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

AGENDA ITEM 25*

(a) Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction *(continued)* (A/8021, A/C.1/L.536, 542 to 544, 545/Rev.1 and 551);

(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, 545/Rev.1 and 551);

(c) Views of Member States on the desirability of convening at an early date a conference on the law of the sea: report of the Secretary-General *(continued)* (A/7925 and Add.1-3, A/C.1/L.536, 539, 545/Rev.1 and 551);

(d) Question of the breadth of the territorial sea and related matters *(continued)* (A/8047 and Add.1, Add.2/Rev.1, Add.3-4, A/C.1/L.536, 545/Rev.1, and 551)

1. The CHAIRMAN *(interpretation from Spanish):* According to the programme of work adopted by the Committee, at its 1792nd meeting, we will now continue consideration of item 25. As members of the Committee will recall, we concluded the general debate on this item at the 1789th meeting.

2. At the end of the informal meeting held this morning on this subject, the question was raised of whether we ought to continue the procedure of informal meetings or whether, on the other hand, it would not be preferable to hold a formal meeting of the Committee. My position on the matter is the following: I believe that first of all we should hold a formal meeting in order to hear those delegations sponsoring draft resolutions who may wish to submit them to the Committee, and also to hear those who may wish to submit amendments. Then, at the end of that stage of the presentation of draft resolutions, and ultimately of any possible amendments, we might, with a better understanding of the situation, decide upon what procedure to adopt in order to conclude consideration of this item.

3. Since I hear no objection to my suggestion I will call first on the representative of Bolivia who wishes to submit a draft resolution sponsored by his delegation.

4. Mr. GUEVARA ARZE (Bolivia) *(interpretation from Spanish):* I am very grateful to you, Mr. Chairman, for your kindness and I shall be extremely brief on the understanding that, as you have announced, this stage of the formal meeting is for the presentation of drafts. I wish to submit draft resolution A/C.1/L.551.

5. However, before submitting it I must make two preliminary comments. First of all, I would like to say that the Bolivian delegation was unable to consult with all the land-locked countries as we should have done. We were unable to do this because our original intention, as I had announced in this Committee *[1783rd meeting]*, was merely to propose amendments to other drafts already submitted. However, a more careful study of the problem and exchanges of views with other delegations finally convinced us that it would be better not to submit amendments–for instance, to the draft declaration of principles *[A/C.1/L.544]*–but rather to present our problem in a procedural manner and in the form of a specific draft resolution. That fact, and the deadline set of the day before yesterday for the presentation of new draft resolutions, forced us to submit a draft resolution without consultation with the other land-locked countries. However, I would like to say here that the Bolivian delegation hopes that it will receive the support of the other land-locked countries since we believe this draft resolution also serves their interests.

6. I wish first of all to point out that this is basically a procedural draft resolution, one that is intended to avoid

* Resumed from the 1789th meeting.

burying in a welter of important and complex problems one of the problems that would not, at first sight, appear to be significant, although it does affect a considerable number of States. A desire to avoid such an omission led to our submitting what I call a procedural draft resolution.

7. The first preambular paragraph recalls resolutions 1028 (XI) of 20 February 1957 and 1105 (XI) of 21 February 1957, which are the resolutions in which the General Assembly dealt with the problems of the land-locked countries prior to the holding of the United Nations Conference on the Law of the Sea held in Geneva in 1958.

8. The second paragraph refers to the inquiries made by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV) on the need to hold a wide, general conference on the law of the sea, and to which my delegation replied, as I have already pointed out to the Committee *[1783rd meeting]*. Therefore the text is only for background purposes.

9. The third paragraph refers to the fact that many independent States have joined the international community since the holding of the Conference on the Law of the Sea and therefore did not participate in that Conference. A number of these new members are land-locked countries.

10. The fourth and the beginning of the fifth paragraphs merely reiterate concepts that the General Assembly has already endorsed and approved, such as the concept that the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, and the resources thereof, are the common heritage of mankind. But the fifth paragraph has an addition that goes beyond existing texts. In speaking of the special interests and needs of the developing countries, it particularly stresses the needs of those which are land-locked.

11. I turn now to the operative part of the draft resolution; operative paragraph 1 contains the following concept:

> "*Requests* the Secretary-General to prepare, in collaboration with the United Nations Conference on Trade and Development and other competent bodies, an up-to-date study of the matters referred to in the memorandum dated 14 January 1958 prepared by the Secretariat on the question of free access of land-locked countries to the sea."

12. The second concept is in the second part of that paragraph, which reads:

> "to supplement that document, in the light of the events which have occurred in the meantime, with a report on the special problems of land-locked countries relating to the exploration and exploitation of the resources of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction".

13. This matter of bringing up-to-date a document that has been issued earlier could be justified if I were merely to mention a few of the events that have taken place since it was issued.

14. The Geneva Conference itself, and the four Conventions that it approved, postdated the memorandum to which this draft resolution refers, particularly the Convention on the high seas, which is surely something that must be borne in mind when preparing a new memorandum.

15. Another subsequent event that has since taken place is the Conference held in New York in 1965 which adopted a Convention on Transit Trade of Land-Locked States.

16. A third event that took place after the date of the memorandum was issued is the series of studies by the United Nations Conference on Trade and Development on these problems.

17. Another aspect of the second part of paragraph 1 requests that, apart from bringing the memorandum up-to-date, the study be supplemented by the Secretary-General with a report on the special problems confronting the land-locked countries and relating to the exploration and exploitation of the resources of the sea-bed.

18. May I draw the members' attention here to the fact that this wording in no way prejudges anything. The Secretary-General's study may even find that there are no special problems confronting the land-locked countries, which is a view we do not share but that I mention as a possible extreme in order to convince delegations of the fact that this draft resolution in no way prejudges the substantive problems that this Committee is studying. It is not presupposing or advancing any judgements whatever.

19. I should like to point out here that the delegation of Kuwait has informed me that it wishes to join in sponsoring this document, making an addition to which my delegation raises no objection. This addition, which will no doubt be submitted in due course, will not only, as in this case, speak of the land-locked countries but will also ask that the study take into account the special situation of what we have termed "shelf-locked" countries.

20. Paragraph 2 requests the Secretary-General to submit the study mentioned in paragraph 1 to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and also to the preparatory committee for the conference on the law of the sea. As can be seen, this text has been drafted on the basis of the initial idea that had gained ground in the First Committee that there would probably be two Committees—the sea-bed Committee, which would be maintained, and a new, preparatory committee for the conference.

21. However, we have noted thus far that the general trend has been to organize a single committee based largely on the membership of the present sea-bed Committee and, therefore, the text of paragraph 2 will have to be modified on the basis of whatever decision the First Committee takes on this subject.

22. When this new up-to-date report is submitted to the committee or committees, it or they should be asked for comments concerning appropriate measures within the general framework of the law of the sea, to resolve the problems of land-locked countries.

23. Again, I wish to say that we are not prejudging how this is to be done or on what basis. It is purely a procedural suggestion.

24. Finally, paragraph 3 requests both committees–if there are to be two–or the committee–if there is to be but one–to report on this question to the General Assembly at its twenty-sixth session.

25. That concludes my introduction of the draft resolution. I wish to thank you, Mr. Chairman, for allowing me formally to submit this draft resolution to the First Committee in advance of those who presented their draft resolutions before the delegation of Bolivia. The reason I asked to do so is that I must attend to other duties in the General Assembly.

26. Mr. BONNICK (Jamaica): I have the honour to introduce the seven-Power draft resolution, contained in document A/C.1/L.545/Rev.1, on behalf of the delegations of Ecuador, Guyana, Indonesia, Kenya, Peru, Tunisia and my own. I want to assure the Committee that the draft resolution now being introduced has been the subject of extensive consultations culminating, finally, in as wide an agreement on the text as is possible at the present stage, without compromising the principles governing the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, which have evolved from the work of the sea-bed Committee over the past three years.

