



CONTENTS

Agenda item 25:

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

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

AGENDA ITEM 25

- (a) Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (*continued*) (A/8021, A/C.1/L.536, 542 and 544);
- (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. Mr. ZAKARIA (Malaysia): Three years have now passed since the General Assembly, on the initiative of Ambassador Pardo of Malta, first took up the question of the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. During those three years the

problems relating to the question of the sea-bed and the ocean floor have indeed evoked a great deal of interest among the international community. Although the desired goal of international co-operation in the exploitation of the sea-bed and the ocean floor beyond the limits of national jurisdiction for the common benefit of mankind is not yet within reach, the international community can nevertheless claim to have made steady, if not dramatic, progress towards that goal.

2. We are all aware of the complexity of the problems involved and of the difficult negotiations that have taken place in the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction. In the view of my delegation, the sea-bed Committee has made steady progress in analysing the issues, identifying the areas of agreement, and in focusing attention upon those problems that require urgent attention. We believe that the time has now come to progress a step further and to reach agreement on the principles which would lay the basis for international co-operation in this important field.

3. For three years the sea-bed Committee has been trying to work out a comprehensive and balanced set of principles concerning the sea-bed. During that time, the Committee has discussed every possible aspect of the problem, tried every possible formulation and endeavoured to reach a possible agreement on those principles as mandated to it by General Assembly resolution 2467 A (XXIII). The General Assembly further requested the sea-bed Committee to expedite its work of preparing this comprehensive and balanced statement of principles in its resolution 2574 B (XXIV) for submission to the twenty-fifth session of the General Assembly.

4. It is with this in mind that my delegation attaches the utmost importance to the statement made by Ambassador Amerasinghe of Ceylon, in his capacity as Chairman of the sea-bed Committee on Wednesday, 25 November 1970, when he introduced the document containing a comprehensive and balanced statement of principles [*1773rd meeting*]. May I take this opportunity of expressing my delegation's sincere thanks to Ambassador Amerasinghe for the arduous task which he undertook and for the tremendous effort he has made in the last few months since the Geneva session in trying to arrive at a compromise formulation of those principles. The result which he has presented to us in this Committee, as contained in document A/C.1/L.542, clearly demonstrates his exceptional skill and diplomacy. His effort must not only be commended by all of us but, more importantly, must be given priority for careful consideration by this Committee. In the same spirit, my delegation wishes to express its appreciation to Ambassador Galindo Pohl of El Salvador,

the Chairman of the Legal Sub-Committee, who has also devoted his untiring efforts in the pursuit of the same objective.

5. As was pointed out in the letter accompanying the draft declaration of principles, this set of principles represents the highest degree of agreement attainable at the present stage. As a compromise formula, naturally, it cannot be said to satisfy every delegation fully. Indeed, my own delegation, like some others which have intervened in this debate, holds strongly to certain views which we would have liked to see incorporated in the set of principles. This is not, however, the time for me to reiterate these views. Suffice it to say that, in the spirit of co-operation and compromise, and at the same time having in mind the basic goal of international co-operation in the peaceful uses of the sea-bed area beyond the limits of national jurisdiction, a co-operation which requires urgent agreement if potential conflicts regarding the area are to be avoided, my delegation has refrained from pressing our views for incorporation in the draft declaration of principles presented to this Committee. In the same spirit, my delegation hopes that other countries, large and small, coastal or land-locked, will do the same in the interest of the international community as a whole.

6. The present formulation of these principles represents a sound basis for international co-operation on the peaceful uses of the sea-bed, and acceptance by all States of these principles would, in the view of my delegation, pave the way towards that objective. The need to summon the political will by all concerned is indeed essential and urgent. Without the political will to co-operate collectively, the hard work that has been devoted to the formulation of these principles in the past three years would not produce the results that I am sure all of us would like to see materialize. We have no doubt that the acceptance of these principles is an indication of the political will and conviction of all concerned.

7. Turning now to the set of principles contained in the draft declaration, my delegation agrees with other delegations in describing them as representing a delicate balance which must be considered as a whole. In my opinion, this delicate balance has been arrived at so carefully, after arduous negotiations for three long years, that any addition to or subtraction from it would jeopardize the high degree of acceptability which the document commands in its present form. It is therefore the wish of my delegation that the document should not be tampered with in such a way as to nullify its acceptability.

8. The key principle in the draft declaration is the concept that the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind. From this key principle flows the principle of non-appropriation of the area by States or persons, as well as the establishment of an international régime for the exploration and exploitation of the sea-bed area and its resources for the common benefit of mankind as a whole, with an appropriate machinery to give effect to its provisions. As a coastal State and a developing one, Malaysia attaches great importance to the principle concerning the special interest of coastal States, as well as the

special interest given to the need of the developing countries. The draft declaration also embodies important bases for the prevention of pollution. It contains provision on the freedom of the high seas, as well as the peaceful settlement of disputes. The declaration also seeks to ensure that development and use of the sea-bed and its resources shall be undertaken in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by fluctuation of prices of raw materials resulting from such activities.

9. In our view, therefore, this declaration represents a comprehensive and balanced set of principles attuned both to present needs as well as to future aspirations. For this reason my delegation is among the sponsors of the draft declaration which has now appeared in document A/C.1/L.544.

10. Turning now to the proposed law of the sea conference which, in the view of my delegation, has a direct bearing on the question of the sea-bed, my delegation welcomes this proposal. In response to the Secretary-General's consultation pursuant to General Assembly resolution 2574 A (XXIV), my Government has replied in the affirmative giving its support to the early convening of such a conference [see A/7925]. My delegation would like to reaffirm its support for the early convening of a conference on the law of the sea, which would deal with all outstanding issues relating to all aspects of the law of the sea, 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 the light of the international régime to be established for that area. In the view of my delegation, such a conference would, among other things, facilitate the early realization of international co-operation in the exploration and exploitation of the sea-bed and the ocean floor beyond the limits of national jurisdiction, for the common benefit of mankind as a whole.

11. In agreeing to such a conference, my delegation is at the same time mindful of the complexity which such a wide-scope conference on the law of the sea would entail. It must be emphasized, therefore, that for the success of such a wide-ranging conference, there must be adequate preparation and detailed study of all the aspects relating to the law of the sea; otherwise, the objectives of the conference would not, in our view, be fully attained.

12. My delegation has listened carefully to the various suggestions regarding the forum in which this preparatory work has to be done. We see much merit in the suggestion that the preparatory work be done by a single committee, rather than by two or more committees, in order to avoid, among other things, confusion or overlapping of work. In this connexion, some delegations have suggested that the membership of the present sea-bed Committee be expanded to facilitate participation by as widely representative a group of countries as possible, and its terms of reference appropriately modified to enable it to do the preparatory work for the conference on the law of the sea. My delegation has no objection to this proposal.

