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CONTENTS

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

AGENDA ITEM 25

(a) Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction *(continued)* (A/8021, A/C.1/L.536 and 542);

(b) Marine pollution and other hazardous and harmful effects which might arise from the exploration and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction: report of the Secretary-General *(continued)* (A/7924, A/C.1/L.536);

(c) Views of Member States on the desirability of convening at an early date a conference on the law of the sea: report of the Secretary-General *(continued)* (A/7925 and Add.1-3, A/C.1/L.536 and 539);

(d) Question of the breadth of the territorial sea and related matters *(continued)* (A/8047 and Add.1, Add.2/Rev.1, Add.3 and 4, A/C.1/L.536)

1. The CHAIRMAN *(interpretation from Spanish)*: Before calling on the first speaker on my list may I remind the Committee that, in accordance with the decision adopted at this morning's meeting *[1776th meeting]*, the list of speakers in the general debate on this item will be closed this afternoon at 6 p.m.

2. Mr. SALIM (United Republic of Tanzania): It is now three years since the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, of which the United Republic of Tanzania has the honour to be one of the Vice-Chairmen, embarked on its task of drawing up a comprehensive and balanced statement of legal principles and preparing an appropriate international régime to cover all activities of exploration and exploitation of the sea-bed and ocean floor and its subsoil beyond the limits of national jurisdiction. I believe that it is within the knowledge of all the members of the sea-bed Committee, as well as of all the other delegations not represented on that Committee, that it made very slow progress over this whole period. The trend within the Committee was one of great caution and deliberation; most delegations had certain positions and few were willing to budge from those positions without being assured of clear compensating advantages, thus making any type of compromise extremely difficult. Nowhere was such a position so clearly illustrated as during the last session of the Committee held in Geneva last August over a period of five weeks. During that session participants resorted to every method and technique to try and solve the deadlock that clearly existed between most of them. It seemed that all those efforts were futile from the very outset for a very simple reason: most of the participants in the conference just did not have the political will to achieve a compromise by showing readiness to make certain concessions. We thus left Geneva a completely disenchanted group, with almost no hope that we would be able to achieve anything in the foreseeable future. But this is not so true today. Suddenly we find ourselves in a position where, after all the disappointments over the last three years, we can achieve a remarkable result. I am referring to document A/C.1/L.542. That document was introduced to this Committee by the Chairman of the sea-bed Committee, Mr. Amerasinghe of Ceylon *[1773rd meeting]*. It was the result of the untiring efforts of Mr. Amerasinghe and of Mr. Galindo Pohl, the Chairman of the Legal Sub-Committee of that Committee. Through their efforts and those of the members of their staffs, continuous consultations were held with all the members of the sea-bed Committee during the current session of the General Assembly. I am pleased to say that during those discussions many of those consulted showed a remarkable degree of political will to compromise on certain fundamental issues, a will that had seemed to be lacking in the Geneva meeting and in other preceding sessions of the sea-bed Committee. The result of all these consultations and compromises is, as Mr. Amerasinghe puts it in his letter to you, Mr. Chairman, dated 25 November 1970: "a draft Declaration has emerged which, in my

opinion, reflects the highest degree of agreement attainable at the present time".

3. From the very outset let me make it quite clear that my delegation views this draft as a compromise. The United Republic of Tanzania has several reservations, which we consider are extremely important, but we shall not press that those reservations have to be satisfied so long as other delegations do not insist on bringing in amendments or changes to satisfy their positions. This draft has been described as a delicate or fragile balance and my delegation is convinced that the slightest change in the draft would ruin the existing balance and thus make it impossible for many delegations to support it, as they are willing to do now.

4. As I have stated, the United Republic of Tanzania has some reservations pertaining to this draft. We shall not insist on any amendments, but I would like to point out a few of those reservations as examples. As members of the Committee may recall, the United Republic of Tanzania was one of the sponsors of the draft resolution contained in document A/AC.138/SC.1/L.2, a document popularly referred to in this Committee as "L.2" *[A/8021, annex I, appendix I]*. The United Republic of Tanzania, with a number of non-aligned and Latin American States, drafted document A/AC.138/SC.1/L.2, which in fact represents the true position of my Government as regards the sea-bed. One has only to study that draft resolution and compare it with this compromise draft to see that we have sacrificed many fundamental issues in order to achieve the present compromise. It was not an easy matter for us to make those sacrifices, for we realize that future activities on the sea-bed will have a great effect on the economy of the world and may constitute the most important factor that will radically change the economies of the developing nations. We do not intend to put ourselves in a position where we will not be able to enjoy the fruits of these activities, or to let the control of such activities remain in the hands of the developed nations and thus maintain the *status quo*. On the other hand, the United Republic of Tanzania has realized that to maintain an obstinate position would not be of any benefit in the long run. The exploration of the sea-bed and the exploitation of its resources can be possible only through international co-operation, and the result of such exploration and exploitation should be shared equitably by all nations.

5. This being the position of my Government, the United Republic of Tanzania was willing not to insist on its own position on such matters as scientific research and State responsibility, subjects on which there has been a drastic change from the draft resolution contained in document A/AC.138/SC.1/L.2 to the present draft. These are not the only changes, but I shall not list them all, for our intention here is to achieve unity and not to highlight our differences. We hope that this will be the approach taken by all other delegations, for such an approach will make it possible for this Committee to adopt the draft declaration on legal principles, and hence make possible its eventual adoption by the General Assembly during this twenty-fifth anniversary of the United Nations.

6. Turning to the subject of marine pollution and other hazardous and harmful effects which might arise from the exploration and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, my delegation has studied with great interest the Secretary-General's report contained in document A/7924, which was submitted to the sea-bed Committee during its session in Geneva in August 1970. I do not intend to discuss this report at any length, for we shall consider it in greater detail during the meetings of the sea-bed Committee. At this time I only wish to congratulate the Secretary-General on this very informative document. It contains several paragraphs of great interest to my Government, which is particularly aware of this great problem of marine pollution. Up to now, Tanzania has been fortunate in not being too gravely affected by pollution resulting from the activities of exploration or exploitation of the sea-bed, since these activities in our part of the world have been rather limited so far, but we cannot indulge in any complacency merely because we have not been too much affected. We realize that pollution from such activities in other areas of the world is rampant and is causing great damage to the marine environment. It is just a matter of time, and I believe that the time will not by any means be too long, before the coast of eastern Africa will experience harmful and dangerous pollution to the same extent that others are now experiencing it.

7. We are aware that exploration is being carried out in several areas off the east coast of Africa and the neighbouring islands and that sooner or later oil wells will be drilled, if they have not been drilled already. It is imperative, therefore, that better techniques be developed to prevent oil from contaminating the surrounding sea and that a system be set up under which parties liable for causing such pollution pay adequate compensation for damage caused and for the cost of cleaning up the oil slicks and other substances causing pollution.

8. As I have already mentioned, up to now the United Republic of Tanzania has not had the misfortune of great pollution arising from the exploration and exploitation of the sea-bed, but on numerous occasions its coasts and territorial sea have been fouled by oil deposits. These oil deposits come from oil tankers that indulge in the practice of washing their tanks with sea water a few miles from the coast of the United Republic of Tanzania. My Government strongly condemns this and we would equally strongly support any action to put an end to this malpractice and to hold responsible those who indulge in it.

9. As regards the desirability of convening at an early date a conference on the law of the sea, the United Republic of Tanzania considers that it would be useful to convene such a conference to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, and fishing and conservation of the living resources of the high seas, particularly in order to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and the ocean floor which lies beyond the limits of national jurisdiction. In fact, all aspects of the law of the sea and other subjects, such as the prevention of marine pollution, should be included in the agenda of such a conference, since it is accepted that they are closely linked and should not therefore be considered in isolation from one another.