27. While I am conscious of the problems with which, in the past three years, the sea-bed Committee and the First Committee have sought to deal, I am equally conscious that these problems are essentially the problems of the international community and not of any particular group or region.

28. It is for that reason that Jamaica now presents, on behalf of the sponsors, draft resolution A/C.1/L.545/Rev.1.

29. Three years ago, the Maltese delegation introduced the 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. Over those three years we have watched the gap widen between the realities of technological advance and the semantics of the developed countries; between the developed and the developing countries, between coastal and land-locked States; and between the aligned and non-aligned States. In the view of my delegation the time has now come to bridge the gap between the different fantasies and realities.

30. The related questions of the sea are not capable of treatment under the terms of resolutions dictated or directed by the major metropolitan maritime Powers. Those resolutions are framed to deal with problems of the sea which differ vastly from the problems which are of interest to the developing countries, both coastal and land-locked.

31. It is with these facts in mind that the delegations on whose behalf I have the honour to speak have joined together to present draft resolution A/C.1/L.545/Rev.1, which takes into account the varying interests and needs of the different regional groups and of their members, be they coastal or land-locked, developed or developing.

32. Wittingly or unwittingly, it would never occur to my delegation to obscure the fact that the draft resolution as now presented, is a compromise. The draft resolution should not prove controversial, unless others wish to make it so. A careful reading will disclose that it seeks to establish an accommodation of the varying viewpoints. The preamble of the draft resolution speaks for itself. The operative section addresses itself to four fundamental issues, namely, the date and the scope of the conference, its priorities, and the composition and structure of the preparatory committee.

33. There are two polar positions on the question of dates: that of those who propose no fixing of dates at this time and that of those who advocate fixed dates. Operative paragraph 2 concerning the question of dates represents a flexible and realistic position. The phrasing as it stands–"early in 1973, if possible"–seems to be a truer reflection of the facts as they are, or as they will be. No firm date can be fixed until the preparatory work has been sufficiently advanced to justify such a course of action. General Assembly resolution 1105 (XI), which fixed a precise date for the 1958 Conference, did so only after years of preparatory work in the International Law Commission had disclosed that the issues were ripe for embodiment in one or more general multilateral conventions. The compromise of a target date at this stage of our work would seem to be realistic.

34. Let me now turn to the question of the scope of the conference. In the draft resolution we have sought to find language which would reflect the widespread support indicated by the replies of States to the Secretary-General's inquiry concerning a comprehensive conference on the law of the sea *[A/7925 and Add.1-3]*. Such is the tenor of the Lusaka Declaration adopted by the Third Conference of Heads of State or Government of Non-Aligned Countries held in Lusaka in September 1970.

35. The question of priorities is also dealt with in operative paragraph 2. The formulation of operative paragraph 2 of draft resolution A/C.1/L.545, prior to its revision, faithfully reflected the language and spirit of the Lusaka Declaration. In that draft resolution the Lusaka Declaration is taken completely into account; the original paragraph read as follows:

> "*Decides* to convene, if possible early in 1973, a conference on the law of the sea, which would establish an appropriate international régime for the area and the resources of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction and, in the light of that régime, deal with a broad range of issues, including those relating to the precise definition of the area, the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation of living resources of the high seas, and to pollution and scientific reserach;".

I should like to stress in that operative paragraph the words "in the light of" the international régime to be established. That formulation unequivocally reflected the absolute

priority for that régime. On the basis of consultation with members of other regional groups, the sponsors of the draft resolution were persuaded to revise their draft to accommodate the concern of those who feel that no absolute priority should be given to the régime in the preparatory phase of the Committee's work. Hence, we have abandoned the light and are now compelled to grope in the darkness for generally acceptable solutions.

36. It is in this spirit of continuing compromise and consultation that, in these matters which affect the interests of the whole of the international community, we feel that the broadest possible participation of Member States is desirable. Consequently, in operative paragraph 4 it is proposed to expand the sea-bed Committee by 29 members, allowing also, in another operative paragraph, for the participation as observers of all other interested States.

37. Jamaica shares certain special interests with the countries represented here, but we also believe that we all share certain general interests with the international community as a whole, in respect of the progressive development of the law of the sea for the benefit of mankind in general. We hope to work closely with like-minded States in the crucial months that lie ahead. We also hope to work closely and to co-operate with those whose interests differ from ours.

38. It would be unwise and unrealistic to insist upon unilateral solutions in the search for accommodation in an environment which is the common heritage of mankind. Let it be clear, however, that the accommodation we seek must be based on a forward movement and not a mere manipulation of the *status quo*. I am certain that none of the delegations here present would seek to aggravate the situation.

39. Finally, the sponsors on whose behalf I have had the honour to speak see the draft resolution as uniting, not dividing, us. It is in that spirit that we have tried to find a balance in what will undoubtedly be our most difficult task.

40. The CHAIRMAN *(interpretation from Spanish)*: I now call on the representative of the United States of America to present the draft resolution contained in document A/C.1/L.536.

41. Mr. STEVENSON (United States of America): As you know, Mr. Chairman, our draft resolution *[A/C.1/L.536]* was introduced rather early in the discussion and has not been revised to date. This morning I wished to indicate that our delegation is prepared, in the interest of reaching general agreement, to make a number of changes in the position of our Government as indicated in that earlier draft resolution.

42. What the exact procedural situation will be I do not think is clear to any of us, but I believe it would be helpful, both as a basis for continuing the attempt to arrive at a consensus text, or, alternatively, for the purposes of bringing our draft resolution up-to-date–if that is what should be done–to put before the Committee the general areas in which we are certainly prepared to give way. I think that perhaps the most important change, which was alluded to by the representative of Norway this morning, is that we shall no longer press the idea of a separate preparatory committee, but are prepared to accept the idea of enlarging the sea-bed Committee.

43. Secondly, we would propose–instead of fixing a specific month in 1973, as is done in our existing draft resolution–that we merely refer to the year 1973 and indicate that we are prepared to have the General Assembly decide the precise date and place for the conference at its next session.

44. Finally, on the question of the scope of the conference, we would be prepared to indicate a somewhat broader range than was mentioned in our initial draft.

45. I should prefer not to submit any formal amendment at this time, assuming, I think with justification, that we shall have an opportunity later, if that proves to be desirable. Accordingly, at the present time we are simply indicating the changes in our position which we hope will facilitate reaching general agreement on a text acceptable to most of the delegations.

46. The CHAIRMAN *(interpretation from Spanish)*: There are no other names on the list of those who wish to submit draft resolutions to the Committee. Before calling on those representatives who may wish to make general statements on the draft resolutions, I should like to make some comments regarding the situation in which we find ourselves concerning procedure and of the draft resolutions before us.

47. As representatives are aware, the General Assembly is due to conclude its session on Tuesday, 15 December, and, therefore, our work should be finished on the 14th, at the latest. We have three meetings planned for that day–one in the morning, one in the afternoon and one in the evening. This will oblige us to keep constantly in mind the very little time remaining to us and the necessity of taking certain decisions regarding the procedure to be followed on this subject and on item 32 concerning international security.

48. With regard to the latter item, I should like to say that very possibly at our next meeting tomorrow morning a draft resolution or a draft declaration may be formally presented. Thus, at all events, we shall hold a meeting tomorrow morning for that purpose. I understand that since such a draft is only to be presented tomorrow morning, it cannot be voted upon at that time, although those representatives who may be ready to make statements on the subject may be heard. But the idea would be that that draft document on the strengthening of international security be voted upon at one of our meetings on Monday–possibly at the afternoon meeting if delegations need additional time.