13. As to the date of the conference, my delegation is open-minded. However, we recognize the validity of the

argument that the fixing of a date would enhance the sense of urgency of the conference. To that extent we would favour the fixing of a date. We would like to observe, however, that in the fixing of a date two important considerations need to be satisfied: firstly, the target date should be soon enough to enhance the sense of urgency, and secondly it should, on the other hand, provide sufficient time for thorough and detailed preparation to ensure the success of the conference.

14. Those, in brief, are the general views of my delegation on the issues before the Committee. Before concluding, I wish to reserve the right of my delegation to intervene again if necessary at a later stage in the debate.

15. Mr. SMALL (New Zealand): This year New Zealand has observed with great interest the proceedings of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction in New York and Geneva. Fortunately it has been a year of progress. A widely agreed draft statement of legal principles has at last emerged after long and frustrating negotiation. We have also seen the submission of the United States Government's suggested draft United Nations Convention on the International Sea-Bed Area [A/8021, annex V]. There have been important substantive papers presented by other Governments and groups of States on the elements for an international régime and machinery; and the Secretariat has, as everyone acknowledges, produced some masterly studies. All these initiatives represent a great stimulant to thought. Gradually we start to see the forms which a régime for the deep sea-bed could take and the merits and disadvantages of a number of approaches to this question.

16. My delegation will not, in the limited time left at this session, be able to comment on all these issues. Of immediate interest, however, is the draft declaration of principles circulated with the letter of 24 November 1970 from the Chairman of the sea-bed Committee [A/C.1/L.542] and now appearing in draft resolution A/C.1/L.544 presented by a large group of sponsors. This document, which represents the greatest measure of agreement attained to date, and a very welcome measure of agreement, is a tribute to the energy and skill of Ambassador Amerasinghe and of the Chairman and other officers of the Legal Sub-Committee. It is certainly the concrete result for which we have been looking. For States which are not members of the sea-bed Committee, however, the draft declaration, to my own delegation's mind, presents something of a credibility problem.

17. As everyone knows, the earlier negotiations on the draft legal principles are reasonably well documented in the sea-bed Committee's proceedings. But this year's work on them has—for good and understandable enough reasons—been conducted almost entirely, in unrecorded fashion, through informal or secret negotiations. The text which has been presented has—again for good enough reasons—a number of vaguenesses which are in the nature of compromise drafts of this sort. Accordingly, the informal negotiations this year have ended up by confronting us with an enigmatic text and a number of questions of who, what and why. These cannot be answered by recourse either to the sea-bed Committee's report [A/8021], which has nothing to reveal on the subject, or to the letter from the Chairman of the Committee dated 24 November 1970.

18. By contrast, however, many of the members of the sea-bed Committee who have spoken about the draft declaration have urged in the strongest terms that it be accepted without question as the best that can be attained and as a compromise which cannot be disturbed by way of amendment without upsetting the delicately negotiated balance of its parts. In consequence, we are left with the uneasy recollection of that well-known experiment in physics where, if a balance is made sufficiently fine and delicate, even the focusing of a strong beam of light on one of the sides will cause it to tip over.

19. It is against that background that my delegation has appreciated the comments that have been made by several speakers—for example, by the representative of Australia [1777th meeting]—who, in dealing directly with aspects of the draft declaration, have shown something about what the draft principles are intended to mean. Given the importance of this text as the fundamental document for future work on a régime for the deep sea-bed, we look forward to any further illumination of it that can be provided during the course of the First Committee's discussions this year. For that reason we are sorry that the Committee has so little time left. We ourselves, I might add, see the document as broadly acceptable to us but we remain concerned to see what qualifications or interpretations are expressed.

20. A problem to which we should now like to turn concerns the arrangements for a conference or conferences on the law of the sea. In the New Zealand reply of 26 August 1970 to the Secretary-General's questionnaire, my Government took the view that preferably there should be rather more separate treatment of the main issues at such a conference or conferences than most other replies favoured [see A/7925/Add.2]. We have since been impressed, however, as previous speakers have been, by those replies [A/7925 and Add.1-3] and by the many statements in this debate which have indicated a legitimate desire to negotiate and deal with the major problems, so far as possible concurrently, namely the sea-bed, the régime, the question of sea-bed limits and questions of territorial seas, straits and fisheries.

21. We do, however, continue to maintain the view indicated in our reply that it would be unnecessary and undesirable to undertake anything in the nature of a far-reaching general review of the rules embodied in the main Conventions produced by the 1958 Geneva Conference on the Law of the Sea. We take this position partly because of the intrinsic undesirability of risking the destruction of the only multilateral conventions now extant. We also have in mind the immensity of the remaining tasks that must in any event be faced and that would be immeasurably complicated if every aspect of the law of the sea had to be reviewed.

22. In fact, the issues now outstanding are ones that are either not covered in the 1958 Conventions—such as the breadth of the territorial sea—or are prepared for in those Conventions in such a way that it is not essential to unravel every piece of the preceding law in order to arrive at the new decisions required. In other words, we believe that it is important, to the greatest extent possible, to build on what we already have, and not tear down the whole edifice of the

international law of the sea and then consider what, if anything, can be done with the rubble.

23. We also think it important, as many other speakers have stressed, to bear in mind that the current circumstances differ greatly from those existing in 1958, in the sense that we do not have original texts formulated in detail, and in effect pre-negotiated over a long period, by the International Law Commission. Therefore the preparatory work on drafts for adoption at any final conference or conferences on the issues now outstanding must be highly condensed and pursued to conclusion in a very short time over the next few years, starting from the relatively sparse material already amassed. We do not, of course, necessarily regard speed as a bad thing. It can be a useful spur. But it does mean that in this highly complex field, where significant national interests are involved, the most strenuous efforts and an unusual degree of willingness to seek accommodations will have to be brought into play.

24. For its part the New Zealand delegation would state from the outset its readiness to play a full role in this process. As we said this year in the general debate in the General Assembly, there are fewer than 10 countries with a longer coastline than New Zealand [*1853rd plenary meeting*]. There are fewer still so geographically implicated in continental shelf and deep sea-bed issues. There are even fewer so dependent as we are on sea-borne trade and the freedom of the seas. Our situation as an island set on large submarine masses in a completely oceanic environment in the South Pacific means that we have substantial national interests at stake. But at the same time, because we are a small country, we have an unusually high degree of dependence on securing international agreement over the whole subject-matter of the law of the sea. That is to say we are *par excellence* a small power with limited resources in no position to dictate solutions, and for that reason also we very much hope for a broadly acceptable international agreement on all the issues now under debate.

25. On sea-bed issues, in addition to our geographical location and the important sea-bed interests which are consequent upon it, New Zealand also has to pay regard, we might add, to its own economic future in general, which is, through various unrelated factors, by no means assured. On sea-bed matters we are potentially, as it were, the Iceland of the Pacific. We will for that reason want to see a settlement of the sea-bed régime and boundary issues which, as the representative of the United Kingdom remarked the other day in this debate, will not only ensure that countries enjoy an equitable share of the benefits of exploitation of the deep sea-bed, but will also enable them to play their own national part as principals, not as the recipients of a patronizing charity [*1775th meeting*].

