unique contribution to the work of the Committee.

Mr. ENGO (Cameroon) emphasized the part that Mr. Khanachet had played in the endeavours of the young countries to establish a meaningful base in the international community.

Mr. JAGOTA (India) said that Mr. Khanachet had been an eloquent spokesman for the developing countries and, with his skilful diplomacy, had been able to advance the work of the Committee as a whole.

Mr. YANGO (Philippines) said that, in addition to being active in the Group of 77, Mr. Khanachet had played a leading role in the Asian Group.

Mr. MIGLIUOLO (Italy) said that his delegation fully associated itself with the expressions of sorrow at Mr. Khanachet's death. He had been appointed Ambassador to Italy on the eve of his passing away.

Mr. AL-EBRAHIM (Kuwait) thanked the Chairman and members of the Committee for the kind words they had spoken about Mr. Khanachet. He would ensure that they were reported to Mr. Khanachet's family and to his Government.

The CHAIRMAN said that, on behalf of the Committee, he would convey members' deep sense of grief and loss to Mr. Khanachet's family and to the Government of Kuwait.

## ORGANIZATION OF WORK

The CHAIRMAN said that the Committee's 1973 sessions would be among the most crucial in its history since the prospects for the Third United Nations

(The Chairman)

Conference on the Law of the Sea, to be held at Santiago, Chile, in the spring of 1974, would depend essentially on the progress made during them. It had been the adoption, during the Committee's 1972 summer session, of a comprehensive list of subjects and issues relating to the law of the sea (A/AC.138/66/Rev.1), that had led the General Assembly to decide, subject to review at its twenty-eighth session of progress made in the preparatory work of the Committee, to convene the first, organizational, session of the Third Conference on the Law of the Sea in New York in November/December 1973, and the second, substantive, session at Santiago, Chile, in April/May 1974.

The progress made by the Committee could be examined in relation to the terms of reference of work accomplished by the three Sub-Committees. The Committee might also wish to consider what modifications, if any, to its existing organization were necessary to expedite its preparatory work. He would therefore deal in turn with each Sub-Committee and the progress it had made to date.

The terms of reference of Sub-Committee I were to be found in the summary records of the Committee's 45th meeting (A/AC.138/SR.45). As was indicated in part II of the Committee's report to the General Assembly at its twenty-seventh session (A/8721), the Sub-Committee had established a Working Group to deal with item 1 of its programme of work, "Status, scope and basic provisions of the régime based on the Declaration of Principles (resolution 2749 (XXV))". It had agreed that the Working Group would have 33 members but would be open-ended to enable non-members to present proposals or those which had already done so to join in their examination.

Sub-Committee I had also concluded discussion of item 2 of its programme of work relating to the status, scope, functions and powers of the international machinery. A record of the topics discussed under that item had been included in paragraphs 78 to 128 of the Committee's report to the General Assembly at its twenty-seventh session (A/8721). The Sub-Committee had referred that item, too, to the Working Group appointed to deal with item 1. In so far as Sub-Committee I was concerned, therefore, all that was required was that its Working Group should continue its deliberations and that the Sub-Committee should meet periodically in order to review progress made by its Working Group and to take any further action that might be necessary to fulfil its mandate.

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(The Chairman)

Recalling the terms of reference of Sub-Committee II as set out in paragraph 146 of the Committee's report to the twenty-seventh session of the General Assembly (A/8721), he noted that, having completed the comprehensive list of subjects and issues relating to the law of the sea, the Sub-Committee was to proceed with the preparation of draft treaty articles thereon. To that end, the Sub-Committee might wish to appoint several working groups to consider those subjects and issues on the list which were within its purview. Before setting up the working groups, however, the members of Sub-Committee II should be given an opportunity to make general statements, but he would appeal to all delegations to avoid a protracted general debate and to proceed as quickly as possible to detailed consideration of the specific subjects and issues within the Sub-Committee's purview in the context of the working groups. To avoid duplication of effort, Sub-Committee II should confine itself to those items on the list which were not assigned to Sub-Committees I or III or to the main Committee itself.

A number of items on the list dealt with general principles of international law - for example, items 15, 20 and 21 - and should therefore be regarded as being primarily within the competence of the main Committee, it being understood, however, that each of the Sub-Committees was free to consider such items in so far as they were relevant to its mandate.

He recalled that Sub-Committee III's terms of reference were "to deal with the preservation of the marine environment (including, inter alia, the prevention of pollution) and scientific research, and to prepare draft treaty articles thereon" and that the Sub-Committee had arranged its programme of work under five main headings (A/8721, para. 203). The Sub-Committee had set up a working group on marine pollution with a basic membership of 33 but open-ended to permit participation by other interested members.

Having taken into consideration the many useful suggestions and observations made by various delegations during the informal consultations as well as the proposals for the future organization of the work of Sub-Committee II submitted by Australia and Canada (A/8721, pp. 197-198), he put forward, for the consideration of the Committee, a number of suggestions for the allocation between the three Sub-Committees of the items on the list of subjects and issues relating

(The Chairman)

to the law of the sea (A/8721, para. 23). It should be borne in mind, however, that, as a general rule, any Sub-Committee should be free to make proposals or recommendations on any aspect of any item or subitem if it was relevant to that Sub-Committee's terms of reference. The suggestions would, if approved by the Committee, avoid unnecessary duplication of debate without impairing the essential unity of the subject as a whole, namely, the law of the sea.

With a view to assisting Sub-Committee II in its task of setting up working groups, without of course presuming in any way to dictate that Sub-Committee's organization of work, he suggested that the following would be appropriate categories into which the various subjects and issues assigned to it might be grouped: category I, comprising items 2, 3, 4, 16 and 17; category II, comprising items 6, 7, 9, 10, 11 and 19; category III, comprising item 5; category IV, comprising items 8 and 24; and category V, comprising items 18 and 19, unless it was felt that either or both items could more appropriately be dealt with in another category.

As to the general procedure to be followed by the Committee, he would suggest that once the working groups had examined the various subjects and issues in detail, they should report to their respective Sub-Committees, making any recommendations deemed necessary in regard to the appointment of small and workmanlike drafting committees. The Sub-Committee in turn would report to the main Committee, which would meet once or twice a week in order to review progress.

All draft treaty articles must be the responsibility of the Committee as a whole which should, therefore, approve the arrangements made for the preparation of such articles.

In the informal consultations it had been suggested that the Committee might find it useful to refer to the proceedings of the London Conference on Ocean Dumping, the Vancouver Conference on Fishing and the proposed IMCO conference, the reports of which could be made available by the Secretariat if the Committee so wished.

In conclusion, he hoped that the members of the Committee would avoid unnecessary and repetitive debate so that as much progress as possible could be made on the preparation of specific draft articles at the present session of the Committee.

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Mr. SARAIVA GUERREIRO (Brazil) stressed the importance of the Chairman's suggestions regarding the organization of work and requested that they be circulated to the Committee in writing as soon as possible.

The CHAIRMAN said that he would do so and proposed that delegations should postpone detailed consideration of his suggestions until the document requested by the representative of Brazil had been prepared.

Mr. ENGO (Cameroon) thanked the Chairman for the efforts he had made to hold informal consultations with representatives of the various regional groups. As to the specific suggestions made by the Chairman regarding the organization of work, he thought it would be best to allow the Sub-Committees to decide which items and subitems on the list of subjects and issues relating to the law of the sea fell within their respective terms of reference; the main Committee for its part should decide which items fell within its province.

With reference to the suggestion to set up drafting committees within the existing and proposed working groups, he hoped that no rigid rules would be applied in establishing such drafting committees, particularly since many working groups had already begun the preparation of draft articles. The idea of a drafting committee might usefully find application in the main Committee itself which, because of the overlapping of subjects between the Sub-Committees, might be faced with the problem of reconciling divergent texts.

The CHAIRMAN assured the representative of Cameroon that no rigid rules would be applied in establishing the drafting committees. There was no reason why the working groups should not continue to employ procedures they had found successful in the past. The representative of Cameroon had also made a valuable observation in putting forward the idea of a drafting committee to be set up within the main Committee.

Mr. MALIK (Union of Soviet Socialist Republics) said that members had had sufficient opportunity to consult one another at the previous session and that the time had come to begin practical work. He agreed entirely with the representative of Brazil that the Chairman's statement would need to be studied and suggested that the Secretariat should issue the text of that statement as speedily as possible. If the Chairman's latest proposals did not contain any radical changes



(Mr. Malik, USSR)

from his earlier proposals, they could be agreed to without a lengthy discussion. The essence of the new proposals seemed to be that certain items should be discussed in Sub-Committee II rather than in the plenary Committee. His delegation had some doubts as to the advisability of such a course of action, for, if the procedural discussion was reopened, much time would be lost. It might be better for the Committee to agree to begin immediately with the practical work of preparing documentation for the forthcoming Conference.

The CHAIRMAN noted that it was perfectly true that he had originally proposed that Sub-Committee II should proceed without delay in appointing working groups but said that cogent and convincing arguments had since been put forward in favour of the Sub-Committee's also having an opportunity to discuss matters in detail.

Mr. ZEGERS (Chile) said that his delegation agreed with the general spirit of the Chairman's statement. Since there were two sessions of the Committee scheduled before the opening of the forthcoming Conference, it seemed appropriate that the Committee should concentrate on substantive work at the present session and leave the negotiating to the second session. However, if work was to proceed speedily, further procedural debates should be avoided. Since the work of Sub-Committees I and III had already been decided and since it had been agreed that questions relating to the peaceful uses of the sea-bed should be discussed in the plenary, the Committee could decide, without prejudice to the procedural arrangements already adopted, to assign all other items to Sub-Committee II, thereby avoiding an item-by-item discussion.