10. There should be adequate preparation for the Conference, both from the technical and legal points of view, so that the decisions to be taken during its meetings will reflect the present state of relevant scientific knowledge and the whole range of political options. In order to achieve that end, it might be advisable to assign the task of planning the necessary preliminary work to a fairly representative committee which would consider different proposals submitted by Member States and then prepare the groundwork for the actual conference.

11. As will be noted from General Assembly resolution 2574 A (XXIV), of which the United Republic of Tanzania was one of the sponsors, most of the present conventions pertaining to the sea-bed and the high seas are outmoded or vague on many critical issues. The result of this has been a growing tendency on the part of certain coastal States, most of them developing nations, to extend their sovereignty and jurisdiction over a larger area of the sea-bed and the high seas. Their justification for such action has been that it was necessary, in the absence of clear and unambiguous international legislation, to govern the high seas and the sea-bed and to protect their marine resources from the depredation and pollution resulting from new methods of exploiting the sea and the sea-bed.

12. My Government is in sympathy with this approach, although we have not up to now taken such steps ourselves. This whole question is very much involved with the last part of item 25, namely, the question of the breadth of the territorial sea and related matters. It is clear that this is a burning issue and a very controversial matter. Several of the statements made in this Committee during this debate have concentrated at great length on the many issues involved in this question. We have heard pleas and arguments varying from one extreme sphere of thought to the other. I will not indulge in expressing our views as to the pros and cons of one approach as compared to the other. Our chief concern is to draw to the attention of the members of this Committee, if it is not already very much the object of their attention, that now is the time to realize that there is indeed a great danger of the situation getting out of control easily if we do not take the proper steps to evade such consequences.

13. The present law regarding this matter is clearly insufficient in the light of new methods of exploration and exploitation of the sea-bed and its resources. Therefore, what is required now is a complete review of the present international legal position governing this whole question of the high seas and the underlying sea-bed. It is of lesser importance to argue why it is necessary to have a wider breadth of the territorial sea or, conversely, a narrower breadth of the territorial sea. What is important is to draw up new rules and regulations governing this issue, rules and regulations which will have the support of the vast majority of the nations of the world, developed and developing, and as such make any unilateral action in this field unnecessary. But so long as the *status quo* is maintained, it will be impossible to restrain many States from taking unilateral action. This is very true of developing States which feel that most of the present legal conventions on this subject are detrimental to their interests while favouring the interests of developed nations. This being the situation, the Government of the United Republic of Tanzania is in favour of a unified approach to these problems, an approach that could arise from the forthcoming conference on the law of the sea.

14. Mr. ARIAS SCHREIBER (Peru) *(interpretation from Spanish)*: In his statement on 25 November *[1773rd meeting]*, the Secretary-General referred to the fact that the existing concern of the Member States over the advance of technology and the lack of an international régime to cover the sea-bed might compel States to interpret their national jurisdictions or national interests in such an extensive fashion that international co-operation could be seriously compromised.

15. My Government shares the feeling of urgency that must force the international community to take measures to devise an equitable régime in the near future. However, we believe that the reason for the urgency is not the possibility that States may adapt their jurisdiction to their own realities and needs in respect of the rights that have been recognized in numerous international instruments, but rather the possible abuse of the zone by enterprises of the developed countries. This danger is still present, and it was this that led the General Assembly at its twenty-fourth session to adopt a very important resolution, resolution 2574 D (XXIV), by more than a two thirds majority establishing a moratorium on the exploitation of the sea-bed beyond national jurisdiction until an international régime could come into force for the area.

16. Having clarified this point, I shall now make known the views of my delegation on some of the matters involved in the present debate. The task we are now undertaking calls for a very clear definition of concepts. The developing countries have evolved sufficiently to understand precisely what is at stake. We have responsibilities to our people that we can hardly ignore because, apart from being just, the requirements of our peoples are urgent. We are not ready to sacrifice them to foreign enterprises. We will defend our inalienable right to dispose of the natural resources along our adjacent areas in order to encourage the strengthening of our economies against the eagerness of private interests that would exploit these resources that lie beside our coasts in order to increase their own prosperity at the expense of ours.

17. These words express truths that rest on unchallengeable, historic facts. It is common knowledge that more than 20 years ago the Peruvian Government extended its maritime sovereignty to a distance of 200 miles in order to protect our resources from indiscriminate and abusive exploitation that threatened the survival of a number of species. It is also common knowledge that, thanks to the efforts of our own people, despite the rudimentary means at our disposal, Peru in a very few years became the leading fishing nation of the world in terms of the total volume of its catches. More than 30 per cent of the foreign exchange that we receive from exports come from the resources of the sea. Important industries have been established on which thousands of persons depend. From their taxes, the State obtains a large income to speed up the development of our country.

18. All this has been made possible by our 200-mile jurisdiction over the sea. The so-called Peruvian miracle is

due not only to the ichthyological wealth that has compensated for our arid coastline and the narrow continental shelf–but is also the result of the decision we took to defend that wealth and of the capacity we have shown and our perseverance in exploiting it. This is a lesson that should be learned by all countries in a similar situation determined to promote and encourage their development to the full, and one that should be borne in mind when we discuss the efforts of the great Powers to reduce the breadth of national jurisdictions over the sea-bed.

19. The United States representative, in a recent statement on this question *[1774th meeting]*, said that countries which increased the area of their maritime sovereignty thereby reduced the exploitable area to be utilized in the common interest. At first sight, this might appear to be true, but in the long run it is the opposite that holds true. First of all, we have no guarantee that the international régime for the sea-bed will actually be established. On the one hand, we have been witnesses in the Committee on the sea-bed, and we will very soon be witnesses here, to the categorical and systematic opposition of one of the super-Powers and of the States which vote with it, to the draft declaration of principles *[see A/C.1/L.542]*, which is a mere first step. On the other hand, we have seen the concurrent opposition on the part of the other super-Power, and of some countries which agree with it, to the proposal to achieve universality in that community, failing which certain not unimportant nations would be excluded and this for political reasons that have nothing whatever to do with the resources of the sea.

20. Secondly, we all know that if the international régime were to be established, the real and substantial benefits from the exploitation would accrue to those firms that extracted the resources from the bed and subsoil which, according to the United States proposal itself *[A/8021, annex V]* known as "the Nixon proposal", would profit commercially thereby. The net income of the international authority would be reduced to sums received for licences, rights and other payments. Part of this income would be allocated to the administrative expenses of the organization. Another portion would be earmarked to promote efficient exploitation, research, protection of the marine environment, survey of the zone and technical assistance to the contracting parties or their nationals. Only when all this had been deducted would the balance be applied to encouraging the economic development of the developing countries, but first it would be divided among the international and regional organizations operating in the field. Finally, what was left would be divided among so many countries that each would receive a mere pittance.

21. Thus, we see that by "general interests" the great Powers mean and have always meant the profit accruing to their own firms in the vast areas over which national jurisdiction would previously have been renounced against a promise of an equitable share of the profits. But we in the developing countries have learned the lessons of history, and particularly from the history of capitalism, which has been highly enlightening. So we are determined to defend our maritime sovereignty in order that the exploitation of the natural resources that lie within national jurisdictional limits be devoted to the welfare of our peoples, and this in accordance with the conditions laid down by our laws and not those of the great Powers. If all adapt their jurisdiction to the geographical realities and the need to protect and make use of the adjacent areas, all would benefit from the direct exploitation of their resources. That is the true "general interest"–the interest of States and of their inhabitants, and not of the enterprises of the great Powers which would take from other countries the resources that they need in exchange for marginal compensation.