49. With regard to item 25, which we are at present considering, I think it would be extremely helpful if we were to set some sort of time-limit for the presentation of amendments, so that we might have a clear idea of the situation. Naturally, this will in no way prejudice any informal negotiations which may take place. The problem we face is that of the Committee's work in formal meetings and, on the other hand, the possibility we must bear in

mind that informal talks may produce a text that will commend itself either to the majority or to the entire Committee. But looking at the matter from the procedural point of view, and bearing in mind the date that we have set for the conclusion of our work and that of the Assembly, I think we must take a decision on the time-limit for the presentation of amendments.

50. I would suggest in that connexion that that time should be 7 p.m. today and that those amendments should be presented formally at tomorrow's meeting, and that we should be ready to adopt a decision on the draft resolutions and amendments at our meeting on Monday morning, afternoon, or evening; it will, of course, depend on the progress of the negotiations.

51. May I ask for comments on this specific suggestion that we should set a time-limit for the presentation of amendments? As I said, this will in no way hamper the negotiations that are taking place in an attempt to arrive at a single text which will receive majority support. Are there any comments on the setting of this time-limit for the presentation of amendments?

52. Mr. KHANACHET (Kuwait) *(interpretation from French):* I wish to speak on the draft resolution which I had the honour of presenting to the Committee at one of our previous meetings *[A/C.1/L.543]* and which, in agreement with the other sponsors, we have decided to alter somewhat. These changes will be presented to the Secretariat in the form of a revised text of the original draft. I hope that this will be allowed within the framework of what you have just said, Mr. Chairman, about our programme of work. This text will be at the disposal of the Secretariat in a very short time.

53. The CHAIRMAN *(interpretation from Spanish):* I would like to pursue the question of a time-limit for the presentation of amendments. Does any representative wish to speak on this?

54. Mr. JAMIESON (United Kingdom): Mr. Chairman, my delegation thoroughly appreciates your very correct wish to push on with our work, so that we can meet the deadlines that have been set. On the other hand, it has often been said that the General Assembly is master of its own procedures, and it does seem to my delegation that, as long as there is a hope of securing a consensus text on this matter, it would be wrong to bind ourselves too rigidly by the target date–if I may use that word–which was originally set for the closure of the General Assembly. Obviously, we shall all try to keep to it. Certainly, we realize that any extra day involves extra expense. On the other hand, it is going to be much more satisfactory to us all if we can reach a consensus text. We feel that perhaps a little more time–another 24 hours of the General Assembly–might be necessary in order to achieve this.

55. If it is decided by the wish of this Committee that 7 o'clock tonight shall be the latest hour for putting in amendments, then obviously, various delegations–I think I can say almost certainly, my own delegation included–will put in amendments which we can present tomorrow, so that we have before us when we come to the vote a viewpoint which we think is not adequately represented in the existing drafts.

56. When I say "which we think", this does not mean just my delegation; it is a group of delegations. I do not say that a group of delegations is putting in these amendments, but there is a group of delegations who do not feel that their viewpoint is adequately covered in the present texts.

57. As I say, we could do this; we could put in amendments by 7 o'clock tonight. My delegation could. It would be a little difficult to arrange consultations to see who else would sponsor and so on, but we could do so. On the other hand, instead of putting in amendments which are a form of confrontation so to speak, giving people a choice, "Shall we choose this, or shall we choose that? ", we still prefer, if it is at all possible, to continue the process of informal consultation, perhaps, as was suggested this morning, in a smaller group. We would not ourselves necessarily insist on being represented in this smaller group, which would see if it were not possible to come to some satisfactory consensus on a text which would mean a bit more give and a little more take on both sides.

58. The CHAIRMAN *(interpretation from Spanish):* May I modify my own suggestion slightly and propose that the deadline for the presentation of amendments be set at 2 p.m. on Saturday? By Saturday at 2 p.m. we would know what amendments have been presented and there would still be 24 hours or more for delegations to consult their Foreign Offices if they so desired. Of course this would in no way curtail the freedom of negotiation and conversations through informal meetings, informal working groups and so on. I repeat what I have said a number of times before, that I am personally willing to make those consultations as easy as possible and to give as much assistance as possible and allow those groups to meet whenever they wish. Once again, I am at the disposal of the Committee on any of these subjects.

59. Sir Laurence McINTYRE (Australia): The only point I should like to make rather follows on from what the representative of the United Kingdom has just said. It resolves itself really into a question, I think, of what is an amendment and what is not an amendment. We had an experience this morning, I think, when resolving questions in respect of outer space, of having amendments which were being brought to us up to the very last minute.

60. That is why I wonder whether we should not leave the greatest degree of flexibility to the Committee on this very important question on which we all agree that if we can possibly find a consensus we should try to do so. I rather question whether we should try to set any deadline for amendments. I may be saying something that frightens the whole Committee, but I can see the possibility over this coming weekend of informal groups meeting together, not only tomorrow morning but tomorrow afternoon and Sunday, in attempts to resolve these questions with which we are confronted. I can see the possibility of amendments–small ones, maybe–coming in to the Committee on Monday morning. I just wonder whether it is really necessary to try to set any deadline for amendments. This is all I would throw in at this moment.

61. The CHAIRMAN *(interpretation from Spanish):* I should like to explain to the representative of Australia and to the Committee in general that my main concern is that

of trying to abide by the programme of work of both the Committee and the General Assembly. If we really want to end our work on Monday, 14 December, at the latest, since the Assembly is supposed to wind up the session on Tuesday, 16 December, we will have to set some deadline for the presentation of any type of proposal so that, at least formally speaking, we would be ready to take decisions on Monday. That is why I feel that we might set a deadline somewhat later than I had originally proposed or suggested, for instance, 2 p.m. on Saturday. Of course this does not mean that on Saturday morning, Saturday afternoon, Sunday morning, Sunday afternoon–even Sunday evening–no efforts may be made to arrive at a consensus, but in order to organize our work properly, I feel that a deadline should be decided upon.

62. As to what is to be considered an amendment, I would refer the representative of Australia to the definition of an amendment given at the end of rule 131, which states:

> "A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal."

63. Mr. ZEGERS (Chile) *(interpretation from Spanish):* I have asked for the floor to support your motion, or suggestion, Mr. Chairman, that a deadline be set for presentation of amendments. If, due to the needs of the General Assembly, we have a target date for settling our problems–and you have told us that it is Monday–it is imperative for delegations to know precisely what it is they are to vote upon at least 24 hours before the vote takes place. Of course, this cannot in any way hinder unofficial negotiations that may be taking place. My delegation is very much in favour of negotiations and, when you open the debate on the draft resolutions we will say that a wide road has been started towards a resolution generally acceptable with all the common ground and all the common denominators accepted so far.

64. The fact that a deadline is set for amendments will only clarify the situation. If there has been a deadline for the presentation of drafts, if we have all been free to submit amendments up to a certain date, I do not understand why the setting of a deadline for presentation of amendments is going to curtail the freedom of any delegations. My delegation therefore entirely supports your proposal, Mr. Chairman, of a deadline either for today at 7 o'clock or tomorrow at 2 p.m.

65. Mr. MORÁN (Spain) *(interpretation from Spanish)*: I also wish to support your proposal that there be a deadline for the presentation of amendments. I say so for the reasons so clearly expressed by the representative of Chile.

66. Mr. HACHEM (Mauritania) *(interpretation from French):* My delegation would also like to support the proposal made by you, Mr. Chairman, for the very simple reason that if delegations do not receive amendments in sufficient time to analyse them, they will be unable to take a position on them at the last minute. Since our time is extremely limited, it is imperative for the Committee to receive the amendments sufficiently soon so that delegations which have to obtain instructions from their Governments or heads of delegations can receive them in time.

67. Mr. AMERASINGHE (Ceylon): It is standard procedure for us to set deadlines for the presentation of draft resolutions and amendments. In the present circumstances there is a compelling reason why we should adhere to that procedure. It is that we should try to co-operate in completing the work of this Assembly session by the due date. My delegation, therefore, would support your first proposal that a deadline for presentation of amendments be fixed at 7 o'clock this evening. It seems to me that we have had ample time to consider all possible amendments and even if there is to be a compromise, as there surely must be, that could be on the basis of amendments which should be submitted by 7 o'clock this evening.