As the representative of Cameroon had pointed out, some items would need to be discussed in more than one Sub-Committee. That could be done without any difficulty. Co-ordination could be achieved, as the Chairman had suggested, through weekly reports of the Chairmen of the Sub-Committees to the plenary. It would be very helpful if, in addition, the Committee decided that any agreement on a specific item must be subject to agreement by the Committee as a whole. It was essential, however, to avoid a general debate at the present stage.

It might be a good idea to group the items to be dealt with in Sub-Committee II in two broad categories, one relating to national jurisdiction,

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(Mr. Zegers, Chile)

and the other to international jurisdiction. There could be a brief debate on those questions in Sub-Committee II after which the working groups could be established for detailed discussions.

Mr. MALIK (Union of Soviet Socialist Republics), speaking on a point of order, said that he had the impression that the representative of Chile had had prior knowledge of the Chairman's new proposals. Unfortunately, other delegations were not in the same position. The substance of the Chairman's proposal should not be discussed until the Secretariat had issued another document.

Mr. ZEGERS (Chile) assured the representative of the Soviet Union that his delegation had had no prior knowledge of the Chairman's statement.

Mr. GALINDO POHL (El Salvador) said that Sub-Committee II had only recently completed the list of items and questions it had been asked to prepare. The Sub-Committee had decided to permit delegations who wished to make statements of substance while the list was being drawn up to do so and a number of delegations had taken advantage of the opportunity; however, others had only recently signified their desire to speak on the substance. In order not to delay the work of the Sub-Committee further, it had been decided that morning at the meeting of the bureaux of the Committee and of its three Sub-Committees that, subject to approval by the plenary Committee, the Sub-Committee would hold formal meetings at which delegations might state their views concurrently with the meetings of the working groups. Consequently, the first meeting of Sub-Committee II, to be held the following afternoon, would be devoted to the establishment of working groups. Thus those delegations which felt that the working groups should start work immediately and those which wished to study the items in greater detail would both be satisfied.

The meeting rose at 1.50 p.m.

SUMMARY RECORD OF THE NINETY-FIRST MEETING

Held on Thursday, 8 March 1973, at 11.15 a.m.

Chairman:

Mr. AMERASINGHE

Sri Lanka

## ORGANIZATION OF WORK (A/AC.138/L.13 and Add.1)

The CHAIRMAN drew attention to documents A/AC.138/L.13 and Add.1 containing the proposals he had made at the previous meeting, and pointed out a number of errors.

In paragraph 6 of document A/AC.138/L.13 the figure 22 should read 33 and on page 8, item 24 should be assigned to Sub-Committee II. In paragraph 20 the term "proceedings", which occurred twice, should be replaced by the words "relevant documents". He explained that the term "international jurisdiction" in paragraph 15 was not intended to introduce a new concept but to designate that area which lay beyond national jurisdiction.

He then read out the text of the following statement: "It is the considered opinion of the Latin American members of the Committee that, in order to avoid a long and difficult debate in the plenary, the best possible solution would be to maintain the arrangements agreed upon in August 1971 with only minor adjustments. Accordingly, the terms of reference of the three Sub-Committees will remain unchanged and therefore Sub-Committee II will deal with all subjects and issues not allocated to the two other Sub-Committees with the sole exception of the items which, under the terms of the agreement, are to be considered by the plenary. All Sub-Committees will be entitled to consider items allocated to the others in so far as such items are relevant to their respective mandates. The Committee as a whole will exercise over-all political guidance and take final decisions in any matter related to the co-ordination of the work of the Sub-Committees".

That opinion was entirely consistent with the principles he had applied in document A/AC.138/L.13 and did not represent an attempt to change the terms of reference of any of the Sub-Committees. Finally, he pointed out that item 25 had not been covered by the 1971 agreement because the list of subjects and issues had been drawn up after the terms of reference had been prepared. He suggested that it should be assigned to the main Committee.

Mr. AGUILAR (Venezuela), speaking as Chairman of the Latin American group, said that since there might be other items, other than item 25, not covered by the 1971 agreement, and since the terms of reference of Sub-Committee II, if taken literally, would overlap slightly with the work of Sub-Committees I and III, it had been necessary to leave open the possibility of making minor adjustments to

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(Mr. Aguilar, Venezuela)

the 1971 agreement. Any new items should, like item 25, be assigned to the main Committee. Naturally, Sub-Committee II must consider the question of the limits of national jurisdiction and the area beyond national jurisdiction although the other Sub-Committees could consider it as well in so far as it related to the items assigned to them. He asked the Chairmen of the Sub-Committees for their reaction to the Latin American proposal.

Mr. ENGO (Cameroon), Mr. GALINDO POHL (El Salvador) and Mr. van der ESSEN (Belgium), speaking in their capacities as Chairmen of Sub-Committees I, II and III respectively, said that they agreed with the Latin American proposals.

Mr. MALIK (Union of Soviet Socialist Republics) said that his delegation had studied document A/AC.138/L.13 and, in principle, supported the proposed distribution of items. Since the term "international jurisdiction" recurred on page 6 of document A/AC.138/L.13 and page 7 of document A/AC.138/L.13/Add.1 in connexion with the continental shelf and since coastal States exercised sovereign rights over natural resources on the continental shelf, it might be advisable if a clarification were made in the document itself in order to avoid any possible misunderstanding.

It appeared that many items would be assigned to Sub-Committee II and it should therefore start work immediately. Some delegations seemed to wish to open a general debate in that Sub-Committee. That would be time-consuming and might create difficulties and his delegation would make a detailed statement on the subject in the Sub-Committee itself. It appeared that there was a desire to divide the problems assigned to Sub-Committee II into two categories, national and international, but in view of the Chairman's comments it would seem that that would be to no avail.

Mrs. de GUIBOURG (Argentina) said her delegation felt that it would be inadvisable to reopen the discussion on the allocation of the various agenda items.

(Mrs. de Guibourg, Argentina)

Moreover, the distribution of items as set forth in document A/AC.138/L.13 was not consistent with the terms of reference agreed on in August 1971, since the document assigned items 5.4 and 5.5, relating to the continental shelf, to Sub-Committee I. It was difficult to see how an item relating to the continental shelf could possibly be regarded as coming under international jurisdiction. The same applied to item 6, relating to the exclusive economic zone beyond the territorial sea. Under the agreements of March and August 1971, those items and others relating to national jurisdiction which, under the Chairman's proposal, would be assigned to Sub-Committee III belonged to Sub-Committee II.

Mr. HARRY (Australia) said that his delegation had the same difficulty as the Argentine delegation with respect to the allocation of item 5. In the view of his delegation coastal States had sovereign rights over the continental shelf with respect to the exploitation of natural resources, and it was therefore inappropriate for item 5 to be a principal item of discussion in Sub-Committee I. He did not wish to reopen the discussion, but if document A/AC.138/L.13/Add.1 were reissued he would be grateful if the material in brackets under items 5.4 and 5.5 were omitted. Naturally, his delegation would not object to a pro forma discussion of that item by Sub-Committee I.

Mr. TUNCEL (Turkey) said that his delegation supported the proposal made by the Latin American group and had no objection to the proposed allocation of item 25 to the main Committee. Whether or not the Committee decided to adopt document A/AC.138/L.13, the Sub-Committees should regard it as a reference paper. They should, however, be free to group items as they saw fit and to decide how many working groups to establish.

The CHAIRMAN said that it would be quite sufficient if the Committee merely took note of document A/AC.138/L.13.

Mr. ENGO (Cameroon) reminded the Committee that some delegations had not been over-enthusiastic about the 1958 Convention on the Continental Shelf and that his own delegation had stated that the question of the continental shelf was wide open. Moreover, if it could be argued that the word "international" prejudged the issue, it could also be argued that the word "national" did the same. There was no denying that Sub-Committee I would need to deal with the continental shelf since

(Mr. Engo, Cameroon)

certain problems, for instance pollution control, were both national and international in scope. It might be helpful to delete the words in brackets following items 5.4 and 5.5 in document A/AC.138/L.13/Add.1 and to substitute some qualification such as "in so far as relevant to the Committee's work" or words to that effect. The substantive issue would, at all events, have to be resolved either by the Committee itself or by the forthcoming Conference. His delegation was merely trying to help establish a procedure so that the issue could be discussed.

The CHAIRMAN said there was no need to amend document A/AC.138/L.13/Add.1, since it was not going to be adopted. The Committee should simply take its contents into account together with the comments of delegations. The proposals in the basic document, A/AC.138/L.13, should prevail over those in the addendum.

Mr. SARAIVA GUERREIRO (Brazil) fully supported the remarks of the representatives of Argentina and Australia regarding item 5.4.

Mr. BEESLEY (Canada) said that his delegation shared the concern expressed by the delegations of the USSR, Argentina, Australia and Brazil; it could also accept the suggestion of the representative of Cameroon, as it could be relevant to consider the area beyond national jurisdiction in connexion with some aspects of item 5.

In view of the confusion regarding the status of document A/AC.138/L.13/Add.1, he proposed that the Committee should adopt the Latin American proposal.

Mr. ZEGERS (Chile) said that the purpose of the Latin American proposal was to preclude the need for a procedural debate. It would simplify matters if the items not assigned to the main Committee and to Sub-Committees I and III were dealt with by Sub-Committee II; all the Sub-Committees could consider any items in so far as they were relevant to their respective terms of reference. The Committee should adopt a general agreement to that effect and not enter into a discussion regarding the allocation of the various items.

Mr. JAGOTA (India) said that the Committee should not disregard document A/AC.138/L.13/Add.1. The best procedure would be to adopt the proposal

(Mr. Jagota, India)

of the Latin American group and use both the documents containing the Chairman's proposals as guidance when concrete difficulties arose with respect to particular items.