22. The representative of the United States also told us it is urgent that we act as soon as possible, for other wise unilateral actions will extend to the area of the sea the same disputes to which claims of national jurisdiction have led on land, and new colonial empires will be created to exploit the resources of the sea for the exclusive benefit of the adjacent coastal States.

23. Since we cannot presume that that statement involves a veiled threat on the part of the great Powers, we must interpret it as implying that the developing countries might seek to unleash some type of maritime rivalry fed by imperialist ambitions. And yet, history also shows that the greatest conflicts that have convulsed the world were provoked, not by the developing countries but by those same great Powers bent upon dominating the developing countries and exploiting their resources at will. The only struggle that interests the less industrialized countries is the struggle against underdevelopment, against foreign exploitation and abuses, and against the misery and injustices to which they lead. And it is that battle that we are determined to wage to the limit, even though it may affect the interests of the big firms seeking to despoil us of the natural resources we need for our own advancement.

24. It was with all this in mind that the Foreign Minister of Peru in the statement he made at Lusaka on 10 September 1970, asserted that the fight we are waging in defence of our maritime rights is the manifestation of but one of the many battles which the developing countries are waging against all forms of imperialism, colonialism, neo-colonialism and other forms of foreign domination. And it was that same concern that led him to say, when a month earlier in Lima, he opened the Latin American meeting on the law of the sea:

> "If we have been, and will continue to be, liberal in matters involving the use of the sea as a means of international communication, we cannot be as magnanimous in the matter of the utilization of the natural resources lying adjacent to our coasts and which we need for our further development. In this we must be restrictive, for freedom without justice is abuse. To those who come to our coasts to increase their own prosperity by extracting the wealth of our seas, our answer must be clear-cut. We shall reject the adoption of any rule that implies the freedom to take another's possessions while raising barriers at home. The era of spoliation has ended and the time for national claims to defend the rights of our own peoples has begun."

25. From what I have said–and I must repeat it once more in order to dissipate any misunderstanding–it must not be considered that we are opposed to the establishment of an international régime over the sea-bed and the ocean floor beyond the limits of national jurisdiction, as the common

heritage of mankind. On the contrary, from the very beginning of all the discussion, the developing countries have encouraged the creation of an international zone and participated in the draft declaration of principles submitted to the General Assembly. Likewise, we regard as very valuable indeed the efforts and the work done by the representatives of certain nations, such as the United States, France and the United Kingdom, both in the drafting of the joint principles and in the working out of an international régime.

26. What we are not prepared to accept—and of course I speak on behalf of my delegation—is the proposal that with the establishment of such a zone, the limits of our own national jurisdiction over the sea and the sea-bed are to be reduced. Apart from reasons of principle, which in our judgement are in themselves sufficient because they involve questions of sovereignty, and with regard to the specific draft submitted to the United Nations, it seems to us arbitrary, to say the least, for anyone to try to establish the 200-metre isobath as a limit for all countries, in view of the fact that for some of them that depth lies hundreds of miles from their coasts whereas for others it may be less than three miles, as in the case of the Peruvian coast. How, therefore, can anyone presume that such a yardstick can be accepted—that such a single rule can apply to such very dissimilar geographic situations, with the crying injustice that would result therefrom?

27. In later statements on other related subjects, my delegation intends to insist on the basic principle that the law must conform to reality; and if the realities are different, so the laws must take such situations into account. For that reason we have contended and will continue to maintain that no other viable solution exists but that of a plurality of régimes, based on regional grounds as far as possible, so that jurisdictions are established in accordance with the geographical characteristics, the ecological factors, and the social and economic responsibilities of the respective countries involved. And for this reason too we have also stated that in this field, as in others, some or certain countries are not called upon to lay down the rules for the rest; nature itself must be taken into account, and nature requires different solutions if there is to be any law resting on genuine, just and definitive grounds.

28. Having said this, I shall now sum up the views of my Government on the draft declaration of principles submitted by the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, Mr. Amerasinghe of Ceylon, to the First Committee as document A/C.1/L.542. First of all, I wish to endorse the well-deserved expressions of appreciation and thanks offered to the Chairman of that Committee, to the Chairman of the Legal Sub-Committee, Mr. Galindo Pohl of El Salvador, and to all those who collaborated with them in the preparation of this draft declaration. Without their wise and persevering efforts, it would not have been possible to reach the majority agreement that we have at last before us now.

29. As explained by Mr. Amerasinghe in that document and in this Committee *[1773rd meeting]*, this draft is a compromise; therefore, it can be regarded as perfect by no one and can be accepted only as a compromise. We so understand it, and we furthermore consider that the draft is only a basis for the preparation of a régime and must not be interpreted as an interim régime, nor as *carte blanche* for the great firms to undertake a neo-colonialist race for the benefit of private interests.

30. If it were a matter of offering amendments, my Government would propose a goodly number. For example, in the preambular paragraphs the statement is made that the precise limits of the zone are yet to be fixed: this is valid only to the extent that there may be countries that still have not finally determined the breadth of their maritime jurisdictions, whereas others, like my own, did so some time ago, and those limits are well known.

31. The mention of the relevant rules of international law is acceptable only in very general terms, referring to relations among States, since, as far as exploitation of the sea-bed beyond national jurisdiction is concerned, we are confronted with a complete absence of rules, and the purpose of our task is precisely to fill that vacuum.

32. The paragraph referring to the healthy development of the economy, the balanced growth of international trade and the need to reduce adverse effects on the prices of raw materials should, we feel, be included in the operative part, since this is a basic question particularly vital to the developing countries. With other delegations, we are weighing the possibility of asking for studies on the subject from the United Nations Conference on Trade and Development and the specialized agencies, because it would be irresponsible to repeat in this field the patterns that today govern international trade and thus widen the gap separating rich and poor nations.

33. The principles set forth in this draft are not as specific as we would have desired and they contain only the seeds of the régime to be established. The concept of common heritage, which connotes a joint administration and an equitable share in the benefits of exploitation, as also the reference to the special consideration to be shown to the interests and needs of the developing countries, ought to be accompanied by more precise and wider definitions. The same is true of the paragraph regarding the international régime that applies to the zone, which, while being the very crux of the matter, is, however, merely hinted at.

34. With regard to the reservation for purely peaceful purposes of the sea-bed my delegation's position was made known in the debate *[1763rd meeting]* when this Committee discussed the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and ocean floor and in the subsoil thereof. As we said in Geneva, we feel this reference is insufficient and we only accept it in order not to stand in the way of the adoption of the document as a whole.

35. The paragraph on international co-operation in matters of scientific research should also include additional provisions covering the participation of coastal States and the needs of the developing countries. We trust that this will be given more exhaustive consideration in the appropriate body. This is true also of the next paragraph, concerning the fact that activities in the zone must duly respect the legitimate rights and interests of the coastal States concerned.

36. The inclusion of the safeguard clause–namely that nothing shall affect the legal status of the waters superjacent to the area or that of the air space above those waters–is of tremendous importance if we are to know precisely where we stand in the future.

37. Finally, the paragraphs referring to the responsibilities flowing from activities in the zone and the procedure for the settlement of disputes call for wider treatment, which we understand will be given them when the régime is set up.

38. These are the views and comments of my Government on the draft declaration of principles before us. I am happy to say that we accept it as it stands, since it is a compromise text approval of which we would not want to hinder. By the same token, our support is conditional upon the present wording remaining unchanged. Any amendments that might alter its balance might oblige us to submit our own amendments and it is most probable that we should then have no declaration of principles–despite the fact that we all understand the need for one on the very eve of preparatory work on a new conference on the law of the sea.