68. Mr. DEJAMMET (France) *(interpretation from French):* I regret that for once I am in slight disagreement with the view of the representative of Ceylon, but I think that it is better to adhere to the rules of the General Assembly, and rule 80 says that amendments must be handed in on the day preceding the meeting. If I understood your proposal correctly, Mr. Chairman, it is possible and even desirable that our Committee should vote on Monday on the draft resolutions concerning item 25. In other words, we would be adhering to the rules of the General Assembly if proposals and amendments were submitted tomorrow, Saturday. This leads me to believe that the proposal made by you, that amendments be introduced but with a somewhat later deadline–tomorrow at 2 p.m.–would have been more in keeping with the rules of procedure of the Assembly and probably with the wishes expressed by many representatives.

69. Mr. BENITES (Ecuador) *(interpretation from Spanish):* Mr. Chairman, I have merely asked for the floor to support the proposal you have made. If we were only just starting to discuss the question of amendments then there might be justification for extending the deadline. But you were wise enough yesterday to ask the sponsors and those who might intend to submit amendments to meet. We met then; we met again this morning, and I would think that there has been sufficient time to consider the existing drafts and any amendments that might have to be submitted to them. Therefore, Sir, I support the proposal you have made, and for those reasons.

70. Mr. AMERASINGHE (Ceylon): I merely wish to reply to the representative of France. If these were amendments in the ordinary sense of the term then certainly I would agree with him, but these are amendments to be the basis of negotiations, and therefore we need much more time than just the day before in order to discuss them and arrive at an agreement. That is why I suggest we should fix the time at 7 o'clock this evening so that we can have all day Saturday to negotiate, and even Sunday if necessary, and be ready by Monday.

71. The CHAIRMAN *(interpretation from Spanish):* In a spirit of compromise, I think the Committee might be ready to agree to the last suggestion I made in setting the deadline for Saturday, 12 December, at 2 p.m. If I hear no objection I shall take it that this is accepted.

It was so decided.

72. I shall now call on those delegations which may wish to comment on the draft resolutions already circulated. I

have a list from the informal meeting this morning, and perhaps members of the Committee will agree that we hear those who put their names on the list and were not called upon at that time. It is not a very orthodox method since this morning's meeting was informal and now this is a formal meeting, but if the Committee does not object I will call on those delegations. If there is no objection, I shall call on those delegations in the order I have just read out, but of course we can subsequently hear other delegations which may wish to refer to this subject.

73. Mr. RANGANATHAN (India): When the Government of India considered General Assembly resolution 2574 A (XXIV), we were originally in favour of an intergovernmental committee to consider the broad range of issues connected with the law of the sea. Our approach to those questions is reflected in our reply to the Secretary-General in document A/7925/Add.1. We have since been persuaded that the approach to the consideration of the complex problems involved in the elaboration of the sea-bed régime and other matters related to the law of the sea, including the question of delimitation of boundaries, could now best be considered in one expanded sea-bed Committee. It appears to my delegation that there is now little controversy about this procedural approach and so I will not belabour this point here.

74. My delegation welcomes the presentation of draft resolution A/C.1/L.545/Rev.1. This document, to my delegation's thinking, modifies significantly the original five-Power draft resolution. My delegation is grateful to the sponsors for agreeing to incorporate the suggestions informally offered by us and others. As paragraph 2 now stands, the international régime for the area for the exploration and exploitation of the resources of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, including international machinery for the area, would be dealt with in the expanded sea-bed Committee as a matter of priority. In that connexion it would naturally become necessary to arrive at an agreement or agreements on the limits of the area to which the international régime would apply. This to our mind is a logical approach.

75. As to the processes which would pave the way for a conference on the law of the sea in 1973, including the determination of the precise issues to be dealt with by the conference, the Indian delegation is in favour of the approach reflected in paragraph 5 *(b)* by which the expanded Committee would prepare a comprehensive list of subjects and issues relating to the law of the sea and proceed to drafting articles thereon.

76. My delegation is prepared to explore further ideas concerning other procedural questions, such as the establishment of subsidiary committees of the enlarged sea-bed Committee, the submission by the enlarged committee of progress reports to Member States for their consideration and comments, as well as reporting to the next session of the General Assembly, and the further decisions which might be arrived at during that session on the precise date and duration, organization and procedures of the future conference on the law of the sea.

77. At this stage my delegation would like to express its appreciation to other delegations which, on the basis of a realistic appreciation of the present situation, are making commendable efforts informally to secure a draft resolution which would command the widest possible support. The ideas just presented by the United States delegation will be examined by my delegation.

78. I have already stated that my delegation will support draft resolution A/C.1/L.545/Rev.1. We do this because the modifications introduced in this draft resolution, when compared with document A/C.1/L.545, have taken into account the concern of my Government to which I have already referred. The document is to be seen as a negotiated compromise within the group of developing countries commonly known as the Group of 77, and has finally been submitted with full regard to the support that it can secure from outside the Group.

79. In conclusion, we would welcome any further efforts by you, Sir, to arrive at broad-based consensus which would enable document A/C.1/L.545/Rev.1 to secure the maximum support.

Mr. Farah (Somalia), Vice-Chairman, took the Chair.

80. Mr. HOUBEN (Netherlands): During the informal consultations held this morning the Netherlands delegation submitted a working paper which was circulated at that time. This morning, we asked for the floor in order to elaborate on the ideas behind the working paper. At this moment, I must confess that the situation is a little different. We are considering further ideas and the possible amendments to the draft resolutions which are before the Committee and, while these negotiations and consultations are going on, I do not think that we shall ask to take up more of the Committee's time to elaborate on our ideas with respect to the draft resolutions before us.

81. The Netherlands delegation certainly will have a further opportunity to go back to the points which it feels should be included in the draft resolution which will eventually be adopted by this Committee at the appropriate time. Since you, Mr. Chairman, have allowed us to submit further amendments to the draft resolution before us, we do not wish to speak further on our views at the present time.

82. Mr. PARDO (Malta): My delegation was unfortunately unable to participate in the general debate on item 25; we are, however, anxious to record our views in connexion with item 25 *(c)* on views of Member States on the desirability of convening at an early date a conference on the law of the sea and in particular with regard to draft resolutions A/C.1/L.536 and 545/Rev.1.

83. As you are aware, Mr. Chairman, Malta abstained last year on General Assembly resolution 2574 A (XXIV), the original draft of which we had sponsored. We abstained for two reasons: first, we felt that the régime of the high seas, fishing and conservation of the living resources of the high seas were beyond the terms of reference of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. Secondly, we feared that the creation of an effective international régime for the sea-bed beyond national jurisdiction, together with related institutions, might be excessively delayed were a

decision on this question to be postponed until international agreement was reached on all the matters mentioned in that resolution. Since, however, the majority in the General Assembly did not share our view that it would be wise to limit a future conference on the law of the sea, in the first instance at least, to the conclusion of international conventions with respect to the creation of an international régime for, and the precise delimitation of, the sea-bed beyond national jurisdiction, we are constrained to recognize that as matters now stand there can be no hope of creating an equitable and efficient institutional régime for the sea-bed beyond national jurisdiction, unless other issues relating to the existing law of the sea are also considered and decided in an international conference.

84. In this connexion, some delegations have taken the view that the number of matters relating to the law of the sea, other than the question of an international régime for the sea-bed beyond national jurisdiction, to be considered at a future international conference should be strictly limited to a few matters such as the breadth of the territorial sea and directly related subjects, and questions of marine pollution and so on.