The CHAIRMAN said that the addendum was intended solely as an elaboration of the basic proposals in document A/AC.138/L.13. The Sub-Committees could decide in which categories the various items should be placed. The difficulty regarding item 5 could be avoided if the Committee followed the suggestion of the Cameroonian representative.

Mr. VINDENES (Norway) said that the difficulty regarding the question of the continental shelf was related to the definition of the term. The 1958 Convention on the Continental Shelf used the term as synonymous with that part of the sea-bed falling within national jurisdiction. His country was a Party to that convention and believed that the question of international jurisdiction could not arise in connexion with the continental shelf. His delegation endorsed the Cameroonian proposal.

Sir Roger JACKLING (United Kingdom) expressed his full agreement with the wording suggested by the representative of Cameroon. His delegation's understanding had been that the items had been allocated to the Sub-Committees on the basis of the Committee's decision of March 1971, as amplified in August 1971. The Chairman's proposals in document A/AC.138/L.13 constituted a frame of reference that was fully in accord with the 1971 agreements. The addendum to that document was merely illustrative and did not prejudice the juridical position of the Sub-Committees.

Mr. JAYAKUMAR (Singapore) said that the agreement regarding the terms of reference of the Sub-Committees had been reached in March, rather than August, 1971.

He agreed that a lengthy procedural debate should be avoided and that the terms of reference of the Sub-Committees should in general be maintained. However, in some cases it was debatable which Sub-Committee should consider certain subjects and issues. He wished to know whether it was the intent of the Latin American proposal to have each Sub-Committee decide on an ad hoc basis whether a given item



(Mr. Jayakumar, Singapore)

in the list fell within its terms of reference, or whether the main Committee would take a decision as each item came up for consideration. In his delegation's view, considerable ambiguity would arise if ad hoc decisions were taken by the Sub-Committees. He would have preferred the Chairman's proposals, which had the advantage of being more explicit regarding the terms of reference of the Sub-Committees.

With respect to item 5, the Cameroonian proposal was eminently suitable.

The CHAIRMAN said that the agreement regarding the terms of reference of the Sub-Committees had indeed been reached in March 1971; the Latin American proposal should be amended accordingly.

Mr. PARDO (Malta) said that his delegation too wished to avoid a long procedural debate and, if one seemed likely to occur, would have no objection to the Latin American proposal to maintain the arrangements agreed upon in March and August 1971, with minor adjustments, although those arrangements had been made before the list of subjects and issues had been prepared. However, he agreed with the USSR representative that there would be a grave imbalance in the workload of the Sub-Committees and believed that considerable difficulties would arise in the substantive consideration of various subjects, some of which would receive short shrift. Accordingly, his delegation had appreciated the Chairman's suggestion that the Committee should consider what modifications were necessary in its procedure and regretted the apparent inability of the Committee to take a decision on the allocation of subjects among its subsidiary bodies.

Four main groupings - definitions and general principles relating to the law of the sea, coastal State jurisdiction, marine environment under national jurisdiction and marine environment beyond national jurisdiction - should serve as a logical framework for discussion and for the drafting of articles. The various items falling within those groups could be allocated among the Sub-Committees and the main Committee.

Mr. MOORE (United States of America) said that his delegation was prepared to endorse the consensus which appeared to be emerging in support of the Latin American proposal, with certain modifications suggested in the course of the debate. In so far as the continental shelf was concerned, the proposal was consistent with the remarks of the representatives of Argentina and Cameroon.

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MR. MALIK (Union of Soviet Socialist Republics) expressed the hope that the Chairman did not intend to withdraw documents A/AC.138/L.13 and Add.1, which his delegation considered very useful in that he established a clear basis and an orderly procedure for the organization of work. He looked forward to receiving a revised version of the Chairman's proposals, incorporating the amendments suggested by various delegations at the current meeting. If the Chairman's proposals were withdrawn, he hoped that the Latin American group would elaborate on the general statement of principles it had already submitted, explicitly indicating the allocation of items it would advocate.

The CHAIRMAN said his proposals should be read in conjunction with the Latin American proposal, taking into account inter alia the amendment proposed by the Cameroonian representative with respect to item 5.

Mr. AGUILAR (Venezuela), speaking as Chairman of the Latin American group, reiterated that the purpose of the Latin American proposal was to obviate the need for a long procedural debate concerning the allocation of items among the three Sub-Committees. It should be borne in mind that, regardless of which item was allocated to which Sub-Committee, there was an underlying unity and interrelationship between the various items on the list, all of which concerned the broader topic of the law of the sea. The Latin American proposal further reaffirmed the continued validity of the procedural agreements reached by the Committee in March and August 1971. As the representative of Singapore had correctly pointed out, the original text of the proposal as read out by the Chairman had, through an oversight, made no reference to the March 1971 agreement establishing the terms of reference of the three Sub-Committees. The proposal should be amended to correct that oversight. The proposal also made the point that each Sub-Committee was free, if it so wished, to consider items assigned to other Sub-Committees in so far as such items were relevant to its terms of reference.

If the Latin American proposal was adopted, the Chairman of the main Committee, in consultation with the Chairmen of the three Sub-Committees, could be relied upon to apply the general principles of the proposal in the preparation of recommendations concerning the allocation of items among the Sub-Committees. Entrusting the Chairman with that task would make it unnecessary to prepare a

(Mr. Aguilar, Venezuela)

detailed addendum to the Latin American proposal concerning the allocation of items, as the representative of the Soviet Union had suggested.

Speaking as the representative of Venezuela, he wished to record the position of his delegation that the continental shelf lay within the zone of exclusive national jurisdiction in conformity with existing international law.

In conclusion, he hoped that the Committee would proceed without further ado to adopt the Latin American proposal, which had received widespread support. The Chairman of the main Committee and the Chairmen of the Sub-Committees could then be trusted to apply the principles contained in the Latin American proposal to the detailed allocation of items.

Mr. HARRY (Australia) fully supported the Latin American proposal and agreed that the Chairman's proposals could serve as a useful guide for the allocation of items, subject to the agreements of March and August 1971, which the Committee should reaffirm. He also supported the amendment proposed by the representative of Cameroon.

Mr. ABDEL HAMID (Egypt) expressed appreciation for the Chairman's efforts to facilitate the Committee's organization of work by making the detailed proposals set forth in document A/AC.138/L.13. He hoped that the Chairman would prepare a revised version of that document, taking into account the views expressed at the current meeting and, in particular, deleting the reference to categories in paragraph 18. That was a matter which was best left for Sub-Committee II itself to decide. Lastly, he wished to reserve his delegation's position on the question of international jurisdiction in relation to the continental shelf.

The CHAIRMAN said that his proposals concerning the categorization of items assigned to Sub-Committee II should be viewed merely as suggestions. It was, of course, the Sub-Committee's prerogative to decide its own organization of work.

Mr. ENGO (Cameroon) supported the Venezuelan proposal that the Committee should adopt the wording proposed by the Latin American group and leave it for the Chairman of the main Committee, in consultation with the Chairmen of the

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(Mr. Engo, Cameroon)

Sub-Committees, to apply those principles with regard to the allocation of items among the Sub-Committees. He urged delegations to come forward with specific proposals to amend documents A/AC.138/L.13 and Add.1, if they had any, and expressed satisfaction at the favourable reception given to the amendment he had proposed.

Mr. ZEGERS (Chile) observed that the Latin American proposal appeared to be generally acceptable. The Committee should therefore proceed to adopt it and take note of the Chairman's proposals in documents A/AC.138/L.13 and Add.1. In that connexion, he suggested that the words "subject to" in the Chairman's proposal concerning item 6 (A/AC.138/L.13, para. 17) should be changed to read "without prejudice to".

The CHAIRMAN accepted the drafting change suggested by the representative of Chile and informed the Committee that, in response to a request from the Asian group, he intended to redraft the last subparagraph of paragraph 19 of document A/AC.138/L.13 so as to make it clear that the responsibility of the Committee as a whole would be limited to the final text of draft treaty articles.

If there was no objection, he would take it that it was the consensus of the Committee in regard to the organization of its work that the terms of reference of the three Sub-Committees as settled on 13 March 1971 should be maintained, along with the arrangements agreed upon in August 1971, with only minor modifications. Accordingly, Sub-Committee II would deal with all subjects and issues not allocated to the other two Sub-Committees, with the exception of the items that, under the terms of the agreement of August 1971, were to be considered by the plenary, which would also consider item 25. Any Sub-Committee would be entitled to consider items allocated to the others in so far as the items were relevant to its mandate. The Committee as a whole would exercise over-all political guidance and take the final decisions in any matter related to the co-ordination of the work of the Sub-Committees. Documents A/AC.138/L.13 and Add.1, as modified to reflect the specific points accepted during the discussion, would provide the basis for the allocation of items, subject to the amendment concerning sub-items 5.4 and 5.5 proposed by the representative of Cameroon and any other changes that might be

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(The Chairman)

agreed upon by the Chairman of the main Committee in consultation with the Chairmen of the three Sub-Committees. Any such changes would be brought to the attention of the Committee by the Chairman.

It was so decided.

Mr. SARAIVA GUERREIRO (Brazil) said he accepted the idea of the Chairman drafting a revised version of documents A/AC.138/L.13 and Add.1 on the understanding that the revised version would be merely a reference document for the Committee and would not prejudice the position of any delegation in regard to the allocation of items to Sub-Committees or commit delegations to the specific wording of the revision.

The CHAIRMAN, replying to the comments of the Brazilian representative, noted that under the terms of the consensus just agreed upon, the revised version of documents A/AC.138/L.13 and Add.1 would merely form the basis for the allocation of subjects and issues. Those documents had been put forward as a means of assisting the Committee to proceed expeditiously in dealing with the important tasks before it; he was fully aware that deficiencies could be found in their wording.

Mr. MALIK (Union of Soviet Socialist Republics) stressed the importance of the provision in the consensus that the Committee as a whole would exercise over-all political guidance and take the final decisions in any matter concerning the co-ordination of the work of the Sub-Committees.