26. As to the question of the conference arrangements that should be made and which are dealt with in the draft resolutions submitted by the United States [*A/C.1/L.536*] and by the delegations of Brazil and Trinidad and Tobago [*A/C.1/L.539*], there is of course more than one way of proceeding. Whatever is done should, however, meet certain criteria which are emerging rapidly in the debate. We for the present remain receptive to any ideas for an organizational scheme that is not cumbersome, is sufficiently rapid and is organizationally adapted to ensuring that the

preparatory decisions are arrived at in a democratic way. It should also aim at target dates that are both sufficiently realistic on the one hand and that, on the other, do not put matters off indefinitely.

27. At the least, it seems clear that, objectively considered, one committee should not deal with each outstanding issue concurrently and continuously with every other outstanding issue. For functional purposes, there will need to be some separation of preparatory duties. The problems accordingly are ones of ensuring co-ordination, which could be effected by setting up one somewhat large committee which could be left or directed to split itself into appropriate sub-committees. The other possibility is that two separate committees could be established *ab initio*, with the task of co-ordinating their work being left to the General Assembly at its next session or to the conference itself. On this point, it seems to us rather difficult to envisage that either the General Assembly or the conference itself could fulfil this need very satisfactorily. What is required is a continuing process of co-ordination, and therefore perhaps the answer lies in the establishment of a single committee with separate functional groupings under it. This solution might also offer certain advantages in regard to the question of composition. We remain, however, open-minded on the question of two committees.

28. As may be seen from my previous comments, New Zealand's primary concern, at this moment of time, would be especially with sea-bed issues. It follows that so far as concerns questions of composition and number, New Zealand does not wish to see a situation prevail in the period preceding the conference on the law of the sea in which work on sea-bed problems is—for whatever reason—confined to the same group of States which have now held tenure of seats on the sea-bed Committee for three years. There was no understanding that exclusive tenure should exist. Indeed, quite the opposite decision was formally taken by the First Committee when establishing the sea-bed Committee in 1968. Present circumstances make it even more essential to re-examine and if necessary expand the membership of that Committee, or create it in another form. There is no doubt that this issue must be satisfactorily dealt with explicitly in the organizational framework that we establish for the law of the sea conference, which will not otherwise obtain general approval.

29. In other words, if our main sea-bed interests are to be disposed of, even in a preparatory sense, then New Zealand seeks a direct part in that preparatory stage. Our experience of United Nations legal conferences shows that the preliminary work in most instances definitively shapes the character and outcome of the conference itself. We believe therefore that the organization for the conference on the law of the sea must be such as to permit a broad spectrum of those States with substantial national interests to be actively involved.

30. Like other delegations, we reserve the right to speak on particular resolutions during the course of this week.

31. Mr. NICOL (Sierra Leone): The success of the United Nations in setting the questions of principles, régime and machinery to govern the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the

limits of national jurisdiction, depends on how promptly it can act, or else we shall soon be faced with a potential threat of submarine imperialism. For, unless we can have the parallel development of international law to match the expanding technology which is opening up new possibilities for exploration and exploitation of sea-bed resources, we shall soon be witnessing a competitive scramble for sovereign rights over the ocean floor. This will enrich only technologically equipped States and will further impoverish developing countries. It will serve to endanger the traditional freedom of the high seas. It will escalate the arms race and increase world tensions and conflicts. Time is not on our side, and my delegation would be gratified to have our Committee pronounce an initial benediction on that really impressive task of our time which has come to be known as the "Maltese proposal". It is in this spirit that my delegation welcomes the draft principles contained in document A/C.1/L.542, officially 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, to whom I wish to pay sincere tribute for his tactful, energetic and painstaking exercise which now crystallizes the consideration of this matter.

32. The Committee on the sea-bed has achieved substantial progress in the clarification of issues. The report of the Committee [A/8021] shows that preparatory work towards viable arrangements, acceptable to the international community, has already been accomplished. However, notwithstanding the fact that agreement over principles has broadened over the past two years, progress has still been slow and many differences still exist over the cardinal problems of principles applicable to the formulation of the régime and international machinery. The formulation of principles will certainly progress in other related aspects. It is therefore essential to have as the basis for the régime to be set up principles that are generally acceptable, principles that will make for the effective, orderly and peaceful development of the resources of the area, and principles that will allow for the equitable distribution of all benefits, taking into consideration the special position of developing countries, whether land-locked or coastal.

33. The draft declaration of principles, in the view of my delegation, would appear to satisfy all those criteria. In fact, as Ambassador Amerasinghe pointed out, they represent the widest degree of agreement possible and on which there appears to be general agreement. They are certainly based on mutual concessions. The delicate balance has been painstakingly achieved. Therefore, we feel that the submission of controversial amendments should be avoided as much as possible in the interests of progress and speed.

34. The General Assembly, by resolution 2574 B (XXIV), requested the Committee on the sea-bed to expedite its work of preparing a comprehensive and balanced statement of principles.

35. We do not believe, however, that the intention here is that the principles must be so comprehensive as to substitute either for the régime itself or for the subsequent international instruments which must give it force and effect. It is, therefore, our view that the draft principles must be accepted as a whole.

36. My delegation is also happy to note the adoption in this Committee of the 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 has been one of the outstanding achievements of this session and we hope that it will be emulated in Helsinki during the Strategic Arms Limitation Talks.

37. The report of the Secretary-General on marine pollution and other hazardous and harmful effects which might arise from the exploitation and exploration of the sea-bed, contained in document A/7924, amply reveals that the marine ecosystem is being threatened at a very frightening rate by the pollution of the seas. In the absence of any regulatory machinery, pollution from dumping radio-active wastes and other wastes continues at an alarming pace. The matter is one that deserves urgent action. We believe, however, that in view of the increasing link between this aspect and the broader question of the human environment, action on it should be taken with the 1972 United Nations Conference on the Human Environment in mind.

38. By General Assembly resolution 2574 A (XXIV), which specifically calls for a conference on the law of the sea, the Secretary-General was petitioned to:

"ascertain the views of Member States on the desirability of convening at an early date a conference on the law of the sea to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation of the living resources of the high seas, particularly in order to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and ocean floor which lies beyond the limits of national jurisdiction, in the light of the international régime to be established for that area".

39. In the view of my delegation, a mandate for a comprehensive study was thus given by the General Assembly. We note also that the majority of States—coastal and land-locked alike—have expressed their views on the need for such a conference. It is felt that the United Nations Conferences on the Law of the Sea in 1958 and 1960 did not have adequate representation from the developing nations who were either not yet independent or had only just attained that position, and, therefore, did not possess trained personnel to deal with matters of such complexity as the institution of maritime museums. The new conference will offer the developing countries an opportunity to examine the problems of marine environment and to participate in the development of a comprehensive law which will undoubtedly protect their interests as well as those of the world community.