85. We do not think that this limited approach is practical for a number of reasons. In the first place, once it has been established that a majority of States Members of the United Nations are not in favour of confining a future conference on the law of the sea exclusively to consideration of matters directly related to the sea-bed, it becomes virtually impossible to decide which other matters should be considered, since the views of States on this question vary widely. In the second place, there can be no doubt of the increasingly close interconnexion between the problems relating to the sea-bed and those relating to the seas and oceans. In the third place, while we share the view that we should not reject out of hand the present legal structure of the law of the sea, we are also convinced that many parts of this structure are increasingly inadequate under contemporary conditions and that, unless new basic legal concepts are rapidly developed to control the activities of States in the marine environment as a whole, world order will be subjected to new and most serious strains.

86. With your permission, Mr. Chairman, I would wish to elaborate on this point as briefly as I can.

87. We do not think that there is anything sacred about the existing legal régimes in the seas. Those régimes were developed at the end of the Middle Ages in a particular historical, social and technological context. Our concept of freedom of the seas was developed by, and corresponded to, the interests of the rising commercial and trading class in western Europe. The difference of approach to the law of the sea between Grotius, author of the book *Mare Liberum*, and Selden, author of the book *Mare Clausum*, reflected the views and interests of two opposing classes and social systems. The views of Grotius prevailed, with the political victory of the trading and commercial class in western European maritime States over the landed and feudal class. The nineteenth century saw the expansion of a western Europe essentially ruled by its merchant class and the consequent imposition on the rest of the world of western European concepts of international law, including the law of the sea. This law corresponded, of course, to the interests of the major maritime States and of the politically dominant classes within them. We must recognize, however, that the fact that the seas have for two centuries remained open to all nations with a minimum of regulation has promoted navigation and trade and encouraged initiative in the exploitation of living marine resources.

88. New countries wish to see now the development of an international law of the sea that would serve the interests not of only relatively few countries, but of the whole world. The situation, too, is rapidly changing. We are facing a revolution in our use of ocean space, that is, of the seas, their water column, the sea-bed and its subsoil, and the social and technological situation is quite different from what it was even 25 years ago.

89. The present régimes of the seas are based upon a number of assumptions, including the following: first, that the living resources of the seas and oceans are so great that the possibility of their depletion is small; secondly, that there can be no serious danger of adverse change over extensive areas of the seas as a result of the activities of man; thirdly, that the seas and the oceans are so vast that the danger of serious conflict of use, except in restricted areas, is virtually non-existent.

90. These assumptions, however, are no longer valid. Increasing world industrialization, with the resultant increased introduction of pollutants into the seas, is noticeably affecting the quality of the marine environment over wide areas and in some cases is beginning to impair the suitability of its living resources for human consumption. In this connexion, only the other day I noticed in the American press that the New York (State) Department of Health had discovered that canned tunny fish was being sold here in the United States with a mercury level higher than that allowed by the Federal Food and Drug Administration. Furthermore, the pollution of the seas is endangering recreational uses of the sea and tourism near the coasts of many industrialized countries. The increasing use of giant tankers for the transport of petroleum makes possible catastrophic events unimaginable even in a recent past. The uses of ocean space are no longer confined to navigation and fishing, and even these traditional uses are probing ever deeper into the depths of the sea; military activities are no longer confined to the surface and upper strata of the seas, and so on.

91. Thus the activity of man, already intense on the surface of the oceans and on many of the world's geological continental shelves, is rapidly extending through the water column and towards the sea-bed of deeper waters. The extension of man's activities necessarily involves an extension of the interests of States. The time therefore has come or is fast approaching when three or four different régimes for different purposes in ocean space are becoming an obstacle to a rational utilization of this area and when the problems of ocean space must be recognized and receive legal regulation as a whole.

92. At the same time, the changing, more intense and more diversified use of ocean space made possible by the advance of technology and rendered necessary by the requirements of an increasingly armed, populated and industrialized world is causing rising pressures to subject

ever wider areas of the oceans and ocean floor to national jurisdiction. These unilateral claims to extended national jurisdiction have been variously justified by reference to the adverse effects of the present régime of freedom on the security, fisheries and other interests of the coastal State in ocean space adjacent to its coasts. The encroachment of national jurisdiction on areas of ocean space formerly open to access by all is facilitated by the lack of an agreed definition of the limits of territorial waters and contiguous zones, of the legal continental shelf and of the areas of special interest to the coastal State for the purpose of conservation of living resources.

93. Since present régimes in ocean space are in varying measure inadequate and since their basically *laissez-faire* character offers clear advantages mainly to the technologically advanced countries, the régimes themselves must be modified if there is to be any realistic prospect of achieving international agreement on clear limits of national jurisdiction.

94. Less advanced countries, primarily interested in resource exploitation, are anxious to secure exclusive rights to the exploitation of living and non-living resources at increased distances from their shores. The present position of uncertainty with regard to national jurisdictional limits thus accords with their immediate interests, and some seem to wish to see this uncertainty prolonged as long as possible.

95. That, in our view, is a shortsighted position, since there is not the slightest doubt that prolonged uncertainty with regard to the limits of coastal State jurisdiction will result in increasingly bitter confrontations that will benefit nobody and the ultimate outcome of which cannot be predicted. We must, therefore, accept that the new goal of our work is to create a new and equitable international order of an institutional character in ocean space, incorporating those provisions of existing régimes that are still viable. In that work, it will be essential to take into account the totality of coastal State interests in the marine environment and, consequently, to determine the point where the special interest of the coastal State in controlling areas and resources close to its shores merges with the general interest of the international community. At the same time, it will be necessary to consider limitations on the jurisdiction of the coastal State in the ocean space area subject to its control, together with new forms of close international co-operation in the area beyond, if both international and national interests are to be effectively protected.

96. The creation of a new international order of an institutional character in ocean space has become necessary, and we must not fail in this task. But this order cannot be created unless the phenomenon of creeping jurisdiction is arrested and the content and limits of national jurisdiction are clearly defined. Furthermore, we must proceed with care, certainly, but also with urgency, lest we be overtaken by events. Technology is advancing rapidly, the revolution in our use and exploitation of ocean space is accelerating, and existing régimes are being progressively undermined by multiple and interacting pressures.

97. From our point of view, therefore, we wish to see a comprehensive conference on the law of the sea convened at the earliest possible date with the aim of establishing an international order in ocean space, not only for the sea-bed but for all ocean space beyond clearly defined limits of national jurisdiction. In this perspective, none of the draft resolutions submitted so far to this Committee fully satisfies my delegation.

98. In draft resolution A/C.1/L.536, we like the precision of the mandate given to the preparatory committee, the setting of definite time-limits both for convening the proposed conference and for the work of the committee charged with its preparation, although, perhaps, the limits proposed may be a little too tight. On the other hand, the list of subjects proposed for consideration by the future conference is too limited. Our purpose now must be to construct a régime in ocean space more fully corresponding to objective contemporary requirements and to the needs of the entire international community.

99. While we favour the comprehensive approach to the scope of the proposed conference on the law of the sea, contained in operative paragraph 2 of draft resolution A/C.1/L.545/Rev.1, we feel that that draft is somewhat deficient in other respects and does not reflect our sense of urgency. We would like to see a number of changes in the preamble of the draft resolution with which, however, I shall not detain the Committee this evening.

100. We would like to see the words "if possible" deleted from paragraph 2. Obviously a conference cannot be convened if it is impossible to do so. We would also like to see a reformulation of the remainder of paragraph 2 to make clear that the purpose of the proposed conference is to consider and to adopt international conventions, not only relating to the régimes of the sea-bed beyond national jurisdiction, the high seas, the continental shelf and so on, but also to make decisions on the limits of those areas.

101. The review of existing régimes and their modification is, in our view, futile, unless precise limits for the respective areas are also internationally accepted. Without such limits we cannot put a stop to the phenomenon of ever expanding coastal State jurisdiction. In our view, the question of régimes and the question of limits should be considered simultaneously.