The meeting rose at 1.15 p.m.

SUMMARY RECORD OF THE NINETY-SECOND MEETING

Held on Tuesday, 20 March 1973, at 10.45 a.m.

Chairman:

Mr. AMERASINGHE

Sri Lanka

## TRIBUTE TO THE MEMORY OF MR. ALCIVAR AND MR. CHACKO

The CHAIRMAN paid a tribute to the memory of two colleagues who had recently died, Ambassador Alcívar of Ecuador, the outstanding jurist and member of the International Law Commission, and Mr. Chacko who, whilst not forgetting what he owed his own country, India, had discharged his duties as an international civil servant with a professionalism beyond all praise. Speaking on behalf of all the members of the Committee, he wished to convey condolences to the delegations of Ecuador and India and to the families of the deceased; he proposed that the record of the tribute to their memory should be transmitted to them.

It was so decided.

## GENERAL STATEMENTS

Mr. CARROZ (Food and Agriculture Organization of the United Nations), speaking at the invitation of the Chairman, introduced four documents which FAO had prepared in response to requests made at previous sessions of the Committee. Two of the documents had already been distributed in English, French and Spanish and the other two would be made available later in the session.

At its March 1972 session, the Committee had requested FAO to supplement the paper on conservation problems with special reference to new technology (A/AC.138/65) by a more detailed paper that indicated over-exploited sea areas and species. In the document entitled "Review of the status of some heavily exploited fish stocks" (FAO Fisheries Circular No. 313), an attempt had been made to review the present status of major stocks in the various fishing regions. For each region a table indicated in respect of each major stock the major countries exploiting that stock, catches, management measures applied and potential yield. Attention had of course been given to those stocks which had become fully exploited or over-exploited. It would be seen that the situation differed from region to region and from stock to stock. Furthermore, in order to give a balanced view of the problems of world fisheries, mention was also made of the more important stocks which were only lightly or moderately exploited and from which increased catches could be obtained by more intense fishing. Indeed, at world-wide level, it was likely that the under-exploitation of some stocks had caused as many losses as the depletion of heavily exploited stocks. In fact,

(Mr. Carroz, FAO)

despite the increasing number of fully exploited stocks, there still remained a large number that were no more than moderately exploited and the total world catch of some 60 million tons a year was only about half the potential yield of fish of the familiar types, without considering the possibilities of harvesting smaller animals such as krill and the development of mariculture. In that regard, there appeared to be little relation between the way in which resources were exploited and the jurisdiction within which they lay. Thus there were as many examples of depleted resources which were under the control of a single State as of those occurring outside national jurisdiction.

The second document submitted to the Committee (FAO Fisheries Circular No. 148-Revision 1) contained a series of studies and maps on the distribution and migration of the better-known and economically most important species. The studies covered not only a number of demersal and pelagic fishes, but also widely migratory species such as salmon and tuna as well as whales. They were preceded by general considerations on the type and range of migrations and on the effects of exploitation on different sections of the migration of a given species.

The first of the other documents which would be made available to the Committee at a later stage contained fishery profiles for the countries that had not already been covered in the series already submitted to the Committee and the second was a comparative study of the economic and social effects of the fishing industry. The study dealt first with the role of fish in the food economy of most countries, the relative importance of fish in the protein supply and the relationship between the consumption of fish and meat. It was interesting to note that in some 30 countries fish represented more than 40 per cent of the total supply of animal protein and that the countries in which fish was an important source of food were not all at the same stage of economic development, that the structure of their fisheries showed great variety and that they practised both distant-water and local coastal-water fishing. For each country, an indication was given of the additional quantity of fish that would be required to meet the demand over the period 1970-1980.

Another section of the study dealt with the importance of the fishing industry as a source of foreign exchange. In a few cases, fishery exports were vital to



(Mr. Carroz, FAO)

the economy. In the Faroe Islands, French Guiana, Iceland and Greenland, they accounted for 75 per cent of the total value of commodity trade. They were hardly less important in Peru (one third of all exports), and in a further nine cases (including Norway, Panama, Mauritania, Mali, Morocco, Barbados, Denmark and Senegal) fishery products had accounted for more than 5 per cent of the value of all commodity trade in 1970. It should be noted, however, that a few countries (Japan, the United States, Canada and the Netherlands) accounted for a substantial share of world trade in such products, but because of the size and diversification of their economies fish exports were a negligible proportion of their total export trade. Many countries were characterized by a substantial two-way trade, and for a few net importing countries (e.g., Portugal and Japan) fishery exports represented a significant share of their total export trade. In no country did the import of fishery products exceed 1 per cent of total imports, and in the great majority of countries it was less than one half of 1 per cent.

The study also dealt with the role of the fishing industry as a source of employment. In the ILO classification of economic activities, fishing was included in the aggregate "Agriculture, forestry, hunting and fishing", which accounted for a proportion of the active population that ranged from 70 per cent in the case of Indonesia and India to around 5 per cent in the case of the United States and the United Kingdom. Although it represented only a small percentage of that group, fishing was frequently a greater source of employment creation than public utilities such as gas, water and electricity and other industries such as mining. While unfortunately it was not possible to make any detailed division of employment between types of fishing or by area fished, it could be said that in all countries the greater part of the employment was generated by either fresh-water or coastal fisheries. The employment created by distant-water fishing was rather small (a fraction of 1 per cent of the total in all countries) as a result of the relative capital intensity of such operations. The study also discussed the influence of the fishing industry on the creation and expansion of other industries. No quantitative estimates were made in that respect, although some economists had suggested that the catching and landing of fish might represent no more than 15 to 20 per cent of the value of the final product.

(Mr. Carroz, FAO)

The last section of the study examined the sources of national fish supply. In particular, it identified those countries which met their domestic needs from local waters. In cases where consumption exceeded production, it indicated those countries which filled the gap entirely by imports, those which did so mainly by imports and those (about 15) which expanded the radius of their operations away from their own shores.

In conclusion, he reiterated that FAO was ready to provide the Committee with any further scientific and technical documentation that it might request in accordance with General Assembly resolution 2750 C (XXV).

Mr. KAPOOR (International Hydrographic Organization), speaking at the invitation of the Chairman, said that for a number of centuries hydrographers had been concerned with the exploration of the oceans and the seas and that it was primarily through their efforts that a basic knowledge of the topography and morphology of the ocean floor had been built up. However, in many areas that knowledge was inadequate to meet modern requirements, particularly where detailed and accurate charts were required for operations connected with the exploitation of the resources of the sea-bed and the subsoil thereof. It must, however, be borne in mind that detailed investigations of the ocean topography called for considerable resources in ships, equipment and highly-trained personnel and that hydrographic surveys of a particular area frequently involved months and even years of work.

Originally, nautical charts had been intended to permit safe navigation, particularly in the dangerous near-shore areas on the continental shelves; it was for that reason that present knowledge of sea-bed topography within the continental margins was greater than knowledge of the deeper-lying areas.

International co-operation in the field of hydrography had existed for over half a century. The International Hydrographic Organization (originally known as the International Hydrographic Bureau) had been established in 1921, and in 1967 the organization, whose headquarters were in the Principality of Monaco, had been given legal status by an intergovernmental Convention. The objectives of the organization included, inter alia, the achievement of the maximum possible co-ordination of member States' activities in the field of hydrography, the greatest possible uniformity in nautical charts and allied publications, the adoption of

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(Mr. Kapoor, IHO)

reliable and efficient methods of carrying out and exploiting hydrographic surveys, and the development of the sciences in the field of hydrography and the techniques employed in descriptive oceanography.

Over the past half century the members of the organization had co-operated in the progressive standardization of nautical charts, so that today mariners and other users of charts could place complete reliance on the information depicted on the charts of any member State. An outcome of that process had been the publication of an international series of nautical charts to an agreed scheme of world coverage; the participating member States had agreed to assume responsibility for compiling charts covering given areas, using data supplied by a number of other members of the organization. Any member State which so wished could obtain the material for reprinting those charts. At present, only small-scale charts were being compiled, but the publication of medium-scale and large-scale charts was under study.

The International Hydrographic Bureau was the centre for bathymetric data, which were widely used by scientists and oceanographers in making detailed studies in various fields of ocean research and in preparing the General Bathymetric Chart of the Oceans. The Committee responsible for compiling the Chart had also done a great deal of work on the standardization of nomenclature and on definitions of under-sea features. Work in that field was continuing in co-operation with the United Nations Ad Hoc Group of Experts on the Standardization of Geographical Names.

In pursuance of the decisions taken by member States at the Tenth International Hydrographic Conference, the Bureau had created facilities for assisting developing countries in setting up or expanding their hydrographic services. On that point, reference might be made to the report (E/CONF.57/L.1) prepared in 1970 by the Ad Hoc Group of Experts on Hydrographic Surveying and Bathymetric Charting, which stated that there were vast areas for which hydrographic data were either totally lacking or inadequate. The report also listed the hydrographic capabilities of various countries; in the case of a large number of developing countries, that capability was either non-existent or inadequate. For that reason, the Bureau was striving to encourage the establishment of national hydrographic services, and it was always prepared to provide technical assistance for the purpose. As part of its programme of co-operation with developing States,

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(Mr. Kapoor, IHO)

the Bureau had responded to requests for technical studies to assist those countries in their delineation of the territorial sea or the determination of limits on the adjacent continental shelf. In that connexion, it was becoming apparent that many technical questions in connexion with the deliberations of the Sea-Bed Committee would need study; many of those questions related directly to the adequacy or inadequacy of nautical charts, the nature and scale of such charts and an understanding of the symbols used. Furthermore, the techniques of cartography were necessary for the practical application of the principles and criteria governing the delineation of maritime limits. Those problems would become even more important as man's activities in the sea and on the sea-bed increased. It therefore appeared that it would be extremely valuable for the deliberations of the Committee, its Sub-Committees and their working groups if a body of technical experts were to analyse the possibilities for the practical application of certain proposals currently under discussion in those organs.