40. While the arguments advanced by some representatives—especially those from developed States—that a limited, or piecemeal, approach to the problem in the form of limited agendas may be construed as having some relevance to the debate, we are convinced that because of the interrelatedness of the problems involved an organic approach is preferable. As some delegations have pointed out during the past few days in the debate, agreement on one point will be likely to lead to agreement on others. In addition, both the Conference of the non-aligned States in

Lusaka<sup>1</sup> and the meeting of the Latin American countries held in Lima in August to consider aspects of the law of the sea, called for support for a comprehensive conference.

41. With these considerations in mind, my delegation is of the opinion that of the two drafts at present before the Committee, documents A/C.1/L.536 and 539, the latter—which was presented by Brazil and Trinidad and Tobago—seems to meet to an appreciable extent our position on the matter.

42. While the draft resolution submitted by the United States of America [A/C.1/L.536] obviously carries some very worth-while points, is detailed, and has been prepared after due consultation, it does not sufficiently take into account some of the considerations regarded as overriding by my delegation. However, my delegation reserves the right to comment more fully on the draft resolutions at a later stage if necessary.

43. While we agree with those who think that, in the interest of all nations, the conference should take place in the near future, we are also convinced that adequate preparatory work needs to be carried out if the conference is to be productive; this would, in essence, serve the best interests of all. As far as the prescription of target dates is concerned, we think that the preparatory committee would be required to complete its task within a specified time limit. The problem of territorial waters and related matters has held the attention of the Committee for quite some time now. While all delegations agree that boundaries should be established for the area beyond the national jurisdictions, accord on the precise limits has still to be reached. Because of the inability of the Geneva Conferences of 1958 and 1960 to fix acceptable limits on this score, the right of States to delimit their territorial waters was left to the domestic legislation of coastal States. As a result of this, it is not surprising to see wide variations, with States claiming areas ranging from three miles to as much as 200 nautical miles as falling within their national jurisdiction.

44. Since many delegations seem to agree that existing international laws in this area are inadequate, it is clear that more effort is necessary to arrive at an objective goal. Unless the question of territorial limits is decided definitely difficulties will continue to abound in any attempts to prescribe the extent of the international area.

45. More serious work should also be done in the formulation of the juridical concepts of contiguous zones, continental shelves and superjacent waters. Unless this is done early, it will be impracticable to establish an international régime capable of ensuring international equity.

46. We should try to avoid a scramble for territory on the sea-bed which will lead to future threats to peace and international security and may force us, in a few years' time, to enact another declaration concerning the decolonization, this time, of the sea-bed.

47. Mr. CHAMMAS (Lebanon): The debate on the item entitled "Question of the reservation exclusively for peace-

ful 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" has been a constructive debate. That has been demonstrated by the level of the debate in the First Committee and in the General Assembly, and in the debate which took place within the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction, which resulted in its report [A/8021].

48. The debates have demonstrated further that there is general agreement on the following points: first, that there is an area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, and that there is general agreement to designate it as the area; secondly, that that area should be reserved exclusively for peaceful purposes, that its exploration and the exploitation of its resources should be carried out for the benefit of all mankind, taking into consideration the special needs and interests of the developing countries; and thirdly, that the resources of the area and the area itself are the common heritage of mankind.

49. The phrase "the heritage of mankind" was subject to controversy but we are pleased to note that most of the delegations in this Committee have been able to subscribe to that concept, and that the difficulties we had in the early stages of our debate will be overcome after further examination and discussion. Thus we are happy to note that there is general agreement in accepting that that area, too, and not only its resources, is the common heritage of mankind.

50. The fourth point on which there is agreement is the fact that the existing legal régime of the high seas does not offer substantive rules to regulate the exploration of that area and the exploitation of its resources and that therefore there is a need to establish such rules, and consequently international machinery, in order to have a special régime governing the activities of States and their exploration and exploitation of the resources in that particular area.

51. We would hasten to say that one of the most important accomplishments attained to date is that the Committee has been enabled, through the efforts which have been deployed within the Committee on the Sea-Bed and the Ocean Floor, to present a draft declaration on the legal principles which are to govern activities in the area referred to. Through the joint efforts of the members of the sea-bed Committee the draft declaration has been submitted to us. But I wish to pay special tribute to the efforts made by the Chairman of the Committee, Ambassador Amerasinghe who, through his perseverance, skill, determination and integrity, has been able to work out an agreement which, although not satisfactory to all, nevertheless was subscribed to by the widest possible majority in this Committee.

52. It is true that any compromise agreement leaves much to be desired. Much has been said about the draft declaration contained in document A/C.1/L.544 by my colleagues in this Committee but there is one single fact which should be emphasized and pointed out: this is the minimum possible agreement that we could reach at this

<sup>1</sup> Third Conference of Heads of State or Government of Non-Aligned Countries held in Lusaka from 8 to 10 September 1970.

stage, and the principles contained in this draft declaration are the minimum principles on which we should agree in order to progress further, in order to be able to elaborate the special régime which is to govern the activities of States on the sea-bed and ocean floor beyond national jurisdiction.

53. I wish now to comment on certain points which have been raised concerning the declaration. With regard to the sixth preambular paragraph, the view was expressed that that preambular paragraph should have been included in the operative part. Such a view was advocated by my colleagues from the developing countries. We do subscribe to that view. However, if we were to single out that fact without specifying the importance of preambular paragraphs we would be undermining the very intent and the very interests we are trying to defend. The delegation of Lebanon believes that there is an organic link between the preambular and operative parts of any resolution of the General Assembly or any declaration of principles and more so, there is an organic link in a declaration of principles. The fact that it has been mentioned in the preambular part should not be interpreted as undermining its importance or its validity. We know that this organic link prompts us to interpret all sections of the operative part in the light of the principles that are incorporated in the preambular part. May I remind the Committee that if you recall, in the preambular part, resolutions and decisions of the General Assembly, you could not possibly be undermining the validity, the strength or the importance of those resolutions and decisions, simply because you have referred to them in the preambular part of the new resolution.

54. I have one comment to make concerning the drafting of that declaration. We are not proposing any amendments; we subscribe totally to it and we shall co-sponsor the resolution to be proposed for its adoption. However, we would not wish to comment on the constructive elements it contains without saying that with regard to paragraph 15, where mention is made of Article 33 of the Charter, we would have preferred the words "means" instead of "measures"—"means of peaceful settlement of disputes"—in order to be more faithful to the language of the Charter. This, we assume, is an omission and we shall in the future interpret the word "measures" as meaning necessarily the means provided for in Article 33 of the Charter.

55. May I now turn to the subject of the conference. If we were to be consistent with our position that there is need to establish a régime and that there is need to have an international machinery, then any unnecessary delay in convening a conference to deal with all the related issues would defeat the very purpose of this constructive venture upon which we embarked three years ago when the whole subject was initiated by the representative of Malta. My delegation is well aware that there are issues which are to be resolved before we reach the level of the conference. But if we were not to fix a date, it would not be taken as a flexible attitude, but as a sort of complacent attitude which would encourage delays, rather than create the necessary atmosphere which would prompt us to negotiate our differences as soon as possible. The delegation of Lebanon submits that setting an early date for the conference, or rather setting the date of the conference at an early date will be an act of encouragement for us to resolve our differences.