102. Operative paragraph 3 seems superfluous. The concept contained in that paragraph could be better expressed by introducing it concisely in operative paragraph 5.

103. A slight change may also be required in paragraph 5, since I understand that the holding of the first session of the sea-bed Committee next year—in March-April—may be inconvenient for the Secretariat in view of the Seminar on the Continental Shelf to be held in Trinidad in April.

104. Finally, we believe that paragraph 5 *(b)* should be radically redrafted and that a definite time-limit should be set for the completion of the work of the preparatory committee.

105. Our main preoccupation with regard to other questions is that the procedures we decide to adopt should enable us effectively to proceed carefully, certainly, but

also as expeditiously as possible and without unnecessary delays. Our attitude on these questions will be determined accordingly.

106. Mr. ARIAS SCHREIBER (Peru) *(interpretation from Spanish):* I should like to draw the attention of delegations to the fact that the position of many of the developing countries, including my own, on the subject before us would be in harmony with the draft resolution submitted by the delegations of Brazil and Trinidad and Tobago *[A/C.1/L.539]*. But, in deference to the opinions expressed by other delegations and in a gesture of conciliation so as to achieve a consensus, we have altered that position somewhat and submitted the draft resolution contained in document A/C.1/L.545. In the light of later consultations and conversations, and in a further gesture of compromise we have revised the text and it has now been circulated as document A/C.1/L.545/Rev.1.

107. We believe that other delegations should emulate us and also display a spirit of compromise and conciliation and we hope that they will do so by making other moves similar to ours.

108. This morning the representative of Norway suggested new amendments to our latest text. Although the sponsors of this document have not had sufficient time to consult, I would like to say that, at least so far as my delegation is concerned, we would be willing to entertain some of the suggestions of the representative of Norway. For example, we would be ready to agree to the additions he suggested for the preambular paragraphs. Although he did not propose it, we might modify the fourth preambular paragraph so that the words, "the problems of ocean space" could be replaced by, "problems of the law of the sea". We would also agree that the first operative paragraph become the last preambular paragraph by changing the wording somewhat. Instead of saying, "Notes with satisfaction" we could say, "Noting with satisfaction".

109. With regard to paragraph 2, which would then become paragraph 1, my delegation cannot agree to the deletion of the need to call for a possible conference to be held in 1973, because the very delegations that propose a set date agree that the conference must be duly prepared in order to ensure success, and that if sufficient progress is not made the conference will have to be postponed. This, to us, is logical reasoning. Surely no one would want to chalk up a new failure? Therefore this should not only be asserted in conversations, but be spelt out in the draft resolutions themselves. Otherwise there would be an inconsistency between what we recognize orally and what we wish to include in a resolution.

110. It is for this reason that we would ask other delegations not to insist on suppressing a safeguard, the existence of which is to everyone's benefit. No one wants to be hasty or pressured and thus be led to a further failure. Our proposal is only spelling out a need for prudence, that same prudence which we called for after the failure in 1958 and the date of 1960 was set, an appeal which fell on deaf ears despite the fact that the situation was not ripe even then, with results that, unfortunately, we all know.

111. The most of my delegation, and I believe a number of other delegations, would be willing to accept, would be if instead of the words "if possible" we said, "subject to the results of the preparatory work". I feel that if we did not at least say this, we would not only be failing to be realistic but we would be advancing blindly towards a commitment which was against reason and prudence, both of which are necessary to avoid a new failure.

112. With regard to paragraph 5, my delegation would prefer to keep in the reference to the developing and land-locked States, because we share the very justified concern and desires of these countries as stated by the delegations of Bolivia, Austria, Afghanistan and others. We would therefore agree to deleting mention of the specific international machinery and even to the equitable sharing by all States, because these are concepts that are adequately detailed in the declaration of principles *[A/C.1/L.544]*. But we would insist on retaining the other concepts contained in this paragraph.

113. With regard to the subjects dealt with in draft resolution A/C.1/L.545/Rev.1, may I say that in this document we merely mention those that might be or could be studied, but we take no final decision. It is up to the preparatory committee to select those subjects which call for new regulations. We are merely giving an indicative list and I do not feel it necessary to discuss now what the committee may or may not have to do.

114. I repeat that this is merely my first reaction which is subject to later consultations with the other sponsors regarding the suggestions made, and I would reserve my right to give my final views on this when we have had a chance to hear other proposals concerning this document from other delegations, which I hope will be in the same spirit of compromise and conciliation that we have shown in our own acts.

115. Mr. BENITES (Ecuador) *(interpretation from Spanish):* I shall not start by saying that I will be brief, because generally when a speaker announces that he will be brief there is somewhat of a feeling of alarm since the measure of brevity is itself subjective. It does not always apply equally to the speaker and the listener! I shall merely promise to be specific.

116. When I asked for the floor this morning I wanted first of all to express to the representative of Norway the appreciation of my delegation for his truly constructive efforts, for his sincere and objective approach which was, and still is, a bridge to a possible understanding between the sponsors of the draft resolution *[A/C.1/L.545/Rev.1]*, among whom my own country finds itself, and those who, quite honestly and sincerely, want to change it somewhat. So I wish to pay a tribute of gratitude to the representative of Norway for his very constructive stand, although I do not entirely share his view, for the position of my delegation is very similar to that which the representative of Peru has just defined in his speech, and therefore I do not need to repeat it.

117. The situation we have to face this afternoon is somewhat different from that which obtained this morning. I shall not refer to the draft resolution sponsored by my country, among others, because the representative of Jamaica did so with sufficient mastery, clarity and preci-

sion. I do not feel that I need add anything to what he said. What I want to stress urgently is that this is not just a draft resolution submitted by four, five or six countries. The true intention underlying this draft resolution was and is to represent the interests of the developing countries, of the countries whose resources must be preserved, of those countries that do not as yet have the economic and technical means with which to exploit the resources of the sea and which are doubtless forced to take all possible precautions to ensure that their area of jurisdiction will not be curtailed or limited before they know precisely what legal régime is to be applied, the administrative machinery to be instituted and the true benefits that will accrue to them. Therefore, it is first and foremost a hope that we represent the countries that lack the technical and economic means—those of us that are being called the third world, or, at least, the world of the developing peoples that is still, unfortunately, the world of poverty.

118. It has been said that we should find concilatory solutions. It is very interesting that when we try to find conciliatory solutions, the majority of the European or American developing countries are either absent or very often are involved in other conversations and very seldom pay close attention—as they are doing now, and I am very grateful to them for it—to what a small country has to say.

119. But how can there be dialogue between the developing world and that of the developed countries if the latter do not even listen to us, if they do not want to listen to us? The willingness to listen to us is being manifested now, and began with the generous initiative of Norway, which I again wish to say I appreciate.

120. I shall now turn before concluding—because, as I said, I shall be very brief—to what was said by the representative of the United States. I understand it was Mr. Stevenson, whom I had not met earlier, although he consulted a number of countries over a long period of time before now. Yet my delegation has not been fortunate enough to meet him personally, so I am glad to have made his acquaintance today.

121. The representative of the United States first told us something very encouraging, because he seemed to imply that he agreed with the Norwegian proposal. If this is the case, I must say that it is most encouraging for us, because we consider the Norwegian proposal to be truly concilatory. But then he told us that he would not insist on the idea of a single committee. Obviously, his draft resolution *[A/C.1/L.536]* is totally predicated on the idea of a committee different from the existing one and on the idea of framing separate agreements, one after the other. That means that the first might be on the breadth of the territorial sea, on straits, on fishing, and then in this decade or in the next decade or in the next century, if there is time, we might continue the dialogue on other subjects.

122. It was extremely interesting for me for the first time to have heard Mr. Stevenson. He says that he does not insist on the idea of a single committee. If I understand correctly, that means that he intends to submit a revised draft resolution. That is the only way in which he can change what draft resolution A/C.1/L.536 says since it does not speak of what the representative of the United States promised to consider. Therefore, I understand that a revised text of the United States draft resolution is to be submitted, and when it is we shall give our views on it.