In conclusion, he said that the International Hydrographic Bureau was ready to place its experience, expertise and resources at the disposal of the Committee; in so doing, it would draw, to the fullest extent possible, on the competence of its member States and of the other States with which it had informal relations.

Mr. LANGERAAR (Intergovernmental Oceanographic Commission of UNESCO), speaking at the invitation of the Chairman, thanked the Committee for giving him the opportunity to address it at the first of its two sessions in 1973, which would be of great importance for the third United Nations Conference on the Law of the Sea. He assured the Committee that IOC had followed its work with interest, and noted that IOC had in several instances provided the Committee with assistance. He proposed to explain the intentions of IOC for the near future and their possible usefulness to the work of the Committee. He recalled that, under certain recommendations of the Conference on the Human Environment, IOC had been entrusted with a number of additional tasks related to the preservation of the marine environment. At present, the essential elements for a long-term global strategy of environmental marine protection were lacking. In that connexion, care must be taken not to prohibit all activities in the marine environment on the ground

(Mr. Langeraar, IOC, UNESCO)

of possible pollution risks; that would mean forgoing the affluence which such activities could bring. What was needed was to acquire a scientific knowledge of the facts on the basis of world-wide ocean observations.

He was aware that the Committee, which was responsible for establishing global, long-term rules, was not concerned with the problem of protection of the marine environment. However, he wished to emphasize that aspect, since it was the domain in which IOC could assist the Committee. Well co-ordinated international research would enable a long-term global strategy to be formulated.

He recalled the efforts made by IOC to arrive at a convention on the ocean data acquisition systems. Such data were necessary in order to acquire more knowledge of the nature and resources of the oceans with a view to their protection and better utilization. The third United Nations Conference on the Law of the Sea should make significant progress in that field. Such a convention represented the best means of protection against excessive utilization of the Integrated Global Ocean Stations System (IGOSS), which was currently in an advanced stage of planning and testing. In that field, IOC was working in close collaboration with the World Meteorological Organization. Although IGOSS had originally been conceived to provide the marine community with the necessary parameters for its activities, the emphasis had recently shifted to the role which the System could play in the monitoring and surveillance of parameters relating to the marine environment.

He drew the attention of the Committee to the meeting of the International Co-ordination Group for the Global Investigation of Pollution in the Marine Environment which was to be held in London from 2 to 6 April 1973. The question of the global investigation of pollution in the marine environment had originally been brought up by the Group of Experts on Long-term Scientific Policy and Planning, which had been established by IOC to review the Long-term and Expanded Programme of Oceanic Exploration and Research. The Group of Experts had also submitted to the Commission a number of suggestions for rapid action and had proposed guidelines to be used in deciding priorities. He would ensure that the report of the April meeting of the International Co-ordination Group was transmitted to the Committee. It might be that the IOC Executive Council, which

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(Mr. Langeraar, IOC, UNESCO)

was to meet in May, would not have been able to consider and discuss the report by that time, in which case the Committee would be so informed.

Many more years of detailed study of the oceans would be required in order to gather the data necessary to the advancement of ocean sciences. That scientific insight would make it possible to arrive at wisdom - wisdom which would surely be reflected in the conventions of which the Committee was now laying the foundations.

IOC agreed with the Committee that, as stated in its 1972 report, scientific research was both a vitally important and eminently international activity. However, such research should be a means to an end, not an end in itself.

In conclusion, he drew attention to IOC resolution VI-13, dealing with the promotion of fundamental scientific research, which set out principles to facilitate procedures for obtaining the consent of a coastal State, with particular reference to developing countries. If the Committee wished, IOC would be prepared to study the problem further and to correlate it with that of increasing the possibilities for training, education and research in the marine field, since, as paragraph 263 of the Committee's 1972 report stated: "... all questions relating to scientific research and free and open access to that research would be in fact meaningless for the developing countries unless and until they had the trained personnel and technological capacity to participate in scientific research and utilize the information made available to them".

Mr. PINTO (Sri Lanka) thanked the FAO representative for the documents that organization had had circulated to the members of the Committee, and recalled that his delegation was among those which had proposed that FAO should carry out studies of importance to the Committee's work. An example was the Atlas of Living Resources of the Seas which FAO had submitted to the Committee in 1972.

It was essential for the Committee to be kept fully informed about the resources for which it intended to establish one or more régimes. The document entitled "Review of the status of some heavily exploited fish stocks" (FID/C/313) which the FAO representative had had circulated was valuable not only to Committee members but also to the Members of the United Nations in general. He hoped that

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(Mr. Pinto, Sri Lanka)

FAO would issue revised and updated versions of the document from time to time. Finally, he looked forward to receiving the two studies mentioned by the FAO representative, on the economic and social aspects of the fishing industry and the sources of national fish supply.

He had been most interested to learn of the extent to which the International Hydrographic Organization had been able to promote international co-operation in the field of hydrography. He welcomed that organization's offer to provide the Committee with the technical advice it might subsequently need regarding the practical application of the principles and criteria governing the delineation of maritime limits. Finally, he had learned with equal interest that the International Hydrographic Bureau had facilities for rendering advice and technical assistance to developing countries which wished to set up or expand their hydrographic services.

He also thanked the IOC representative for having outlined the areas of scientific activity in which his organization might be able to assist the Committee in its work on the preservation of the marine environment and scientific research in the oceans.

Mr. ANDERSEN (Iceland) thanked the FAO representative for that organization's efforts to assist the Committee in its work, and asked whether more copies of the document circulated at the current meeting would be available. He likewise thanked the representatives of the International Hydrographic Organization and the Intergovernmental Oceanographic Commission. He also asked the FAO representative to request that organization to make available to the Committee a revised and updated version of the list of limits of national jurisdiction which FAO had submitted to the Committee in 1971, since considerable changes had taken place since that date. His delegation hoped that the list could be drawn up without delay, but if that proved impossible at the current session, it nevertheless hoped that FAO could ensure that the list reached Committee members, through the usual channels, before the summer session.

The CHAIRMAN said that if there was no objection he would request the FAO representative to obtain for the Committee a revised and updated version of the list of limits of national jurisdiction established by FAO in 1971.

It was so decided.

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Mr. HARRY (Australia) recalled that Australia was a member of the International Hydrographic Organization, and said that his delegation was aware of the very valuable work that organization was doing in respect of co-ordinating the activities of its members and assisting States in the field of hydrographic surveying.

His delegation believed that the Committee might need a group of technical experts to analyse certain aspects of its own work and the work of its sub-committees and working groups. Its task would thus be facilitated, since it would be relieved of much work of a purely technical nature and would be left free to discuss policy issues. Although it was still too early to determine what aspects of its work might require such analysis, his delegation commended to the Committee the establishment of a body of technical experts, and in that regard it noted the offer of the International Hydrographic Organization to make all its means and expertise available to the Committee. His delegation therefore proposed that for the time being the Committee should consider how it should establish a group of technical experts responsible to it, and decide at the summer session what initial studies could be referred to that body.

Mr. BAKULA (Peru) said that the statements by the representatives of FAO, the International Hydrographic Organization and the Intergovernmental Oceanographic Commission constituted an important contribution to the Committee's work. His delegation also found the documents circulated by FAO (FID/C/148 (Rev.1) and FID/C/313) useful.

Furthermore, his delegation considered document E/C.8/12, prepared by the Secretariat, on the subject of new opportunities opened up by science and technology in relation to the resources of the sea, was of particular interest and merited special attention. The data and concepts it contained showed the extraordinary importance of the exploitation of the marine environment for the developing countries. The document indicated the revolutionary changes which had taken place in marine activities. It stated that "Without active participation in ocean development by the developing countries, it is likely that the sea will become another wedge between the developed and the developing". It contained an up-to-date outline of progress in the exploitation of mineral and living resources, transport, waste disposal, tourism and scientific research and training. It also



(Mr. Bakula, Peru)

brought out clearly the conflicts which might result from various uses of the sea, and the need for coastal countries to adopt measures which would prevent such uses irreparably damaging the interests of their populations. Finally, the document brought out the need for the United Nations to assist and advise the developing countries, with regard both to the gathering and analysis of information on the resources and uses of coastal areas, the training of personnel in scientific and technical disciplines, and development planning, and to the organization of subregional meetings to consider development methods and programmes, the strengthening or creation of national and regional infrastructures and the study of sources of financing, in order to achieve maximization of the uses of the sea and coastal areas compatible with social objectives and the relevant ecological precautions.

Document E/C.8/12 and document A/5120 on the uses of the sea were extremely useful for the Committee's work, and he requested that they should be circulated to Committee members as background documents.

The CHAIRMAN said he thought that those documents had already been made available to the Committee.

Mr. MOORE (United States of America) thanked the representatives of FAO, the International Hydrographic Organization and the Intergovernmental Oceanographic Commission for their statements, and paid tribute to FAO for the reports on fisheries it had circulated to Committee members; their contents would be useful for the Committee's work. His delegation hoped that FAO, the International Hydrographic Organization and the Intergovernmental Oceanographic Commission would continue to assist the Committee especially since in paragraph 13 of resolution 2750 C (XXV) the General Assembly had been wise enough to request the specialized agencies and intergovernmental bodies to co-operate with the Committee.