56. We do believe that there are subjects which have matured and which could be codified and upon which agreement could be reached. One is the breadth of the territorial sea and the issues related to it, such as international straits, the contiguous zones and the problems of fishery, and the seaward limits of the continental shelf. The question was raised as to whether we would be able to agree on an international régime without first defining the area. Some may advocate that we can agree on the content of the international régime and the international machinery, and this will facilitate the agreement on the breadth of the territorial sea and the seaward limits of the continental shelf. Others would say that we could not possibly agree on the international régime before agreeing first on the breadth of the territorial sea and the seaward limits of the continental shelf. Both arguments have their merits, but both seem to indicate the interrelationship between the two parts.

57. As has been proposed by many of my colleagues here, the way out would be to act simultaneously on both concepts: as we advanced with the codification and progressive development of one topic, we would be able to progress and codify the second topic. This concurrent or simultaneous procedure should therefore be advocated and, I hope, supported by all of us.

58. The preparations for the conference definitely should be made as soon as possible. Ideas have been advanced as to how we should proceed. The representatives of Brazil and of Trinidad and Tobago have also suggested a way out [*see A/C.1/L.539*]. The delegation of Lebanon believes that there is an intimate link between the work of the Committee on the sea-bed and the ocean floor and the preparatory committee which we are thinking of forming in order to prepare for the conference. We hope that a draft resolution will be submitted to us which would entrust to the Committee on the sea-bed, either as it is now formed or as it may be expanded in order to meet the needs of a further mandate, the task of itself becoming a preparatory committee for the conference, and we hope that it will divide its work accordingly. This need arises from the fact that the intimate link we advocate should exist between the problem of the limitation of the area within national jurisdiction and the area beyond that for which we are trying to elaborate a régime. I have been informed that there are such attempts; we hope they will materialize and we shall support any effort directed towards that end.

59. As far as the agenda is concerned, although we subscribe to the approach of having a comprehensive discussion on all the issues relating to drafting a régime for the high seas, we do not subscribe to the point of view that, during the United Nations Conferences on the Law of the Sea which were held in 1958 and 1960, those delegations from the developing countries did not have particularly skilled and well-prepared representatives to represent them. We cannot subscribe to such a point of view. We do subscribe to the view, however, that the composition at that time of the membership to that conference was tipped in one direction and that perhaps the need may arise to bring about certain corrections and amend certain provisions of some of the points which were passed. But a general statement of a general character does not help us at all. What is actually needed is specifically to designate those

particular points which need to be amended in order that the principle of equity may prevail. It is a fact that many countries have emerged into independence since 1960. We have always advocated that international law, to be applicable, must have the participation of all the members of the international community, but we cannot accept the view that a treaty should be rejected because it has been drafted or agreed upon by only a limited number of States. We do think, however, that if a study in depth of that treaty or that convention lends itself to the fact that it reflects only special interests and not the general interest of mankind, then that treaty should be amended accordingly, and we believe that such a criterion should be applied to the question of the topics which we should discuss and debate during the conference.

60. Before concluding my statement, my delegation wishes to pay a special tribute to Ambassador Galindo Pohl of El Salvador, the Chairman of the Legal Sub-Committee, and Ambassador Denorme of Belgium, the Chairman of the Scientific and Technical Sub-Committee, and expresses the hope that we of the First Committee and then the General Assembly will rise to what is expected of us and resolve whatever issues may arise in the spirit of the theme we have decided to adopt, namely, that of concern for an area that is the common heritage of mankind. If it is the common heritage of mankind, it is incumbent upon us to adjust our national interests and harmonize them with the general interests of the international community. It is not the proper course to take to subordinate international interests to chauvinistic national interests. In that spirit, we may be able to conclude the tasks which lie ahead of us constructively.

61. Mr. JOUEJATI (Syria): In the past few years, the First Committee has been seized with an increasing number of problems relating to the sea: disarmament of the sea-bed, its exclusively peaceful use, exploration of its resources, limits of territorial waters under national jurisdiction, and the continental shelf and marine pollution. These problems indeed are burning questions, having intimate connexion with the atmosphere of international relations and the necessity of making it propitious for larger international co-operation in this field, as in others.

62. If a common feature characterizes these problems, it is that they are far-reaching and of the utmost importance to the future of mankind. Hence, the imperative need of advancing solutions to them which gain unanimous or almost unanimous endorsement. Gradual progress being made by all is, we maintain, preferable to apparently long strides without, however, the adherence of all interested parties. Otherwise, instead of helping to bind the international community to working together in this field in constructive, peaceful co-operation, there would be a danger of merely deepening the existing divisions.

63. It is a credit to the United Nations, to the First Committee and to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, under the Chairmanship of the able and energetic Ambassador Amerasinghe of Ceylon, that the prohibition of the stationing on the sea-bed and the subsoil thereof of nuclear weapons and other weapons of mass destruction has now been achieved and has been conse-

crated by an international treaty. The spirit of gradual, patient and constructive efforts that accompanied the elaboration of the draft of this treaty, should, in our view, prevail in all other problems relating to the sea, as they are all vital and all ultimately amenable to agreement. The fears surrounding the possible placing of destructive weapons on the sea-bed which gave impetus to the elaboration of the treaty are comparable to the fears that anarchy might, in the end, prevail over legal principles in the delimitation of territorial waters. That is why our delegation, together with others, inscribed on the agenda of the twenty-fifth session the question of the breadth of the territorial sea and related matters [see A/8047 and Add.1-4]. If, at this stage, there can emerge from our debate a method of tackling this problem, which might lead, if left unremedied, to international dispute and grave discord, the initial effort will not have been in vain. It is an axiom that such a procedure should guarantee to all States the presentation of their views and an explanation of their legitimate interests. Only through such elucidation can the international community set rules which are satisfactory to all. This task may prove arduous, but it is not impossible. It is our duty to work towards surmounting the difficulties and differences. This is true of all questions relating to the law of the sea.

64. An international conference that might fill the gaps left by the Geneva Conference, that might adjust the legal principles to accelerating technological and scientific progress, would prove beneficial in responding to the new needs of the international community, particularly those pressing needs of the developing countries.

65. As for the legal principles governing the activities of States in the sea-bed, the continuation of efforts to hammer out norms which meet the consent of all States—or at least the overwhelming majority of them—is still necessary. My delegation appreciates the motives of the draft declaration submitted to us and thanks the Chairman of the sea-bed Committee for his untiring efforts.