123. But what he did say, specifically and concretely, was that the conference must be held in 1973. He did, however, make a very generous concession: he did not insist on any particular month. The month can be left open for further discussion. It does not have to be April—in spring, which is so conducive to understandings of other sorts—it might even be autumn or winter. But 1973 it shall be. That is the same year that another representative of the United States, Senator Pell, told us *[1744th meeting]* would be the year when wide-scale exploitation of the manganese nodules in the seas of the world will be initiated. I think, if I am not mistaken, that that was what Senator Pell told us and what the records show.

124. On this subject I am very much afraid that, despite the best of intentions, despite the best will we may show to try to understand what our friends of the United States and our partners in many of the inter-American undertakings tell us—but we remain very good friends always—it will be difficult to come to an understanding, and I shall explain why. Because were we to decide on 1973 as the deadline—be it spring, autumn or winter; regardless of the season—we would still be prejudging the fact that at that moment all problems will have been solved and that an understanding can be arrived at on the problems of the sea. And here we come to the point which I consider to be the very crux and the subject on which we must discuss, negotiate and understand one another honestly and clearly.

125. What problems are pending? This morning we were told that they are three: the date, to which I have just alluded; the terms of reference; and the order of priority. But the basic problem can really be reduced to one point and only one.

126. We, the developing countries, last year approved a resolution *[resolution 2574 (XXIV)]* that brought together all the subjects so that the problems of the sea form one indivisible unit. We, the developing countries, want a mandate to be based on the concept of the unity and indivisibility of the problems of the sea. That is the basic point on which we must come to an understanding. Do we want a conference on all the indivisible problems of the sea or do we want them to be graded so that agreements might be reached on those problems that interest some countries more and defer to some later, and unspecified, date the solution of other problems?

127. I must point out that the basic problem is the terms of reference. And within the terms of reference it must be made absolutely clear that we, the developing countries are interested—and here I can say "we", I can speak in the plural, because that is a feeling that was reflected in the Conference of Heads of State or Government of Non-Aligned Countries, held at Lusaka in September 1970: we, the developing countries, are interested in and must maintain the unity and the indivisibility of all the problems of the sea.

128. This is nothing new; nothing we are inventing. If I am not mistaken and my memory does not fail me, it was in

1953 that the delegation of Iceland submitted a draft resolution which served as the basis for all discussions that took place until 1955. That draft resolution was adopted *[resolution 798 (VIII)]* and established the unity and the indivisibility of the problems of the sea.

129. The International Law Commission, which studied those problems, agreed with this unity and indivisibility of the problems of the sea. If there is optimism over all those problems being solved before 1973, then we should be more than happy to have us all meet and discuss them–in spring, autumn or winter. But if this is not the case, should we not be able to study all those problems, why then not follow the suggestion made by Ceylon, even though some have objected to it with a degree of apparent logic? That could be done if the study of the various problems were completed. Only then could we begin that study.

130. But I must state this very clearly and loudly in order to be heard by all, that we make no prejudgement regarding the study on the breadth of the territorial sea as long as all the other problems have already been studied and solved.

131. With regard to priorities, I think it somewhat premature to establish them now. It might be better for the Committee itself, when it discusses these matters, to decide on the order of priority to be established.

132. In this statement–which I am afraid is rather lengthy and which I shall now cut short–I wish to make very clear what my delegation considers to be essential. First, that the terms of reference should include all problems of the sea indivisibly. Secondly, that only when these problems have been studied–and I trust that it will be by 1973–can we go on to the study of other problems, including those of the breadth of the territorial sea, fishing and straits which have apparently been the subjects of exclusive interest to the super-Powers.

133. Mr. SARAIRA GUERREIRO (Brazil): When I asked for the floor this morning, my intention was again to recall to that informal meeting of the Committee that there was a rather substantial group of delegations which favoured draft resolution A/C.1/L.539, and would prefer that the Assembly should decide what it can objectively decide now, namely, that it is highly desirable to have a conference, and in the near future, and to take measures for intensive preparations for that purpose. I thought of recalling this obvious existence of a group of delegations which would prefer such a draft resolution, because apparently many members of the Committee had forgotten about it. Some said that, practically speaking, there was agreement on a fixed date for a conference. Others said that draft resolution A/C.1/L.539 dealt only with sea-bed matters. That is not so.

134. I did not ask for the floor now to present draft resolution A/C.1/L.539, but I thought it would be useful to show again that the text which has been introduced by some delegations in draft resolution A/C.1/L.545/Rev.1 and its revision is far from being a text that represents a one-sided view. It is the result of an extreme effort to reconcile different viewpoints. And I say frankly that, if this Committee wishes to look for a very broad consensus for a draft resolution, it has to take this fact into account. Unless we are realists and accurate in assessing the different trends here–and not only the trends that go in one direction–we shall fail in any effort at reaching a very broad consensus. I still have before me the draft resolution by Brazil and Trinidad and Tobago *[A/C.1/L.539]* and I do not think that most of the delegations which would have given first preference to this text could go beyond what is essential in document A/C.1/L.545 and its revision. If draft resolution A/C.1/L.545/Rev.1 is altered in any substantial way, we would perhaps be getting further away from a broad consensus, not closer.

135. Mr. ZEGERS (Chile) *(interpretation from Spanish)*: I wish first of all and very generally to refer to the draft resolutions that deal with the possible convening of a conference on the law of the sea.

136. I feel that the debate we have held in this Committee and the negotiations that have taken place, particularly in these last two weeks, have gradually clarified important points of agreement which bring this Committee, and therefore the General Assembly, closer to a draft resolution that may be widely supported and not to one that is generally acceptable.

137. First of all, my delegation believes that, practically speaking, there is a consensus for the view that it would be better to create a single committee to deal both with the problems of the sea-bed and with those related to the preparation of a conference on the law of the sea; a committee with a wide membership that will permit the participation and the expression of views of the greatest number of interested States from the General Assembly.

138. Secondly there is also agreement that the ideal or "target" date should be 1973 and that the preparatory work in the committee to be set up should be geared to that date. If we speak of a target date and not of a dead-line, it is because experience and the nature of a conference on the law of the sea so dictate.

139. In an informal debate, the representative of Ceylon very cogently reminded us of something which I think it would be appropriate to mention in this debate. When, in 1958, the United Nations Conference on the Law of the Sea was held in Geneva–the first and the more successful of the two–10 years of preparatory work preceded it. Today we all agree that in a far shorter time we have to prepare for a similar conference. But, in that case, for nine years the Assembly did not venture to speak of setting a date for the conference. It was in 1957, after nine years of preparation, that the General Assembly for the first time proposed the holding of that Conference in 1958 *[resolution 1105 (XI)]*.

140. My delegation fully understands the urgency felt at this moment. We too feel it and, therefore, we do agree with setting a target date. But we cannot, because of this obsession with a dead-line, run the risk of a failure such as that of 1960–a failure that for 10 years has forced the international community to fight shy of the problems of the law of the sea. And, therefore, the agreement that exists on this subject is an agreement on a target date, a date which obviously will depend on progress in the preparatory work, progress that must be impelled by the political will of all States present here, a political will which my own delegation offers to bring to bear on the matter.

141. Thirdly, there is agreement that the terms of reference, both of the preparatory committee and of the conference itself, should be broad and include the oneness of all subjects concerning the sea-bed. This need for broad terms of reference has been stated not only in such legal pronouncements as the opinions of the International Law Commission–but also in political pronouncements, General Assembly resolution 798 (VIII) and 1105 (XI), and in replies to the inquiries of the Secretary-General *[see A/7925 and Add.1-3]* on the nature of the conference on the law of the sea, in which approximately 70 per cent of the replies reiterate the need for holding this broad and comprehensive conference and repeat the need for the indivisibility of the problems of the sea-bed.