Mr. TEICEL (Turkey) said that his delegation had listened with great interest and appreciation to the statements by the representatives of FAO, the International Hydrographic Organization and the Intergovernmental Oceanographic Commission. He recalled that his delegation had on several occasions observed that the developing countries needed additional information on the questions mentioned by

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(Mr. Tuncel, Turkey)

the representative of the International Hydrographic Organization, who had indicated a possibility of co-operation between the Committee and that organization. The IHO representative had mentioned the preparation of a Bathymetric Chart of the Oceans. The preparation of that chart had already been mentioned in a Secretariat document circulated two years earlier. His delegation had also noted a reference to document E/CONF.57/L.1, of 27 May 1970, in which information on bathymetric surveys was to be found. In that connexion, the IHO representative had stated that the capacity of the developing countries to carry out bathymetric surveys was non-existent or inadequate. His delegation did not have at its disposal large-scale national bathymetric charts, and thought that a number of other delegations in the Committee were in the same position. The British Admiralty's hydrographic charts were useful, but were not large-scale ones. Most delegations thus needed bathymetric charts. Further, the IHO representative had stated that cartographic techniques were essential for the application of principles and criteria governing the delineation of maritime limits; among the points he had mentioned were "baselines", "submarine contours", "islands" and "problems of delineation" between adjacent and opposite States. Many questions before the Committee required information of a technical nature for their solution. The IHO representative had stated that it would be extremely valuable for the deliberations of the Sub-Committees and their working groups if a body of technical experts were to prepare analytical studies of certain proposals under discussion in those organs; he had also indicated that IHO would do its utmost to place its experience, expertise and resources at the disposal of the Committee. It would be desirable to accept IHO's very generous offer. The representative of Australia had proposed the establishment of a group of experts. That was an excellent idea, especially since it would make it possible to respond to the offers of co-operation made by the International Hydrographic Organization. His delegation therefore supported the Australian proposal that a committee of experts made available by IHO should be established to carry out certain work relating to the fields with which the Committee was concerned.

Mr. BEESLEY (Canada) thanked the representatives of FAO, the Intergovernmental Oceanographic Commission and the International Hydrographic Organization for their contribution to the work of the Committee. Special thanks were due to the representative of the International Hydrographic Organization, who

(Mr. Beesley, Canada)

had informed the Committee of the services which his organization could make available to it. Canada had been a member of the International Hydrographic Organization since 1951, and had derived considerable benefit from its work. It welcomed particularly the role the organization had been playing for some time with regard to the developing countries, obtaining for them the assistance they needed to delineate correctly their territorial sea and their continental shelf.

He thought that the members of the Committee would agree on the importance which should be attached to cartography and hydrography with a view to the practical application of principles and criteria governing the delineation of maritime limits. In Canada, a number of experts had been working on such problems for many years, and his delegation believed that it was time to initiate exchanges of ideas at the experts' level, in co-operation with the International Hydrographic Organization.

Once its deliberations reached a certain stage, the Committee would need technical data and advice on concrete problems raised by its work. It would thus be sensible to envisage the establishment of a small group of experts to be appointed by the Committee which, with the co-operation of the International Hydrographic Organization, would help to make the Committee's task easier. The group of experts would have the sole function of providing technical advice in response to specific questions from the Committee on strictly practical problems. His delegation would be grateful to learn the views of other delegations on that point.

Mr. JAGOTA (India) thanked the representatives of FAO, the Intergovernmental Oceanographic Commission and the International Hydrographic Organization for their statements. His delegation would be grateful to receive other documents on fisheries and the marine environment, similar to those circulated by FAO.

Fisheries were important to India, because they provided an occupation for a considerable part of its coastal population and represented a significant source of cheap protein and foreign currency. In that connexion, he wished to draw attention to a minor omission in document FID/C/313, circulated by FAO. In table 8 of that document, the only countries mentioned as fishing skipjack were the Maldives, Pakistan and Sri Lanka. However, stocks of skipjack were traditionally exploited in India, off both the south-west and south-east coasts. Skipjack was also

(Mr. Jagota, India)

processed and exported. Processing installations and the fishing fleet had been modernized. He therefore wished to request that the omission be rectified. India appreciated FAO's efforts to promote the development of fisheries. It welcomed the increasing co-operation with the United Nations, UNDP and the specialized agencies, especially FAO, with a view to rapid exploration and inventorying of marine resources, and the development of regional and national potential through the training of counterpart personnel.

Mr. OLSZOWKA (Poland) thanked FAO for its contribution to the Committee's work. His delegation was one of those which had requested FAO's participation in the Committee's work, and was fully satisfied with the way in which FAO had carried out its task. His delegation associated itself with those which had requested FAO to ensure that the documents it circulated to Committee members were kept up to date. It also associated itself with the thanks expressed to the Intergovernmental Oceanographic Commission and the International Hydrographic Organization.

Mr. VELLA (Malta) thanked FAO, the Intergovernmental Oceanographic Commission and the International Hydrographic Organization for the information and documentation they had made available to the Committee, and for the co-operation they had provided or promised for the Committee's work.

His delegation, like the Australian delegation, favoured the establishment of a group of experts to provide the Committee with the technical information it needed to take political decisions.

The meeting rose at 12.15 p.m.

SUMMARY RECORD OF THE NINETY-THIRD MEETING

Held on Friday, 6 April 1973, at 3.45 p.m.

Chairman:

Mr. AMERASINGHE

Sri Lanka

## PROGRESS REPORTS ON THE WORK OF THE SUB-COMMITTEES

The CHAIRMAN invited the Chairmen of the Sub-Committees to submit their reports.

Mr. ENGO (Cameroon), speaking as Chairman of Sub-Committee I, said that his letter to the Chairman of the Committee together with his statement summing up the work of Sub-Committee I (A/AC.138/SC.I/L.23) contained all that he needed to say concerning the work of Sub-Committee I. The Chairman of the Working Group had reported extensively on the latter's work; consequently, all members were fully acquainted with what the Working Group had accomplished. Finally, he asked the Rapporteur of Sub-Committee I to introduce the Sub-Committee's recommendation to the Committee.

Mr. MOTT (Australia), speaking as Rapporteur of Sub-Committee I, introduced the recommendation of the Sub-Committee (A/AC.138/SC.I/L.20) concerning the factual study to be requested from the Secretary-General of precedents of provisional application of multilateral treaties, which had been worked out in the course of detailed discussions and negotiations.

The CHAIRMAN said that, if there was no objection, he would take it that the recommendation was adopted.

It was so decided.

Mr. GALINDO POHL (El Salvador), speaking as Chairman of Sub-Committee II, said that during its lengthy debates the Sub-Committee had studied a number of items and considered a number of specific proposals for draft treaty articles. A comprehensive account of the work of the Working Group could be found in the summary records of the Sub-Committee's meetings. Although much remained to be done, a great deal had already been accomplished, and it could be said that the Sub-Committee had reached the "take-off" stage in elaborating a series of draft treaty articles.

Mr. KEDADI (Tunisia), speaking as Chairman of the Working Group of the Whole of Sub-Committee II, noted that the Working Group had passed through a number of stages since its inception and was almost at the point of negotiating draft treaty articles. However, it could embark on the last stage of its work only

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(Mr. Kedadi, Tunisia)

when all specific proposals had been submitted. All delegations had shown a spirit of goodwill and a realization of the need for concrete decisions.

Mr. van ESSEN (Belgium), speaking as Chairman of Sub-Committee III, said that the debates in the Sub-Committee had centred around the question of scientific research and, although the general debate had been closed on 2 April, it had been agreed that delegations wishing to present draft treaty articles relating to the question might do so later in the Committee. The Sub-Committee had heard a statement by the observer for IMCO concerning progress in the preparatory work for the conference to be held later in the year and a statement by the Deputy Executive Director of the United Nations Environment Programme. A 33-member, open-ended Working Group on Scientific Research had been established and had already met, elected its Chairman and decided to ask Governments to forward any proposals they might have concerning scientific research. The Sub-Committee had later decided to add consideration of the problem of the transfer of technology to the Working Group's terms of reference, and he had been informed by the Chairman of the Group that the change would be reflected in the note sent to Governments. Finally, he pointed out that the Chairman of the Working Group on Marine Pollution (Working Group 2) had sent him a note (A/AC.138/SC.III/L.39) reporting on the work accomplished by his Group at the current session.

The CHAIRMAN said he assumed that the Committee would take note of that document. He thanked the Chairmen of the three Sub-Committees and of the Working Groups, and said that the Committee could derive satisfaction from the amount of work accomplished during the session, the increase in the number of texts submitted and the evident determination to come to grips with the substantial problems involved. He urged all delegations to submit texts of draft treaty articles as soon as possible, so that the Committee could take up specific issues at its summer session.

#### ARRANGEMENTS FOR THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

The CHAIRMAN,\* referring to his unofficial note circulated on 3 April, said that, apart from having the Secretary-General continue with the administrative arrangements for the Conference, it was not intended to lead to any action at the

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\* The text of the Chairman's statement is reproduced in extenso in accordance with a decision by the Committee.

(The Chairman)

current session. He invited participants in the forthcoming Conference, both members of the Committee and others, wishing to offer the Secretary-General guidance in the preparation of the draft rules of procedure to convey their views to him (the Chairman). The deadline for such submissions could be decided later, but the administrative arrangements must be completed before the opening of the Committee's summer session.

Although under paragraph 6 of General Assembly resolution 3029 A (XXVII) the Secretary-General had sufficient authority to make the necessary arrangements, he drew attention to the statement on the financial implications of that resolution read out by the Secretary of the First Committee at the 1914th meeting, which indicated that the Secretary-General considered that it would be necessary to provide for the continued availability of an official of senior rank as his special representative with effect from 1 August. The question of leadership was very important, as was that of strengthening the secretariat so as to ensure proper representation of all groups. Indeed, the question of proportional and adequate representation of developing countries in the secretariat of the Conference had been raised by the representative of Peru at the 2114th meeting of the General Assembly, and he (the Chairman) would take the matter up with the Secretary-General.