66. The draft resolution, which is now reproduced in document A/C.1/L.544, constitutes an additional contribution. We now have a basis for solid groundwork in the work of the sea-bed Committee and its Legal and Economic and Technical Sub-Committees, to whose Chairmen and Rapporteurs we are all indebted. The draft declaration on legal principles, previous developments in international jurisprudence, the contribution of the relevant specialized agencies and the non-governmental organizations: these constitute a precious basis that can still be improved, developed and further enriched by the views, experience and legitimate needs of all States.

67. The items on the sea have a tremendous bearing on the development of future international relations in peace and co-operation. It is therefore appropriate to reflect this importance by seeking to ensure the co-operation of all members and to reach decisions acceptable to all.

68. Mr. BITSIOS (Greece) (*interpretation from French*): At this late stage in our work, we shall not cover all the items under consideration in our speech. I merely wish to speak on some points in agenda item 25.

69. My delegation would like first to join all those who expressed their appreciation to the Chairman of the

Committee on the sea-bed, Mr. Amerasinghe and his assistants for their untiring efforts in preparing the draft declaration on principles governing the use of the sea-bed and the ocean floor beyond the limits of national jurisdiction. Their task was difficult. Their text represents important progress. However, it does not completely express the aspirations of all of the countries represented here. According to Mr. Amerasinghe this was a compromise text with some shortcomings. For instance, the draft declaration does not sufficiently stress the need to respect freedom of the high seas, which has been established and recognized for a long time. The high seas were described by one of the previous speakers as the oldest heritage of mankind. Any unilateral decision which would result in limiting its scope would infringe upon the interests of the whole of mankind.

70. In this connexion, it might be appropriate to note that if the limit of territorial seas were agreed upon at 12 miles, rather than 3 or 6, which is the general rule today, the high seas and the sea-bed, which would be open to international exploitation, would be reduced by 3 million square miles. One can easily understand the huge territories of which the common heritage would be deprived if even wider limits were determined.

71. Last year, during the debate on this question [*1681st meeting*], my delegation made known its views on the various aspects of the problem by stressing especially that any agreement on the exploration and exploitation of the sea-bed and ocean floor should not affect the present status of freedom of navigation on the high seas. My delegation also drew the attention of the Committee to the dangers which could hamper the conservation of biological resources of the sea and the need to implement guarantees in order to minimize pollution resulting from exploration. The Convention on the Continental Shelf,<sup>2</sup> in this connexion, in article 5 states that the exploration of the continental shelf and the exploitation of its natural resources should not result in unjustifiably hampering navigation, fishing or the conservation of the biological resources of the sea.

72. Finally, my delegation must insist on the fact that one should not go back on the principles adopted by the United Nations Conference on the Law of the Sea of 1958 after the concerted efforts of several States Members of our Organization. The text of the declaration of principles was presented to our Committee in document A/C.1/L.544, together with an appeal made by several of our colleagues asking us to refrain from presenting amendments which would affect the most delicate balance of the draft. We fully understand the sincerity of the wishes of the authors to reach concrete results. I would even say that we agree with them.

73. However, we see the shortcomings resulting from the limited composition of the Committee since it deprives maritime States which are not members of any possibility of making their contribution based on their experience from the stage of the elaboration of such an important text to that of its approval by the General Assembly.

74. My delegation hopes and wishes that this declaration will open up wider vistas and facilitate progress towards a

new era of international co-operation and for the first time would provide for the creation of a source of collective income which could be used for the benefit of the international community, especially developing countries.

75. We are coming to the end of the exploratory phase; we are now moving on towards negotiations. If we do not wish to be outstripped once again by the speedy progress of technology, we must not unduly delay the implementation of the régime for the peaceful exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction. But for this we have to determine the zone under international control. The question of the limits of national jurisdiction then automatically arises. To avoid serious difficulties which could result from the adoption of unilateral measures we must find an equitable solution to all these problems. It is not a matter of having an order of priorities, even less of setting prior conditions; but common sense advises us to regulate closely linked questions which, during our preparatory work, would appear to be ripe for general agreement.

76. The great interest which my country attaches to this question is easy to understand. The geographic location and the territorial configuration of Greece, the length of its coasts, the importance of its merchant marine—which is one of the first in the world in terms of tonnage—as well as the fact that it is one of the countries that are in a state of transition regarding economic development, are such that Greece is in a special situation in this case. Greece is right in the middle between the technologically advanced countries and the developing countries. We can therefore approach the question taking into account the aspirations and interests of all. Thus, we should like to express the hope that the new conference on the law of the sea provided for in resolution A/C.1/L.536 will be carefully prepared.

77. That leads me to make some observations pertaining to paragraph 2 of section II of this draft. That paragraph provides for the creation of a preparatory committee whose membership is not yet provided for. The task of this committee is to prepare a draft treaty and other appropriate recommendations on the questions mentioned in sub-paragraphs (b) and (c) of section I of the draft resolution and other related matters. The scope of those questions is obvious. It is also obvious that no State can delegate the defence of such interests to another State, even if that State belongs to the same geographic group. Such a delegation of powers is possible in certain circumstances. But here we find ourselves in a specific situation in which several Governments have their own views and their own interests and are therefore entitled to ask to participate in the preparatory work. Thus restricted membership of the committee cannot be applied in this case and a solution must be sought which will enable all countries having substantial interests to defend to take part in the preparatory work of the conference. In this connexion, we found many constructive elements in the statement of the representative of Australia, as well as in other statements advocating the creation of an open-ended committee, with sub-committees and working groups, so that more rapid progress might be achieved. My delegation will therefore support any proposal which will take this argument into account, so that no Member State truly having major interests in this field of the sea would be excluded from the work of the proposed committee.

<sup>2</sup> United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

78. Mr. ROSSIDES (Cyprus): The report of the sea-bed Committee before us [A/8021] shows much diligent and laborious work on the very complex issues with which it had to deal. One of the most important and urgent of its tasks has been the elaboration of the legal principles and norms which would be the basis of an international régime for the sea-bed and the ocean floor beyond the limits of national jurisdiction. For three years this Committee, as an *ad hoc* and as a permanent Committee, has worked consistently to agree on a set of principles.

79. We are deeply indebted to the Committee's Chairman, Mr. Amerasinghe, for the initiative he has taken during the present General Assembly session and the exceptional skill, energy, tact and perseverance he has shown in conducting bilateral consultations to achieve agreement in the sea-bed Committee on a declaration of principles. Although there has not been a consensus, the agreement was so overwhelmingly wide that the General Assembly can well proceed to its adoption. We wish to pay tribute to Mr. Amerasinghe for having thus made it possible for the General Assembly to have a draft declaration on principles ready for adoption [A/C.1/L.542].

80. In that connexion, I wish to express my appreciation also to the Chairman of the Legal Sub-Committee, Mr. Galindo Pohl, for his contribution, and to extend to him and to the Chairman of the Economic and Technical Sub-Committee, Mr. Denorme, our congratulations for the skilful conduct of the work in their respective Sub-Committees.