39. With regard to this last subject, my delegation will make its views known at some future meeting. In the meantime, I would simply say that we share the view expressed by other delegations that that conference should be duly prepared bearing in mind the expressions of will already made by the majority of States in General Assembly resolution 2574 A (XXIV), in replies *[A/7925 and Add.1-3]* to the Secretary-General's note verbale of 29 January 1970 and also in the agreements reached at the present session of the General Assembly on the single treatment of legal problems due to the interdependence of the different aspects of the question of the sea and in keeping with the interrelationship of all elements of the marine environment.

40. Sir Laurence McINTYRE (Australia): Let me begin by suggesting that of all the matters this twenty-fifth anniversary session of the General Assembly has been called upon to consider none offers a greater challenge to all of us than this item 25 of the agenda of the First Committee. I think this is only confirmed by the statement just made by the representative of Peru.

41. I doubt whether any other item gives rise to more cross-currents of attitude and approach or affects a greater breadth of interests of all member countries than this item concerning the seas around us and the sea-beds below, which has been described–by our colleague of the United Kingdom, I think–as a conglomerate item with no single title. And in this regard I include the land-locked countries as well as countries like my own, with some 12,500 miles of coastline and thus a very close preoccupation with all four sub-items of this item.

42. My delegation will want to speak at a later stage about the arrangements that will have to be put in train for the convening of an international conference on the law of the sea and the sea-bed to consider all the matters comprehended in item 25, and for the machinery for that conference. At this point in our debate I propose to confine myself to sub-item *(a)* and to the draft declaration of principles governing the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, which is before us in document A/C.1/L.542.

43. The formulation of a set of legal principles to act as guidelines for the establishment of a régime for the exploration and exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction has come to be recognized as the most urgent task of the sea-bed Committee. No member of that Committee would disagree that from the beginning it has been an exercise in constant frustration. There have been times during the past 18 months when the difficulties of devising a statement of principles that could attract the broad support of a large group of States with widely differing interests have seemed insuperable. The objective has always stood ahead somewhere on the horizon–sometimes nearer to us, sometimes further away, but always, somehow, just out of reach.

44. This was how the sea-bed Committee ended its session in Geneva at the end of last August. The Committee had then come to the brink of agreement but had been unable to clinch it. It could be said that time ran out on us. But it could also be said that agreement on a statement of principles had by this time become something of a challenge to the Committee; a symbol of its capacity to get things done; and a test case of the ability of its members to reconcile their very different interests to the point of producing a piece of paper that represented an acceptable compromise. Happily the momentum generated at the Geneva meeting has been maintained and we now have before this Committee a draft declaration of principles which, even though it does not represent a consensus of all the members of that Committee, nevertheless reflects the highest degree of agreement attainable at the present time.

45. The draft declaration bears the imprint of many hands. Many delegations and individuals can claim to have had a part in its preparation. It is by no means to belittle their contributions, however, to pay particular tribute, as others have done, to the tremendous perseverance and patience of the Chairman of the sea-bed Committee, Ambassador Amerasinghe, and also of the Chairman of the Legal Sub-Committee, Ambassador Galindo Pohl. I might also mention the assiduous work of Mr. Pinto of Ceylon, Dr. Jagota of India and Professor Yankov of Bulgaria. I should like my delegation's esteem for these good servants of the sea-bed Committee–if I may call them such–to be a matter of record.

46. In his letter to the Chairman of the First Committee *[see A/C.1/L.542]*, the Chairman of the sea-bed Committee, after noting that the draft declaration reflects the highest degree of agreement attainable at the present time, but does not represent the consensus of all members of the Committee, goes on to say that the text as it stands represents a compromise commanding wide support among the members of the Committee.

47. My delegation supports this interpretation. The draft declaration does represent a meeting of minds, painfully achieved and therefore fully satisfactory to no one. We all might have fashioned it differently, if the choice had been ours alone to make. But since there has had to be some elasticity on all sides, we would expect that many delega-

tions would have some reservations about and difficulties with the text as it stands, even though I believe it meets a high percentage of the requirements of all members.

48. Having said this, let me say that my delegation welcomes the draft declaration and will support it as perhaps the best possible text that we can hope for in present circumstances. I can only echo what has been said by a number of representatives, particularly the representative of Norway *[1774th meeting]* and, earlier this morning, the representative of the United Republic of Tanzania, to the effect that it is indeed a delicately balanced document which is bound to fall to pieces if any attempt is made to amend it, with the result that we shall be left without any declaration of principles. We commend it to the Assembly on that basis. At the same time I have to make clear that our support of the draft declaration is conditioned by two considerations that are highly important to Australia.

49. The first of these is that we understand the principles to be general guidelines for the establishment of a régime for the sea-bed and an earnest of the desire of the great majority of members to have a régime; but we would not see them as having any binding or mandatory effect upon States in the meantime. In our view, there can be no entry into binding international obligations of a multilateral nature except through the negotiation and acceptance of an international treaty. We shall interpret operative paragraphs 3 and 4 of the draft declaration, for example, in this light.

50. Our second comment on the draft declaration is that it should not prejudge or restrict the scope of matters that in fact can be determined effectively only through the negotiation of an international agreement or agreements at a conference on questions of the law of the sea and the sea-bed. A declaration of principles cannot be used as a substitute for the decisions that will ultimately emerge from such a conference.

51. In addition to these general remarks on the draft declaration of principles, my delegation would like to comment more specifically on certain paragraphs.

52. The second preambular paragraph presents problems for some delegations, I believe, and also for mine. The main difficulty lies in its reference to the determination of precise limits of the area that is beyond national jurisdiction. Some representatives have suggested that it would be better to have no reference at all to limits rather than a less than satisfactory one, and my delegation has been disposed to sympathize with this view. However, on the understanding that many delegations would want to insist on a reference to limits, we would have preferred a formula to the effect that the limits of the area would need to be internationally agreed, taking into account the relevant dispositions of international law. But since this seems not to have been generally acceptable, my delegation is prepared to go along with the existing text, rather than obstructing agreement, taking the view that the reference to determining the limits means in effect that they need to be internationally agreed. The present position of my Government in regard to the limits of national jurisdiction, as I think is well known, is that these are at present fixed by the existing dispositions of international law—in other words, by the 1958 Geneva Convention on the Continental Shelf[1] and the Judgment of the International Court of Justice in the North Sea Continental Shelf cases.[2]

53. The third preambular paragraph of the draft declaration has also been through several drafting changes, and in its existing shape no doubt presents difficulties for other countries as well as my own. We would have preferred an earlier formulation which would have recognized that the existing legal régime of the high seas is not adequate as a basis for exploring the area of the sea-bed beyond national jurisdiction and exploiting its resources. But this too appears not to have been generally acceptable, and in the circumstances we are prepared to concur generally in the existing formulation.

54. While we are in sympathy with the purposes of the fourth and sixth preambular paragraphs, we believe that the only effective kind of arrangement for minimizing the adverse economic consequences of fluctuations in prices of raw materials is through world-wide commodity agreements on the lines already established.

55. The concept of the common heritage of mankind, contained in operative paragraph 1, has, as we all know, given the sea-bed Committee a good deal of difficulty. One problem is that it does not yield precise legal rules, either of property or of jurisdiction, and its legal implications cannot be regarded as clear at this stage.

56. Operative paragraph 9 of the draft declaration is acceptable to my delegation, on the understanding that it does not prejudge the scope of the régime to be established.

57. Having made these reservations in respect of specific paragraphs of the draft declaration of principles, let me express full agreement with earlier speakers, and particularly with the representative of Norway, who have described the draft declaration as a compromise that is at once fragile and perhaps the best that we can hope to achieve at this stage. My delegation is prepared to support the draft declaration on the basis of the understandings and the reservations that I have set forth, and we commend it to the Committee in the hope that it will command unanimous support.