In other respects, his note had merely been intended to set the consultations in motion. He personally intended to stay in touch with all participants in the forthcoming Conference to ensure that consultations were carried out on as broad a basis as possible. However, since some misunderstanding seemed to have arisen over the terms of the note, it should be stated clearly that it had not been his intention to suggest that negotiations should be left to the Conference stage. The reference to the possibility that the Committee might find it necessary to present to the Conference alternative texts and to transfer to the Conference the task of negotiation should be seen only as a recognition of the need to ensure a smooth transition of negotiations into the Conference phase if they could not be completed in the Committee. Similarly, the reference to "stages" in the voting procedure concerned only what might be done in the subsidiary



(The Chairman)

Committees as compared with the plenary Conference and should not be interpreted as in any way referring to the element of time. Obviously, every effort must be made to achieve final agreement at Santiago.

Another aspect to the problem of ensuring a smooth transition from the committee to the Conference stage was the importance of maintaining continuity of representation. He did not presume to advise Governments on whom they should send to the Conference, but merely wished to draw their attention to the importance of the human factor in achieving an increasing degree of understanding.

He invited comments by the Chairmen of regional groups and by members whose views were not generally represented by any group.

Mr. KANIARU (Kenya), speaking on behalf of the African Group, said that the members of the Group wished to have a further exchange of ideas on the Chairman's unofficial note. They would communicate their views to the Chairman at a later date.

Mr. YANGO (Philippines), speaking on behalf of the Asian Group, said that the Group had paid special attention to the Chairman's suggestions concerning draft rules of procedure for the Conference and the secretariat of the Conference. As to the draft rules of procedure, members of the Group felt that Governments should be given an opportunity to express their views on the matter. They proposed, therefore, that the Secretary-General should send a circular note to Member States represented on the Sea-Bed Committee. A copy of the Chairman's unofficial note should be annexed to the circular note, together with copies of the rules of procedure of the 1958 and 1960 Conferences on the Law of the Sea and of the 1968-1969 Conference on the Law of Treaties. Governments should be requested to submit their views by mid-June so that they could be considered by the Committee at its summer session. As to the secretariat for the Conference, the Group considered that the United Nations Secretariat was already authorized to undertake the administrative arrangements. It had no objection to the suggestion that the Secretary-General of the United Nations should act as Secretary-General of the Conference, but felt that that was also a matter on which the views of Governments should be sought. That question, too, should therefore be covered in the circular note to which he had referred.

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(Mr. Yango, Philippines)

In conclusion, members of the Asian Group suggested that the Secretariat should prepare a master file of all documents relating to the sea-bed. The existence of such a file would greatly assist delegations in their work.

Mr. HULINSKY (Czechoslovakia), speaking on behalf of the Group of Eastern European States, said that the Group would study the Chairman's note and submit suggestions on the questions raised in it in due course.

Mr. AGUILAR (Venezuela), speaking on behalf of the Latin American Group, said that a distinction must be made between the purely administrative aspects of organization of the Conference and other more substantive matters. So far as the administrative aspects were concerned, the General Assembly had already given the Secretary-General a mandate in its resolution 3029 A (XXVII). There was therefore no need for the Committee to take decisions on those questions.

Delegations had not had sufficient time to consider the more substantive matter of the preparation of draft rules of procedure. The members of the Latin American Group therefore suggested that discussion of that important question should be deferred until the summer session, or even until the twenty-eighth session of the General Assembly.

There was a consensus in the Latin American Group that the Secretary-General of the United Nations should serve as Secretary-General of the Conference with the right to appoint his representative and also to appoint the staff of the Conference. So far as the Conference staff was concerned, members of the Group had expressed the view that account must be taken of the need to ensure the equitable representation of all geographical areas.

He had not had an opportunity to consult his colleagues on the Asian Group's proposal concerning the compilation of a master file, but it would seem that such a file would be most helpful to delegations.

Mr. ANDERSEN (Iceland), speaking on behalf of the Group of Western European and other States, said that the suggestions made by the Chairman in his statement at the current meeting were in keeping with the views of the Group of Western European and other States. He was sure that there was no opposition in the Group to the steps the Chairman proposed to take.

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Mr. MOORE (United States of America) said that his delegation supported the suggestions put forward by the Chairman in his unofficial note.

Mr. BEESLEY (Canada) said that his delegation wished to take stock of the situation and raise for consideration certain possibilities concerning the Committee's future work.

At the 83rd meeting of the Committee, his delegation had said that the broad outlines of a possible settlement seemed to have emerged. Developments at the current session had confirmed that view. At the same meeting, his delegation had expressed the view that the time had come to restructure the law along the lines of every system of civilized law by laying down, through multilateral treaties, the duties and rights of States. Developments at the current session indicated that that process had begun. At the preceding session, his delegation had stressed the need for the future law of the sea to achieve an equitable balance of interests between coastal States, flag States, distant-water fishing States and land-locked States, and between the respective interests of States and the interests of the international community as a whole. That view had been widely reflected at the current session. It had suggested that the time had come to abandon the polarization of views concerning the merits or demerits of "creeping jurisdiction" as compared to "roving sovereignty" and to seek an accommodation of interests. That process was now under way. It had suggested further that the functional approach whereby specialized jurisdiction was exercised only to the extent necessary provided a possibility of meeting those objectives. Developments at the current session confirmed that that was a growing trend. His delegation had pointed out that it had used the term "custodianship" to illustrate the conceptual approach which might be adopted. Developments at the current session indicated that that concept was being reflected in the proposals put forward by delegations. At the 83rd meeting of the Committee, and again in the First Committee at the twenty-seventh session of the General Assembly, Canada had suggested that there appeared to be a developing trend towards an accommodation based on agreement upon a narrow band of sea over which coastal States would assert sovereignty coupled with a wider band of specialized jurisdiction extending as far as necessary to meet particular objectives. The proposals put forward by the Kenyan delegation at the previous session (A/8721, p. 180) and by the delegations of Colombia, Mexico and

(Mr. Beesley, Canada)

Venezuela, at the current session (A/AC.138/SC.II/L.21) confirmed his delegation in that view. Canada was convinced that in those concepts lay the key to an over-all accommodation on the law of the sea. To the extent that there were still difficulties in reaching general agreement on those concepts, they might be as much in problems of terminology as in substance. In that connexion, his delegation welcomed the proposals made by the Peruvian delegation in Working Group meetings. The general position of the Canadian Government on those questions had been made clear in a recent communiqué issued by the Prime Minister of Canada and the President of Mexico, which stated that the Declaration of Santo Domingo reflected the common position of Canada and Mexico on many of the law of the sea issues requiring resolution. His delegation therefore suggested that, if new terminology was needed in order to express new concepts, the Committee should direct its attention accordingly.

Unfortunately, it could not yet be said that there was a trend towards accommodation on problems relating to rights of navigation. There had, however, been introduced a series of draft articles on the territorial sea and passage through straits used for international navigation (A/AC.138/SC.II/L.18), which attempted to develop the concept of innocent passage in a manner reflecting contemporary needs. His delegation had expressed reservations about the desirability of opening up for discussion rights of passage through straits not used for international navigation, but it recognized the merits of the approach reflected in the draft in question, and suggested that an attempt should be made to define straits used for international navigation.

Sub-Committee III and its Working Group 1 had made real progress on the question of the manner in which measures would be taken to preserve the marine environment and guard against pollution without doing violence to the interests of the international community in ensuring freedom of navigation. Perhaps the work of that Sub-Committee and that Working Group would provide eventual solutions to some of the basic problems concerning rights of navigation.

The drafts submitted to the Committee at its current session on the concept of archipelago waters (A/AC.138/SC.II/L.15) and on delimitation of the territorial sea (A/AC.138/SC.II/L.16 and L.19) had provided constructive contributions to the work of the Committee. His delegation would comment on those proposals in greater detail at the next session.

(Mr. Beesley, Canada)

Less progress had been made on the question of the régime and machinery for the area of the sea-bed beyond national jurisdiction than his delegation would have liked. However, the Chairman of Sub-Committee I and its Working Group were to be commended on the manner in which they had directed the proceedings in the Sub-Committee and Working Group. A great deal of work remained to be done on that question if the Conference on the Law of the Sea was to be a success.

It seemed to his delegation that the Committee had reached a transitional stage in its work. It had moved from the exposition of general positions to the reflection of those positions in concrete texts. It was thus laying the groundwork for the commencement of the negotiating process. Inevitably, more and more texts were being introduced, and the initial impression might be one of greater diversity rather than greater solidarity. However, an essential part of the process of reaching accommodation lay in the concretization of national and interest-group positions in specific texts; it was only when that had occurred that the reconciliation process could begin. There were now a sufficient number of texts before the Committee to enable delegations to raise with their Governments the policy issues reflected in them. That was essential if the negotiating process was to be taken a stage further at the next session. Indeed, it must be done in order to ensure the success of the Conference on the Law of the Sea. Admittedly, not every Member of the United Nations was represented in the Committee, but the Committee did reflect virtually every shade of opinion within the United Nations on the issues before it. His delegation would participate in every effort aimed at a reconciliation of interests, and it invited any other delegations which might have further proposals, whether or not in final form, to exchange views on as wide a basis as possible before the summer session.

Mr. ZEGERS (Chile) said that his Government, which would act as host to the Conference on the Law of the Sea, was particularly anxious that some progress should be made in the negotiating process before the Conference opened. As the Chairman of Sub-Committee II had said, the Committee had reached the "take-off" stage in its work. The progress made in all the Sub-Committees during the current session should encourage delegations to exchange views on the various proposals before the summer session. The success of the Committee would be judged by the

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(Mr. Zegers, Chile)

report it issued upon completion of its summer session. The General Assembly had made provision for an eight-week summer session in order that the Committee might reach agreement on proposals which could later serve as a basis for discussions at the Conference. In that connexion, he suggested that it would be helpful if the instructions given by Governments to their delegations were sufficiently flexible to enable them to reach agreements at the Geneva session.