81. Notwithstanding the apparent somewhat slow progress in the sea-bed Committee, the fact is that since its establishment the groundwork has been done and—in a quiet way—much has been accomplished.

82. Three years ago, when the General Assembly first dealt with this question—introduced as an item through the forward-looking initiative of our colleague Mr. Pardo of Malta—there was confusion and a degree of reticence and caution, due to lack of adequate knowledge as to the consequences of any steps taken on this novel subject. Meanwhile, with the passage of time, considerable progress has been made in an undramatic way. In the past three years much has been accepted that was at first questioned, and what was uncertain acquired concrete form. The basic principle became generally recognized: namely, that the sea-bed beyond national jurisdiction and its resources are the common heritage of mankind—not only the resources, but the area itself—and that they should be developed for the good of all humanity with priority consideration for the needs of developing countries. It is now also agreed that the sea-bed shall be used exclusively for peaceful purposes. It is a common premise also that no State may appropriate or claim any part of the international area of the sea-bed or its resources, or exercise sovereignty on any part thereof.

83. All that has been achieved within the space of three years.

84. We should like to suggest that provision be made that an agreed portion of the yield from the resources of the sea-bed should go to strengthen the United Nations financially. I have no doubt that that consideration will be given priority when the time comes.

85. From the statements made in this Committee wide support emerges for the early adoption of the set of legal principles agreed upon in the sea-bed Committee. The draft declaration, contained in document A/C.1/L.544, of which Cyprus is one of the sponsors, should, in our view, be adopted promptly without wasting time on efforts to improve any part of it. No document need be perfect as long as it contains the basic elements embodied in a framework to serve the purpose for which it is intended. In our view, the draft declaration contains all the essential elements of such principles. We therefore commend the draft declaration and its prompt adoption—if possible within a day or two—and express the hope that it will receive general support. Such a course would facilitate our further work in this Committee. Once the principles are adopted we may look forward to the sea-bed Committee proceeding expeditiously in its forthcoming session to the task of establishing an international régime which will create appropriate machinery for the area of the sea-bed and the ocean floor beyond national jurisdiction.

86. However, the ascertainment of the international area of the sea-bed is equally important, for the régime cannot be meaningful or operational without a definite area. It is widely held in this Committee and among Member States generally that the establishment of the régime should precede rather than follow the definition of the area, so that when the area is ascertained there is in existence a legitimate international body to take it over. We agree with that view. At the same time we believe the definition of the area should not be over-delayed, for many and cogent reasons.

87. The work towards these two interconnected objectives, namely, the establishment of the international régime and machinery, on the one hand, and the definition of the sea-bed area beyond national jurisdiction, on the other, could be pursued, we believe, in a parallel and co-ordinated way, so that the definition of the area might follow closely after, or be achieved simultaneously with, the establishment of the international régime and machinery.

88. There is also included in this agenda item the proposed conference on the law of the sea. This would be one of the most important conferences in human history. If the wishes of the General Assembly as set forth in its resolution 2574 (XXIV) are carried out, it will be a comprehensive conference, encompassing the subjects of the territorial waters and high seas, the continental shelf, the sea-bed and the ocean floor beyond the limits of national jurisdiction, as well as pollution and live resources of the sea.

89. The United Nations Conferences on the Law of the Sea were held in 1958 and in 1960, but our proposed conference has a fundamental difference. An element of community responsibility and concern has entered into the picture. Since 1958 the international community has been enlarged by the addition of many new Member States, whose views at the conference would be of value.

90. The sea, as far back as the record of man's life on this planet can be traced, has been a means of travel, communication, food and warfare. Migrations were made by sea. Many of the great civilizing States were on peninsulas or islands, from which they sent out their commerce and their

ideas. The sea has also, as I said, been a means of warfare. Suddenly, within a few years, we plan to bring it under the principles of world justice and law. We are going beyond the freedom of the seas; we are thinking of equal access to the seas and its riches for all, under the law of the world community. Thus, the concept of the primacy of the international community and world order will, by this conference, be extended beyond the sea-bed and the ocean floor to the superjacent waters and their live resources, as well as to aspects of pollution. This is a very significant step forward.

91. The area of the sea, constituting 70 per cent of the surface of the earth, is to be the first area on this planet to be freed from national sovereignties and brought under the rule of law of the international community. Man's aspirations over the ages for a world of peace and security under law may now become a reality first under the waters—in the same way perhaps as life on this earth first emerged out of its waters.

92. This conference may prove to be one of the most important collective undertakings of humanity, ranking next to the establishment of the United Nations. If it succeeds, it will open up a new era of effective co-operation within the concept of the world community.

93. The conference on the law of the sea being comprehensive, the question arises as to what should be the priorities. The answer is not easy because all the aspects are important. World-wide pollution is an increasing danger. Thor Heyerdahl reported to the Secretary-General of the United Nations that on his epic sail from North Africa to Central America he found vast areas of pollution in the middle of the Atlantic. The Mediterranean is rapidly deteriorating in terms of pollution. Daily there is danger from accidents or from man's continuing thoughtlessness in poisoning ever larger areas of the sea and its food resources. Conventions on sea pollution should therefore be worked out as soon as possible.

94. Yet priority might well be claimed for matters directly related to the international area of the sea-bed and the ocean floor, which in fact was the original purpose of convening such a conference. Priority might therefore be given to the territorial waters, contiguous zones and the continental shelf, particularly having regard to the relevant General Assembly resolution—2574 (XXIV)—which links the desirability of convening the conference with the particular need “to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and ocean floor which lies beyond the limits of national jurisdiction, in the light of the international régime to be established for that area”.

95. With regard to the date of the conference, we would rather opt for the earlier date in 1972 if it were practically possible and we believe it would be possible if the needed sense of urgency were given to it. Time is pressing. In a technological age developments are rapid and international measures to cope with their effects cannot be long delayed.

96. As to whether the preparatory work for the conference should be undertaken by a separate committee to be set up for that special task or by a subsidiary body of the

sea-bed Committee appropriately enlarged for the purpose, we have no strong views. However, if the task were to be undertaken by a sub-committee of an enlarged sea-bed Committee, there would be the advantage of close co-ordination between the work on the definition of the international area of the sea-bed and that on the establishment of the régime and international machinery.

97. An important aspect in this respect is the protection of the area of the sea-bed and the ocean floor which is to be preserved for the benefit of mankind as a whole. When we bear in mind that the ascertainment of the area of the sea-bed and the ocean floor to be so reserved is, under present arrangements, part of the conference of the law of the sea, it may take a great deal of time. My delegation therefore considers it necessary that there should be a freeze of that proposed area if it is actually to be protected.