58. In conclusion, I should like to reserve my right to intervene at a later stage in the debate in respect of other aspects of the item.

59. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) *(translated from Russian):* At this stage in the discussion the Soviet delegation would like to make some general observations on the whole group of points on the sea-bed and law of the sea included in the agenda of the First Committee.

60. The Soviet Union attaches great importance to solving the problems of international law which arise as a result of rapid scientific and technological progress and of the prospects for expanding the activity of States in the exploration and exploitation of the sea-bed. We are in favour of establishing a sound and equitable international legal régime in this area. The Soviet Union also consistently

1 United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

2 *North Sea Continental Shelf, Judgments, I.C.J. Reports 1969*, p. 3.

advocates an early solution to pressing problems of the law of the sea, so as to strengthen further the international legal basis for co-operation among States. We are firmly convinced that these problems can and must be solved through joint efforts in the interests of all States and with a view to strengthening international peace and security in a spirit of co-operation and mutual understanding.

61. In line with this approach, the Soviet Union together with other countries introduced for consideration at the twenty-fifth session of the General Assembly the agenda item "Question of the breadth of the territorial sea and related matters" *[A/8047 and Add.1-4]*, the importance and urgency of which are universally recognized.

62. The United Nations Conferences on the Law of the Sea have done much useful work in the formulation of generally agreed provisions relating to the law of the sea. Unfortunately, for reasons you are all aware of it has not been possible to reach agreement on, and to embody in an appropriate instrument, norms establishing the maximum breadth of territorial waters. The adverse consequences of this have become increasingly evident in recent times. We understand the concern of many countries at the current tendency to attempt a solution of the question of the limits of the territorial sea on a unilateral basis. A unilateral approach to solving such an important international problem, its solution by each State as it sees fit, will necessarily create difficulties within the international community, and may impair the prospects for a just solution to the problem in the interests of all States. We must bear in mind that such a unilateral approach threatens to give rise to disputes between States, even to undesirable conflicts. The Soviet Union is convinced that a generally acceptable solution to the problem of the breadth of territorial waters, arrived at on the basis of international agreement, would meet the interests of all States, both large and small, both developed and developing, the interests of maritime States with large ocean expanses off their shores as well as of those adjacent to confined sea areas or straits. All States, maritime and non-maritime, have an equal stake in strengthening the international legal régime of the high seas. We are firmly convinced that the activity of States on the high seas must not be based on power or unilateral actions, but should rather be founded on the norms and principles of international law which would afford identical protection to the rights and interests of all States, irrespective of their practical opportunities for exploiting and making use of ocean space.

63. The establishment of the maximum breadth of territorial waters is, as indeed it must be, closely linked with the problem of ensuring free passage through straits used for international navigation, and also with that of ensuring the interests of coastal States in respect of fisheries. If the breadth of the territorial sea were, pursuant to an international agreement, generally extended to 12 miles, the number of straits consisting wholly of territorial sea might be significantly increased, and it would thus become necessary to ensure the freedom of transit through straits used for international navigation. In this connexion some States also consider that if the limit of the territorial sea is established at 12 miles, it may be necessary to accord to coastal States certain special rights in respect of fisheries beyond the territorial sea, in regions adjacent to it. The Soviet Union understands the importance of this question and is prepared to seek a proper and just solution to it which would meet the interests of all States.

64. We believe that priority attention at this session of the General Assembly should be given to precisely this group of questions, to these three most urgent and interrelated problems of the day in the law of the sea, so that they may without delay be discussed with a view to concluding an international agreement, if further international disputes are to be avoided.

65. The States Members of the United Nations have in recent years given close attention to the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and to the use of their vast space and resources for peaceful purposes and in the interests of all peoples. In this connexion we cannot fail to note that although the question of the sea-bed has been discussed in the United Nations for a relatively short time, it has nevertheless proved possible to achieve certain positive results with regard to a number of the problems involved.

66. The first positive results have already appeared in the settlement of a very important international political problem relating to activity on the sea-bed—the prohibition of the use of the sea-bed for military purposes. This problem is an extremely urgent one, and its successful solution will to a great extent determine progress in the solution of other problems related to the sea-bed and the ocean floor. We regret that, for reasons of which all are aware, it is not being resolved on a wider scale, as the Soviet Union has insistently proposed. Nevertheless, we welcome the fact that only a few days ago the First Committee at this twenty-fifth session of the General Assembly approved a draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof. This treaty aims at averting a race to install nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor, and will contribute to easing international tension and strengthening co-operation among States in the interests of peace and the security of peoples. Its conclusion will, if the largest possible number of States accede to it, be a milestone in the transformation of the sea-bed into an area of peace and international co-operation.

67. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has also not been idle; it has considered a wide range of problems relating to the exploration of the sea-bed and the ocean floor, the survey of their resources and the future prospects for exploiting the resources of this vast area of the earth. As a result of this work, a better understanding has been reached of various scientific, technical, economic and international legal problems, and of the difficulties involved in solving them. There can be no doubt that the accumulated experience and the better understanding of these problems is creating more favourable conditions for accurately determining further ways and means of solving individual problems relating to the sea-bed, and defining their relative urgency and priority.

68. As a result of the work performed by the Committee it was possible, as its report to the General Assembly notes,

to bring out "a vast and interlocking array of political, security, legal, technical, economic and scientific issues which must be taken into account in the process of fulfilling the mandate entrusted to the Committee" *[A/8021, para. 67]*.

69. One of the most significant results of the work so far performed has been the emergence of a more realistic and sober approach to determining the prospects for exploiting the natural resources of the sea-bed and the ocean floor beyond the continental shelf area, an approach which takes into account the difficulties and complexities of a practical solution to the problem.

70. In the three years of consideration of the sea-bed problem by the United Nations, a sufficient volume of facts has been amassed to show the fallacy of the unjustifiably optimistic picture of possibilities of early mineral exploitation of the deep sea-bed which was painted for the General Assembly at its twenty-second session in colours that were, as is now apparent, far too rosy and in a manner that was, to put it frankly, exceedingly hasty. The experience, facts and knowledge which have been accumulated show that the necessary engineering skills and technology for the industrial exploitation of the mineral resources of the sea-bed beyond the continental shelf do not exist at present and will not emerge in the immediately foreseeable future. Even if some results have been achieved during the past decade in the exploration and exploitation of the mineral resources of the continental shelf, there are no reliable grounds for assuming that the exploitation of the sea-bed resources will develop as rapidly beyond the continental shelf as on it. It is apparent from various data, including the documentation of the sea-bed Committee, that the exploitation of the resources of the sea-bed beyond the continental shelf will require the solution of extremely complex scientific and technological problems before the necessary technical means become available for the extraction of resources from deep-sea areas.

71. In determining the priorities of problems relating to the sea-bed, we must take appropriately into account the fact that the prospects of exploiting the mineral resources of the sea-bed beyond the limits of national jurisdiction are comparatively distant; otherwise the United Nations and its Members will find themselves in the realm of Utopia rather than in the real world.

72. In the past year, discussion of problems relating to the future régime for the exploration and exploitation of the resources of the sea-bed, including appropriate international machinery, occupied an important place in the Committee's activities; a useful and interesting exchange of views took place on the question. We firmly believe that during the future preparation of an international agreement or agreements of a universal nature on the régime governing the exploration and exploitation of the mineral resources of the sea-bed and its subsoil, the practical prospects for exploitation of the resources of the deep areas of the sea-bed must be carefully weighed.