With regard to the Chairman's unofficial note on the organization of the Conference, he suggested that the statement made by the Chairman at the current meeting should be reproduced in extenso in the summary record of the meeting. As the representative of Venezuela had said, the administrative aspects of the Conference were the responsibility of the Secretary-General. The Chilean delegation agreed that the Secretary-General of the United Nations should serve as Secretary-General of the Conference with the right to appoint his representative. The preparation of draft rules of procedure was a matter within the competence of the Conference itself. It was also a matter on which delegations might hold consultations during the summer session. He suggested, in that connexion, that if a circular note was sent to Governments it should contain a reference to opinions expressed at the current meeting. The Conference on the Law of Treaties had adapted a special procedure, and it would seem preferable that the forthcoming Conference should do likewise, using the rules of procedure of the previous Conferences on the Law of the Sea as a point of reference. With regard to the fifteenth paragraph of the Chairman's note, it would not be desirable for the Committee to present the Conference with alternative texts; every effort must be made to prepare a single text. Delegations must go to the summer session prepared to negotiate, to reach a common ground and thus to ensure the success of the third Conference on the Law of the Sea.

Mr. PARDO (Malta) supported the Philippine representative's proposal regarding the compilation of a master file of all documents of the Sea-Bed Committee. His own delegation did not have all the relevant documents, nor was it able to obtain them, since a number of them were no longer in print. It was therefore essential to compile a master file for the purpose of consultation by delegations. His delegation would also like to have a master file of the major decisions and resolutions of the specialized agencies, including FAO, IMCC and WMO, and of IAEA,

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(Mr. Pardo, Malta)

on matters of concern to the Sub-Committee on Scientific Research, whose work might otherwise not be entirely in harmony with that carried out elsewhere in the United Nations system. Finally, the relevant decisions and recommendations of important non-governmental organizations, such as the International Council of Scientific Unions, should be compiled for consultation purposes.

The forthcoming Conference would be probably the longest conference in modern times, and perhaps one of the most important. It was difficult for any Government to guarantee continuity of representation in its delegations, and documentation must therefore be kept up to date and must be comprehensive, so that any new representative would have all the information he needed. At least 50 States not represented in the Committee would participate in the Conference, and his delegation wished to propose that a background paper should be prepared by the Secretariat early in 1974 for distribution to all participating States, containing a brief historical account and all important resolutions. Such a paper could be compiled very easily, mainly from the previous reports to the General Assembly, and it should bring out the main issues and the trends of opinion within the Committee in respect of those issues.

Finally, his delegation wished to urge that the specialized agencies should be associated more directly in the preparatory work for the Conference at the secretariat level, and it considered that FAO, in particular, could make a very important contribution to the work of the Committee.

Mr. HALL (Secretary of the Committee) said that the Secretariat would continue to co-operate fully with the specialized agencies in all matters relating to the Conference.

Mr. CASTAÑEDA (Mexico) said that his delegation wished to propose that the recent study by Pacem in Maribus on ocean developments should be distributed to members of the Committee.

The CHAIRMAN said that if there was no objection, he would take it that the Committee adopted the proposals with regard to documentation submitted by the representatives of Malta and Mexico.

It was so decided.

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Mr. CASTAÑEDA (Mexico) recalled that the Canadian delegation had stressed the importance of negotiations between delegations which had submitted specific proposals and other interested States to ascertain the possibility of reaching a consensus. His delegation believed that it would be desirable for delegations to enter into negotiations under the auspices of the Committee, and it wished to propose the following formulation:

"The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

"Taking note of the various proposals submitted by different States on the items falling within the competence of Sub-Committee II,

"Invites the sponsors of those proposals and other interested States to establish contact and consult together, in such manner as they consider appropriate, with a view to harmonizing and reconciling their positions, so far as possible, during the period between the end of the present session and the beginning of the summer session of the Committee."

Mr. ARIAS-SCHREIBER (Peru) said that, while he agreed that it would be desirable for delegations to meet before the next session in order to try to bring their positions closer together, he felt that any consultations should be arranged directly by Governments and should not form the subject of a specific agreement within the Committee. Furthermore, a number of delegations intended to submit additional draft proposals, and it might be better to wait until all the drafts had been submitted. At the present time, it would be premature to take an initiative of the kind envisaged by the representative of Mexico.

Mr. CASTAÑEDA (Mexico) said he did not see why there should be any objection to his proposal on the ground that some delegations had not yet submitted their drafts. However, he was prepared to withdraw his proposal if it did not find favour with delegations.

The CHAIRMAN said that it would be clearly in the interest of the future work of the Committee if delegations were to consult on an informal basis with a view to reducing their differences.



Mr. ABDEL-HAMID (Egypt) felt that it would be wise to examine the various precedents which might be instrumental in helping the Committee to select its rules of procedure for the forthcoming Conference.

Mr. ALEMÁN (Ecuador) said, with regard to the procedural questions raised in the Chairman's statement, that his Government reserved the right to express its views in due course.

The CHAIRMAN drew attention to the proposal made by the representative of the Philippines, on behalf of the Asian Group, that the Secretary-General should circulate a note to States members of the Sea-Bed Committee, annexing thereto his (the Chairman's) unofficial note of 3 April 1973, the rules of procedure of the Geneva Conferences of 1958 and 1960 and those of the Conference on the Law of Treaties of 1968-1969, and inviting Governments to communicate their views and observations.

Miss MARTIN-SANE (France) said that her delegation would have preferred the original procedure suggested by the Chairman, because only participants in the Conference would be concerned with its rules of procedure. It would be better to hold informal consultations before adopting a firm position on the question.

Mr. ENGO (Cameroon) suggested that the note by the Secretary-General should also include the statement made by the Chairman at the current meeting.

Mr. YANGO (Philippines) said that the Asian Group could agree to the inclusion of the Chairman's statement in the circular note. However, the Group felt strongly that the note should not be sent to non-members of the Sea-Bed Committee. The Committee would submit its recommendations with regard to the Conference to the General Assembly, and all Member States would have the opportunity of considering them at that time.

The CHAIRMAN said that his intention was not to confine the process of consultation to the members of the Committee alone but to include also other States Members of the United Nations.

Mr. YANGO (Philippines) speaking on behalf of the Asian Group, endorsed the Chairman's suggestion that States not represented on the Committee should be included in the consultations.

Mr. ARIAS-SCHREIBER (Peru) said that his delegation, while attaching great importance to universal participation in the Conference, thought it best to defer to the summer session any decision as to what States would be invited to participate.

Mr. MALIK (Union of Soviet Socialist Republics) said that it would be desirable for the Chairman to include in his consultations States not Members of the United Nations, since such States would have an important contribution to make to the success of the Conference. With regard to the matters raised in the Chairman's informal note, he thought it would be useful for Governments to inform the Chairman in one way or another of their views, preferably before 15 June, so that it would not be necessary to spend a great deal of time at Geneva discussing procedural questions.

Mr. ENGO (Cameroon) said that if it were decided to send a circular note - and his delegation was not convinced of the need for such a note - the explanations given by the Chairman at the beginning of the discussion should be appended to the note. It would be best, however, if the Asian Group did not press its proposal; for, in his view, the process of informal consultations which the Chairman had proposed would be much more likely to produce fruitful results and would not require Governments to commit themselves to hard and fast positions in advance of negotiations. A further problem connected with the sending of a note was whether it should be sent to States not Members of the United Nations. At the present stage of the Committee's work, it was clearly impossible seriously to consider the question which States were to be invited to the Conference.

The CHAIRMAN suggested that, in view of the difficulties pointed out by a number of delegations, the representative of the Philippines might consider withdrawing his proposal for the sending of a circular note.

Mr. YANGO (Philippines) said that the purpose of the Asian Group's proposal had been to assist the Chairman in his task; however, if it was felt that the proposal would not facilitate the Chairman's task, he was of course willing to withdraw it.

Mr. AL-QAYSI (Iraq) said that the main purpose should be to proceed with the consultations. His delegation was concerned that States not represented in the Committee should be involved in the consultations; it therefore welcomed the Chairman's suggestions in that regard in the last two paragraphs of his informal note.

Mr. STEEL (United Kingdom) supported the view that the conduct of the consultations should be left to the Chairman so that Governments would not be obliged to commit themselves publicly on the matters raised in the Chairman's note in advance of negotiations.

The CHAIRMAN said that, if there was no objection, he would proceed to undertake consultations in the manner outlined in his note.

It was so decided.

The CHAIRMAN, turning to the question of the organization of work for the summer session, noted that provision had been made for interpretation facilities at Geneva for a maximum of three meetings simultaneously in the morning and three meetings in the afternoon. Provision for summary records, however, had been limited to one meeting in the morning and one meeting in the afternoon. On the basis of the experience of the preceding session, the Committee could expect to be very busy indeed at the end of the forthcoming session. He therefore proposed that provision should be made for summary-record coverage of two meetings in the morning and two meetings in the afternoon during the last two weeks of the summer session.

Replying to a question put by the representative of Malta, the CHAIRMAN said that he did not think it would be necessary to provide interpretation facilities for more than three meetings simultaneously, particularly since the resources of a number of smaller delegations would be strained by having to attend even three meetings at the same time.

Mr. HALL (Secretary of the Committee), indicating the financial implications of the Chairman's proposal, said the United Nations Office at Geneva had informed him that the additional cost of holding four meetings a day to be covered by summary records during the last two weeks of the session would amount to \$83,800.

The CHAIRMAN said that, if there was no objection, he would take it that the Committee approved his proposal and the statement of financial implications provided by the Secretary.

It was so decided.

CLOSURE OF THE SESSION

After an exchange of courtesies, the Chairman declared the session closed.

The meeting rose at 6.25 p.m.