98. During the last session of the General Assembly a resolution was adopted—2574 D (XXIV)—calling for a moratorium, but it has remained ineffective because the area over which such a moratorium was to operate had not been defined. We believe that that difficulty might be overcome through agreement that the area of the sea-bed beyond the 200-metre depth from the coast would come under a freeze, or moratorium, preventing its exploration and exploitation pending the establishment of the international régime and the definition of the area coming under the jurisdiction of that régime. Any such arrangement should provide that the extent of the 200-metre depth would be exclusively for the purposes of the freeze and would not in any way affect claims of national jurisdiction beyond that limit. The sole purpose of placing a limit now is to make possible a freeze of a definite area, to be provisionally protected from interference and preserved for the international community and for the benefit of the whole of mankind. That extent and limit would have no validity whatsoever other than for the purposes of the freeze. Although agreement on the extent of the continental shelf and the limit of national jurisdiction seems hard to attain, agreement on provisional limits for the exclusive purpose of a freeze on any exploitation should not be difficult to achieve.

99. This suggestion is put forward as one possible way of making more actual and effective the preservation of a certain defined area of the sea-bed and ocean floor for the benefit of all mankind by protecting it from arbitrary exploitation and ever-new claims of extended sovereignty over it in the meantime. There may be other and possibly better ways. My delegation would support any practical steps in that direction.

100. I reserve my right to speak on the draft resolutions later.

101. The CHAIRMAN (*interpretation from Spanish*): I call now on the representative of the United Nations Educational, Scientific and Cultural Organization, Mr. de Silva.

102. Mr. DE SILVA (*interpretation from Spanish*): I should like first of all to thank the many representatives—particularly those of Trinidad and Tobago, Jamaica, the Ukrainian Soviet Socialist Republic and Liberia—who

referred to the oceanographic programme of UNESCO. The representatives of Trinidad and Tobago [1788th meeting] and Jamaica [1782nd meeting] specifically asked for clarification of UNESCO's role concerning the training of personnel for the exploration of the sea-bed and ocean floor. Previously, Mr. Amerasinghe of Ceylon [1773rd meeting] was good enough to refer to the decisions of our General Conference, which ended its sixteenth session in Paris on 14 November.

103. In order not to take too much of the Committee's time I would briefly refer members to the statement I had the honour to make [A/AC.138/30] in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction in August, in which I outlined the continuing and crucial relationship between the scientific and training aspects of oceanography on the one hand and the role that nations—particularly developing nations—will be called upon to play in any international régime that might ultimately be established.

104. As the representative of Jamaica pointed out, the draft resolution submitted by his delegation and that of Chile at the General Conference of UNESCO in document 16C/DR/189 was adopted unanimously. That resolution took into consideration the fact that the United Nations sea-bed Committee has considered the need for an expanded programme of education and training in marine science and technology related to the investigation and the exploration of the sea-bed, which should be started before the Committee considers the question of establishing appropriate international machinery for the encouragement of the exploration and the exploitation of the resources of the area.

105. The resolution also notes that the sea-bed Committee noted with pleasure the possibility of the UNESCO General Conference's adopting special measures for this purpose and then observed that the expanded and long-range programme for oceanic exploration and research<sup>3</sup>, established by the General Assembly pursuant to its resolution 2467 D (XXIII), whose comprehensive outline appears in resolution 2560 (XXIV), contained, among other elements, a study of the geology, geophysics and mineral resources beneath the sea. To be developed and applied, the resolution recognizes, this programme will call for a considerable increase in scientific and technical manpower, and then states that this problem is of particular importance to the developing countries.

106. The General Conference also considered that UNESCO, which is entrusted with promoting the general progress of oceanography, will be playing a decisive role by giving assistance to Member States to allow them to acquire the scientific training and the technical resources mentioned.

107. Finally, the Conference invited Member States to request the authorities of the United Nations Development Programme (UNDP) for assistance in organizing training courses and providing fellowships for education and training in aspects of marine science and technology related to sea-bed investigation and exploration.

108. It also authorized the Director-General of UNESCO to assist Member States and the UNDP authorities in the formulation, appraisal and approval of requests that may be submitted under this programme.

109. To reply to the question of the representative of Trinidad and Tobago regarding the resources to be applied to this expanded programme of education and training, we would consider that \$200,000 for the present biennium would be reasonable. That would be added to the \$115,000 already allocated by the General Conference to regular on-going scientific training programmes of our office of oceanography. Such an expansion of our programme of education and training would constitute UNESCO's contribution to the implementation of the long-term and expanded programme of oceanographic research transmitted to the Secretary-General by UNESCO's Intergovernmental Oceanographic Commission and approved by the General Assembly last year.

110. In this connexion I am happy to inform the Committee that the Intergovernmental Oceanographic Commission has just adopted the first practical steps to implement the long-term and expanded programme of oceanographic research by convening a group of experts in Monaco last month.

111. This expansion of our educational and training programme can take place as soon as the necessary extra-budgetary funds become available. The content of this training programme will be discussed at the January session of the Working Group of the Intergovernmental Oceanographic Commission on training and education in marine science, to meet in Malta from 5 to 16 January next year.

112. Finally, the General Conference also adopted the revised statutes of the Commission to make that body's work more effective and to reflect the new and broader basis of participation and co-ordination among the various specialized agencies dealing with the scientific exploration of the oceans.

113. In conclusion I should like to say—echoing my colleague's comments at the Food and Agriculture Organization of the United Nations—that whatever decisions may be adopted here, UNESCO is determined to fulfil its duties as a United Nations agency for science and education, and we sincerely hope that with our IOC, we will be associated in the preparatory work with a view to elucidating the various scientific problems and implications.

114. In fact we are convinced that not only UNESCO but also the other competent organs in the field—those which are daily doing important work in meteorology, fisheries, maritime and other areas—can enjoy close and continuing relations with you, collaborating in the preparation of what will be a historic conference on the law of the sea.

115. The CHAIRMAN (*interpretation from Spanish*): I thank the representative of UNESCO for the information he has given the Committee.

116. I shall now call on the representative of Malta, who has expressed the wish to introduce draft resolution A/C.1/L.544 on the declaration of principles governing the

<sup>3</sup> Document A/7750 dated 10 November 1969.

sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction.

117. Mr. VELLA (Malta): On behalf of the sponsors, it is my pleasure and honour to present the draft resolution contained in document A/C.1/L.544, dealing with the declaration of principles governing the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction.

118. After three years of debate of the sea-bed question in the United Nations a document has been prepared which represents a compromise of the various trends and opinions that have been expressed both in the sea-bed Committee and elsewhere.

119. When this document is adopted it will constitute a milestone in the development of the sea-bed question within the United Nations.

120. My delegation would propose that if a vote is to be taken on the draft resolution it should be given priority over the other draft resolutions on this item. We express the hope that this historic declaration will receive the widest possible support and will be formally adopted without dissent.

121. The CHAIRMAN (*interpretation from Spanish*): No other delegation wishes to participate in the general discussion or make a statement, but before I adjourn the meeting, I have the following announcements to make.

122. Will delegations please note that Yugoslavia is now one of the sponsors of draft resolution A/C.1/L.543 and that Guyana is one of the sponsors of the draft resolution contained in document A/C.1/L.544.

*The meeting rose at 12.25 p.m.*