73. In its approach to the problem of legal regulation of activities in the investigation and development of sea-bed resources, the Soviet Union is guided by the peaceful principles of its foreign policy and bases its attitude on the progressive social and economic structure of Soviet society. We hold that the sea-bed and its resources should not become the object of a rapacious plundering and exploitation by the monopolies of the imperialist Powers in the way that for centuries the natural resources of the countries of Asia, Africa and Latin America were plundered and their people exploited. It is common knowledge that the dire consequences of colonial domination and the existing oppression of many developing countries by monopoly capital are still manifest in the continuing gap in economic and social development between Asian, African and Latin American countries and the industrially developed capitalist countries.

74. The exploitation of the resources of the sea-bed beyond the limits of national jurisdiction must not be used by the imperialist monopolies in a manner detrimental to the interests of other States. In drafting an agreement on the régime for the exploration and exploitation of the resources of the sea-bed, we must take into account the real social and political structure of the modern world, and the fact that the former colonial Powers bear a responsibility to the peoples of the developing countries for their economic backwardness. Here we should like to warn against a situation in which general and vague concepts of the sea-bed and its resources as the common heritage of mankind would mask the real danger—that such outwardly attractive formulas might be used to conceal actual domination and establishment of control by the monopolies, the monopoly capital of the imperialist Powers, over the resources of the sea-bed to the detriment of the interests of all other States.

75. During the past year the Committee devoted most of its time to discussing and working out legal principles to govern the activity of States in the exploration and exploitation of the sea-bed and its resources. At the meetings of the Committee and its Legal Sub-Committee, and in prolonged and intensive consultations, considerable efforts were made to agree on a draft declaration of principles acceptable to all States. In the Soviet view the preparation of a draft declaration of legal principles reflecting the position of all the main groups of States would be a useful step towards the solution of other problems relating to the sea-bed. With the aim of hastening such a declaration, the Soviet delegation advanced at various stages of the Committee's work specific formulations of legal principles which could provide a suitable basis for the declaration.

76. We spoke in favour of including in it provisions acceptable to all States, which took due account of and were based on the universally recognized principles and norms of international law.

77. In our view the statement of legal principles must be balanced, and must include provisions reflecting the interest of all States and peoples in speeding up the conquest and use of the world's ocean floor in a way that guarantees the legitimate interests of all States, including the developing countries. The declaration must serve as a starting point for further work on legal questions relating to the sea-bed, especially when in the future a legal régime governing the exploration and exploitation of sea-bed resources is worked out.

78. During this session of the General Assembly the members of the sea-bed Committee and its Chairman Ambassador Amerasinghe have made further strenuous efforts to secure agreement on a draft declaration of principles. However, the draft which has emerged from the recent informal consultations among the members of the Committee, and which appears as an annex to Ambassador Amerasinghe's letter in document A/C.1/L.542, cannot be regarded as satisfactory. It suffers from a number of serious shortcomings and does not reflect adequately the views of all groups of States. It presents in excessive detail certain provisions which can be decided upon only in the future, when an international agreement or agreements of a universal nature establishing a régime for the exploration and exploitation of sea-bed resources are worked out. At the same time it omits a number of important provisions related to generally accepted principles and norms of international law. The position of the Soviet delegation on this matter has already been stated a number of times, and I do not think it necessary to repeat it.

79. The Soviet delegation considers it extremely important to draft and adopt a declaration of legal principles for the sea-bed which will reflect the views of all the main groups of States on this problem, and will serve as a sound basis for elaborating in the future an appropriate régime for the exploration and exploitation of the resources of the sea-bed. We hope that it will be possible to remove the substantial deficiencies of the draft declaration which has been submitted and that it will be adopted unanimously by all States Members of the United Nations. It is hardly necessary to demonstrate at length that in that event the significance of such a document, as the first declaration of principles relating to the sea-bed, would be immeasurably greater, and its effect on the future sea-bed activities of States more far-reaching. We reserve the right to return to this matter when the text of the draft declaration is under discussion.

80. As the exchange of views in the sea-bed Committee showed, in particular with regard to the future régime to govern the exploration and exploitation of sea-bed resources, the question of a more precise delimitation of the boundaries of the area of the sea-bed and the ocean floor situated beyond the limits of national jurisdiction of States has now become particularly pressing. It is difficult to conceive of further progress in debating and solving the problems of the sea-bed without a more precise international definition of the outer limits of the continental shelf of coastal States. This problem, we are convinced, is undoubtedly one of the urgent problems of the law of the sea which cannot be further postponed, if agreement is to be reached with regard to the regulation of activity in the exploration and exploitation of the resources of the sea-bed. Indeed, it is difficult to conceive of any legally binding norms regulating the exploitation of the resources of the sea-bed beyond the limits of national jurisdiction unless the boundaries of such jurisdiction are defined at an early date. In our delegation's view the problem of establishing the outer limits of the continental shelf is among those urgently requiring solution.

81. Increased attention has recently, and quite justifiably, been given to the question of preventing pollution of the marine environment as a result of the exploration and exploitation of the sea-bed. The possible dangerous consequences of pollution of the seas and oceans are becoming increasingly apparent. The problem of preventing pollution of the seas and oceans has moved increasingly into the foreground in recent years, particularly as a result of the intensified exploration and exploitation of the resources of the sea-bed. I will not now go into the general problem of marine pollution resulting from activity on the seas.

82. The study of this question submitted by the Secretary-General *[A/7924]* in accordance with General Assembly resolution 2467 A (XXIII) presents a number of facts testifying to the serious danger of pollution of the marine environment. It gives convincing examples of the leakage and large-scale discharge of oil and gas, as well as of damage caused by sea-bed dredging and drilling carried out without regard to essential technical requirements.

83. Obviously, as the exploration and exploitation of the resources of the sea-bed expand, there will, unless appropriate measures are taken, be a constant increase in the threat of serious pollution of the marine environment.

84. We should like to stress the need for national and international measures to prevent marine pollution and other hazardous consequences of the exploitation of the mineral resources of the sea-bed.

85. Another positive result of the sea-bed Committee's work over the past year has in our view been the increased understanding of the importance of the further development of scientific investigations of the sea-bed and the ocean floor. The discussion of the economic, technical and scientific aspects of the sea-bed very clearly demonstrated the need for a further increase in scientific investigation of the sea-bed and efforts to identify and survey its resources. It has become clear that successful study of the sea-bed and its resources on the basis of broad and comprehensive co-operation among States is the only means of bringing closer the time when the sea-bed and the wealth of its subsoil can be fully and effectively employed in the interests of all States.

86. With regard to the question of convening an international conference on the law of the sea, the Soviet Union's position is that such a conference may be useful and justifiable if the aim is to solve outstanding international problems of special and urgent importance to co-operation among States in their activities in the oceans of the world. Such a conference in our view should strengthen the international legal basis on which the activity of States in this area takes place. The progressive development of the international law of the sea must occur not in isolation from, but rather on the basis of the generally accepted norms and principles which have been arrived at as a result of long historical development, have entered into the everyday life of States and have become a reliable legal basis for their activity in the world's oceans. A just solution to the pressing problems of the law of the sea can be found, not in unilateral actions, but in international co-operation, through appropriate agreement taking into account the interests of all countries. The conference can be successful only if from the very outset, during the preparations for it, paramount consideration is given to the importance of not weakening the international legal foundation on which the

activity of States using the world's oceans rests, but rather of strengthening that foundation for the purpose of further developing co-operation among States in this area.

87. We feel that due attention should be accorded to the view of a number of delegations that at the present session of the General Assembly a date for holding the conference in 1972 or 1973 should be set and appropriate workable machinery—a preparatory committee—should be established to discharge effectively the functions of preparing draft articles of a convention or conventions on questions which will be included in the conference programme. We consider that the problem of the conference can be properly solved only in the light of the goals and tasks that will be assigned to it, the urgency of the items placed on its agenda, and the degree to which they meet the requirements of States. In the view of the Soviet delegation, the holding of a conference can be justified only if it is convened to settle a restricted group of the most urgent and topical problems of the law of the sea, such as those we referred to at the beginning of this statement: the determination of the maximum breadth of the territorial sea and the related questions of transit through straits used for international navigation and of according coastal States certain special rights in respect of fisheries beyond the territorial sea, and the more precise definition of the outer limits of the continental shelf. This would allow States to concentrate their efforts to a maximum extent, and would ensure success in solving these urgent problems which, in turn, would break the ground and open up new avenues for international endeavours to solve other problems of the law of the sea.

88. The Soviet delegation intends to state at a later stage its position on the draft resolutions concerning the convening of an international conference on the law of the sea.

89. Mr. SARAIRA GUERREIRO (Brazil): It has now been three years since that memorable speech by Ambassador Arvid Pardo *[1515th and 1516th meetings]*, which brought to the attention of this body the vital and urgent need for the international community to consider all the problems linked to the management, exploration, exploitation and conservation of the ocean and its resources. Even now the first item of priority and the one of greatest significance among all the questions related to the oceans is the establishment of a régime for the area of the sea-bed beyond national jurisdiction.

90. Progress has been slow to gather momentum, not only because the problems involved are so complex in nature, but because they are all so new to our experience. Little was known about the ocean and its seemingly abundant riches. We still know so very little. New solutions and formulae must be devised if we are to cope with these problems and ensure that the opening up of those untapped resources will be undertaken in such a way as to guarantee that the proceeds and benefits to be derived therefrom will be shared by all mankind.

91. At this stage, I should like to pay tribute to the untiring, most admirable work of Messrs. Amerasinghe, Galindo Pohl and Denorme, as chairmen of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction, and its Legal and Economic and Technical Sub-Committees. Thanks to their endeavours, we firmly believe that we are about to achieve our first concrete results in the struggle towards an equitable régime for the international sea-bed area.

92. As was pointed out by Mr. Amerasinghe, negotiations on a draft declaration of principles have reached what may be considered their final stage. The paper we have before us in document A/C.1/L.542 is the result of difficult and strenuous negotiations. Indeed, for more than two years since the establishment of the *Ad Hoc* Committee we have been considering innumerable formulae, evolving ideas and giving and taking in order to accommodate all essential interests. The present draft thus represents a delicate and comprehensively balanced set of principles. Doubtless, it does not reflect the ideal position of a great number of delegations in this room, as is the case with my own, but I believe it is the highest common denominator that can be reached on these matters. Any attempt to alter it at any point risks reopening protracted and probably fruitless discussions of all the expressions that may not be fully satisfactory to one or another delegation. We consider the adoption of such a declaration a positive necessity; it will provide the indispensable basis for the elaboration of an international régime for the sea-bed and the ocean floor. We therefore very earnestly recommend its approval by the General Assembly.

93. The backbone of this document is, of course, the basic concept that the sea-bed and the ocean floor beyond the limits of national jurisdiction, and its resources, are the common heritage of mankind. The two main aspects of this principle, which have been duly incorporated into the document, are that the area shall not be subject to appropriation by States or persons, natural or juridical, and that, on the other hand, all States shall have the right to participate in its administration and to receive a fair share of the benefits of the exploitation activities undertaken.

94. This idea is very clearly expressed in paragraph 9 of the declaration. If the area is the common patrimony of all nations, these nations have a right to share directly in the proceeds of exploitation. There can be no confusion here with the concept of international economic aid or assistance to developing countries, which in no way applies in this instance.

95. Furthermore, provision is made, in the sixth preambular paragraph, for the minimizing of adverse effects which may result from variations in the prices of raw materials as a consequence of exploitation. This is indeed of paramount importance and we would have liked to see this measure included in an operative paragraph, for it would be absurd to reach a situation where the exploitation of the mineral resources of the sea-bed, which must benefit the developing countries, ended by negating the value of the proceeds from their exports of raw materials.

96. The draft declaration states in paragraph 4 that all activities connected with the exploration and exploitation of the resources of the area, as well as other related activities, shall be governed by the régime to be established.

97. This principle is in perfect agreement with the provisions of resolution 2574 D (XXIV) which declares very clearly that all States must refrain from any activities

of exploitation of the sea-bed and the ocean floor beyond the limits of national jurisdiction until the international legal régime for the area has been established. This decision of the General Assembly could not have been more timely. But for that decision, we might not be achieving the results that now seem to be within our reach. It is imperative that nothing should be permitted to weaken it, for it is our guarantee that we will not be faced with a legally valid fait accompli, and it helps strengthen the desire of those countries most interested in beginning exploitation to come to an agreement on the establishment of an equitable international régime.

98. Paragraph 8 states explicitly that the international area shall be reserved exclusively for peaceful purposes and that agreements shall be concluded as soon as possible in order to implement this principle. On the other hand, provision is made for the extension of the disarmament measures to a broader area, which could be agreed upon at the time of the negotiations on that subject. The Brazilian delegation feels that this drafting is satisfactory and goes as far as can be agreed at this stage in the sea-bed Committee.

99. Paragraph 10 deals with the question of scientific investigation. The Brazilian delegation is pleased to see that the basic idea of freedom of scientific research for peaceful purposes is embodied in this declaration in the framework of international programmes, dissemination of the results of research and promotion of the capabilities of developing countries, on the very clear understanding that such activities cannot be considered as a basis for claims to the area or the exploitation of its resources.

100. Paragraph 12, on the other hand, although in very general terms, takes into consideration the rights of the coastal States in relation to activities carried out in the vicinity of their territorial waters. These rights apply not only to the exploitation of resources but also to research, as the results of any investigation in those regions near the area under national jurisdiction are of direct interest to coastal States for the knowledge they may thus acquire of the area under their direct jurisdiction.

101. Summing up, I must again express our sincere hope that the set of principles which we now have before us will be unanimously adopted by the First Committee and the General Assembly. This document may not reflect the ideal positions of many countries on these issues, but it is the result of long and hard negotiations and it provides, in our belief, a suitable and indispensable basis upon which the international régime and appropriate machinery relating to the sea-bed and the ocean floor can and will be built.

102. Once these principles are adopted, we must move forward and endeavour with all the urgency that the rapid progress in technology commands to draw up the structure of the régime and the international machinery which will regulate all activities in the area, specifically as regards the exploration and exploitation of its resources. In doing so, we shall require the utmost attention and care to safeguard the interests of all concerned, and not only those of the developed countries which are most earnest to engage in economic exploitation. We are only too well aware of the difficulties which face us, but trust that once we have overcome this first and arduous obstacle, progress will be smoother and more rapid.

103. A good indication of these favourable prospects lies in the preparatory studies which have already been undertaken by the Economic and Technical Sub-Committee, under the most able leadership of Ambassador Denorme, as well as the very interesting ideas presented by France, the United Kingdom and the United States during the session of the sea-bed Committee in August 1970.

104. I shall not go into detail on the various aspects of the international régime to be established. However, as I have already pointed out to the sea-bed Committee, in our view two basic principles must be carefully borne in mind when elaborating such a régime: those of flexibility and universality.

105. By flexibility, I mean the recognition of regional differences and particularities of a geographical, social and economic nature. I refer to the Latin American declarations of Santiago, in 1952, and Montevideo and Lima, in 1970; to that of the Baltic States, in 1967; and to the agreements relating to the North Sea and the Adriatic, concluded by countries of those areas. It would clearly be unrealistic not to recognize this existing trend which permeates the whole field of the law of the sea.

106. The second requisite is that of universality, which as applied to the sea-bed, is a direct consequence and the very implementation of the basic concept of the common heritage of mankind. The régime must be drafted in such a way as to provide that the interests of all countries are effectively ensured. Every State has an equal right to participate in the policy-making, regulating, co-ordinating and supervisory activities of the machinery to be set up, as well as to share directly in the benefits derived from exploitation.

107. Certainly, one of the most delicate problems in the elaboration of the régime will be the attainment of a satisfactory balance between the diverging and sometimes conflicting interests of different groups of nations, and on this will depend the success or failure of our efforts. The technologically advanced Powers must realize that on their wisdom in accepting the implementation of this principle of equal sharing of rights and privileges depends the future of an orderly and efficient régime.

108. May I now turn to sub-item *(b)* of agenda item 25, which deals with the question of pollution. As is pointed out in paragraph 26 of the report of the sea-bed Committee *[A/8021]*, studies undertaken in this field, the results of which are contained in the Secretary-General's report *[A/7924]* can be considered only as a preliminary survey of a very general and exploratory character. Further on, referring to the debates on this issue at the meeting of the sea-bed Committee in August 1970, the Committee's report states:

> "The need for greater scientific knowledge of the ecology of the area and its vulnerability to pollutants was emphasized as well as the need for international co-operation in research and technology and in the dissemination of statistical and technical data to all States, so as to minimize the risk of pollution."

Paragraph 30 of the report reflects the view held by many delegations that the régime must recognize the right of

coastal States to be consulted and to take preventive measures with regard to activities, undertaken in the international zone, which may cause pollution in the coastal areas. It was also stressed that a regional approach in this matter should be considered.

109. We hope that further studies being undertaken with a view to the 1972 United Nations Conference on the Human Environment will bring more complete and comprehensive elements of judgement to bear on this subject.

110. In any case, it is essential in our view that the problem of pollution and its harmful effects on marine ecology be studied as a whole, taking into consideration not only the effects of activities on the sea-bed but also those carried out in the superjacent waters, and keeping in mind the imperative needs of the social and economic development of the poorer nations.

111. Finally, we come to the very important question of a future conference on the law of the sea. As we are all aware, the Geneva Conventions of 1958 and 1960 left many questions in this field open. On the other hand, the enormous and prodigiously rapid progress in technology, coupled with the large-scale political evolution which the world has experienced in the last decade, makes it imperative that a revision and development of existing legal documents relating to all the broad range of issues pertaining to the marine environment be undertaken in the near future. In 1958, a great number of the members of today's international community were not yet independent and others, though independent, had not at the time the necessary specialized personnel and sufficient knowledge of the facts involved to take a decisive part in the negotiations leading to those treaties. These new-born countries have the right to participate fully and constructively in the settlement of the different issues relating to the law of the sea. It does indeed seem absurd that they should live under a set of principles and regulations made for them, but of interest mainly to the major maritime Powers who need them to safeguard their colonial, commercial and military interests throughout the world.

112. On the other hand, it is widely admitted today that all questions relating to the marine environment must be examined as a whole. This was the method adopted by the General Assembly in its resolution 798 (VIII), when dealing with the law of the sea; this is the opinion of the International Law Commission; and most important of all, this is clearly the point of view of a significant majority of Members of the United Nations, as can be clearly recognized in the answers received by the Secretary-General pursuant to the note verbale sent out in accordance with General Assembly resolution 2574 A (XXIV) and contained in document A/7925 and Add.1-3.

113. The general trend, as we see it, indicates that a conference should be convened in the near future to examine all the broad range of issues relating to the law of the sea in order to arrive at a definition of the area of the sea-bed and the ocean floor lying beyond the limits of national jurisdiction, in the light of the régime to be established for that area.

114. Thus the Brazilian delegation feels that the task before us in this next year will be primarily to work on the elaboration of an international régime and appropriate machinery relating to the sea-bed and the ocean floor beyond the limits of national jurisdiction, and, at the same time, to begin preparations for a conference dealing with all the related aspects of the law of the sea. In this particular field, it is first necessary to agree on the relevant issues that should be studied, revised and codified and, on the other hand, on the best methods of work for the actual proceedings of the conference. Such an approach does not imply unnecessary delay in the performance of the task proposed, but aims at ensuring the success of any future conference.

115. The elaboration of the agenda may seem at first sight to be a simple matter that could be disposed of immediately. I do not believe this to be so, for a survey of the whole field would have to be undertaken in order to establish a rational agenda. To determine, at this stage and in this Assembly, the inclusion of some precise items on which drafting could start at once, leaving the decision on the examination of other questions to the conference itself, –that is to say, to a much later stage–would mean in fact giving *a priori* absolute priority to those first items, to the detriment of all others and of the régime itself. This would be a direct contradiction of the will of the majority in favour of a comprehensive conference. It would tend to obtain, by an indirect method, the settlement of those issues which interest a rather small though influential number of States.

116. It is my firm belief that, if a conference is to be truly comprehensive, it is essential that all countries have the opportunity to study the broad range of issues existing in this field and demand the inclusion in the agenda of those issues which they feel have been settled unsatisfactorily, so that all questions may receive equal consideration.

117. A substantive examination of all these issues would be necessary in order to recommend those which should be included in the agenda, a task that certainly is not easy. This future conference, to which the whole international community looks forward, must be very carefully and methodically prepared and should only be convened once the extensive consultations and comprehensive studies undertaken show good prospects of agreement. being reached on the issues. Above all, we should be wary of failure. Although progress in technology clearly indicates the urgency with which these questions must be dealt with and settled, we must not for the sake of speed jeopardize our whole effort. Although even now we may deem the conference desirable, we think it would be premature to decide now to call a conference and to establish a rigid chronology for its preparation. We must remember that conferences of this kind, in which legal texts are to be approved, have been finally decided upon by the General Assembly when the draft articles were already available and considered by the Assembly to constitute an adequate basis of work. Urgency in dealing with these matters is widely recognized, and our resolutions should express that recognition, but premature decisions and rigid time-tables will only serve the purpose of putting pressure on the negotiations, which could hardly be said to favour the negotiating position of the less powerful. Frustration could well be the outcome of unduly precise planning.

118. Let the most technologically advanced countries meditate on that, for I see no advantage in trying to push

the international community towards a reiterated version of the Geneva Conventions that have not managed to obtain the adherence of the great majority of nations.

119. The delegations of Brazil and Trinidad and Tobago have submitted a draft resolution *[A/C.1/L.539]* which takes into account the fact that a conference on the law of the sea is desirable in the near future and promotes its preparation in an orderly and flexible manner, at the same time stressing that all aspects of the law of the sea should be considered in their interrelationship. We are, of course, ready to consider suggestions that may improve this draft resolution without affecting its basic approach. May I reserve the right to take the floor again on this subject at a later stage of our work.

120. To conclude my remarks, may I again express the belief that it may now be within our reach to take a great step forward on the path towards an equitable international régime for the sea-bed and ocean floor. We must not allow our hour to pass.

121. It is our duty before the peoples of the world to establish, through unceasing but careful and methodical studies, a new pattern of international behaviour based on a spirit of true understanding of one another's problems and needs and of enlightened co-operation among all nations, which may provide, through the exploitation of riches owned by all men, some important means for the economic and social progress of the underdeveloped peoples. Let us not be distracted from this task by considerations of a rather limited nature.

The meeting rose at 5.25 p.m.

Litho in United Nations, New York 77101—September 1973—2,100