142. In the present general debate this opinion has again been echoed by the majority of speakers. There have been recent international conferences, such as that of the non-aligned countries held in Lusaka and the conference of the Latin American countries held in Lima, where this same concept was stressed.

143. The concept is logical from many standpoints. There is a juridical relationship among all the subjects, as stated by the International Law Commission, and there is undoubtedly an obvious physical relationship, and naturally there is also a political link, because no mature country would negotiate the vital problems concerning its sea if now allowed to study them as a whole.

144. Therefore, the broad terms of reference and the indivisibility of the subjects are the first imperative. I would go further; there are countries, there are States, that were unable to participate in the Conferences particularly that of 1958, and these States, quite justifiably, say that they gained their freedom after that date and must now be allowed to have their say on the whole list of problems of the law of the sea.

145. There is a fourth point on which there seems to be a prevailing opinion, and that is the preference for a régime for the sea-bed. This preference was already implicit when the international community approved the inclusion in the agenda of the twenty-second session of the General Assembly of the item proposed by the delegation of Malta concerning the sea-bed beyond the limits of national jurisdiction and when at the same session the First Committee recommended the draft resolution which the Assembly adopted as resolution 2340 (XXII). It was also clearly present in the draft declaration of principles–now reproduced in draft resolution A/C.1/L.544–which, at the suggestion of the Chairman of the sea-bed Committee, we are about to agree upon in this Committee and which reflects the result of three years of patient, arduous, research, study and negotiations, in order to prepare a new subject, also a new reality: to open up what has been termed a new frontier to meet the needs of the international community.

146. Logically, it would appear that a new subject should be given priority and more careful study than those subjects that have been considered for many years, even though they are not as yet resolved.

147. Finally, this priority was also agreed to by the General Assembly in resolution 2574 A (XXIV) which, at the last session, gained a two-thirds majority of the General Assembly and, as I said earlier, was also agreed to at the Lusaka and Lima conferences. I should add that in the replies to the Secretary-General this priority was also given in the majority of cases.

148. If we bear in mind the fact that the draft resolution which we are to adopt is not one that appeared from nowhere–it is not something that we are inventing or creating, it is the culmination of a very old process, of the international practice of consultations by the Secretary-General with Member States, of their replies, of resolutions adopted by the General Assembly, of debates held in this Committee, then we must agree that these are the basic points of agreement. If we do agree with this, the next question is, which of the draft resolutions submitted best reflects these points of general agreement?

149. In the opinion of my delegation, with regard to taking up this quasi-consensus which seems to flow from this entire process, I would say that the draft resolution in document A/C.1/L.545/Rev.1 best reflects these points of agreement.

150. What is this draft resolution? I shall not refer to its provisions in detail, nor shall I dwell at length on its genesis. The representative of Jamaica did so brilliantly when he submitted it to the Committee. But it is important to stress that this draft has been negotiated over a period of more than two weeks in the Group of 77 countries and was negotiated as a draft consensus. The different texts have taken up suggestions coming from the most diverse regional and political groups and have tried as far as possible, and within the framework that we have attempted to indicate, to include all points of view. It is obviously a compromise draft.

151. My delegation would have preferred even more categorical priority to be given to the régime for the sea-bed. We might have followed the general lines and supported draft resolution A/C.1/L.539 submitted by Brazil and Trinidad and Tobago. We might have preferred a very different wording for many of the paragraphs. But I am happy to say that the Chilean delegation is ready to support this negotiated compromise text, draft resolution A/C.1/L.545/Rev.1, which is to serve as a basis for the decision of the General Assembly. Among other delegations at the informal meeting this morning, this was stated by the delegation of Norway–whose constructive attitude both on this subject and on the formulation of the legal principles in the sea-bed Committee warrant my appreciation–the delegation of Nigeria, in a very carefully pondered statement–the delegation of Ceylon and, this afternoon, the delegation of India, among many others. I say that this draft must serve as a basis for the decision of the General Assembly, but, as the representative of Ceylon said this morning at our informal meeting, it must serve that purpose without substantial changes, in other words with nothing that will change its essence.

152. We should also endeavour to submit a draft resolution which will commend itself as widely as possible to members of the Assembly, but I would say maximum possible agreement in accordance with the will repeatedly stated by the General Assembly regarding these questions.

153. At this moment I will not refer in detail to other draft resolutions before us. I merely wish to refer very briefly to one of them of which my delegation is a sponsor together with the delegations of Kuwait, Libya and Peru. I refer to draft resolution A/C.1/L.543, which requests the Secretary-General to prepare a study on the impact that the production of minerals from the sea-bed would have on the world raw material market, products which many developing countries depend on for their economic development. In the case of Chile this specifically applies to copper.

154. The representative of Kuwait submitted this draft and he will probably submit an amendment or revision of it in accordance with a conversation I have had with him. Therefore I shall refer to this in a very preliminary fashion. All I want to say is that over 15 per cent of the oil consumed in the world is extracted from the sea-bed. Senator Pell of the United States told us, and the representative of Ecuador reminded us today, that in 1973 manganese nodules will start coming to the market containing nickel, cobalt and copper. I recall that the Under-Secretary-General for Economic and Social Affairs, Mr. de Seynes, told us recently that all the benefits derived from the exploitation of the sea-bed could be reduced to nil if the damages suffered by certain developing countries resulting from fluctuations of the price of raw materials were to take away with one hand what might be given them with the other *[see A/AC.138/SC.2/L.9]*. A study by the Secretary-General on this subject is not only necessary but, we believe, urgent.

155. I have dwelt, perhaps at excessive length, on these matters and I therefore apologize to the members of the Committee, but I thank you for having allowed me to make some general comments on the draft resolutions before us.

156. The CHAIRMAN: I call on the representative of the United States on a point of clarification.

157. Mr. STEVENSON (United States of America): Thank you, Mr. Chairman. I shall be very brief, but the representative of Ecuador made certain comments with respect to our previous statement and I wish to clarify some points.

158. First, I quite agree that our draft resolution as at present before the Committee *[A/C.1/L.536]* speaks in terms of two committees. It was my intention to indicate that we no longer adhere to that position. We now agree with the emerging consensus here that a single committee should be established to carry out the preparatory work.

159. Secondly, with respect to the question of progress, we feel very strongly that having a definite date, a definite year, will certainly increase the rate of progress. Obviously, if everyone's expectations prove to be incorrect and there is no progress, we cannot bind the action of a future General Assembly in the light of that situation. However, I think we should definitely indicate at this time that we expect progress and that it is in our mutual interest to expect it at this time.

160. Thirdly, on the question of priority it is our view that all subjects should be given equal and simultaneous treatment and that no country should be expected to reach a final decision with regard to any of the matters before the conference until it is satisfied with respect to the treatment of all such matters.

161. Finally, one point on the régime. We certainly agree, as I think we have demonstrated by the working document we submitted in Geneva, that we feel it is most urgent to make the most rapid progress in agreeing on an effective régime. We agree that we must all attempt to protect the common heritage in the area beyond national jurisdiction. On the other hand, we feel that it is equally in the interests of those countries that wish to protect that heritage to determine the question of the limits of the régime, for, surely, the greatest risk arises in the fact that if we do not arrive at a régime and agreement as to the area to which that régime will apply we have the chance of losing this heritage in the light of the continuing extension of unilateral claims.

162. Mr. BEESLEY (Canada): I do not propose to speak on any particular resolution at this stage, but rather to offer a few observations on substance in the light of the debate we have heard and in the light of some of the developments outside the debate.

163. It seems very clear that although the draft resolutions before us differ particularly, there is obviously, as we have said before, a very large area of common ground in the three main draft resolutions which would have us decide on a conference and set up a preparatory committee. Other speakers have pointed out that there is general agreement on the desirability of a conference and the need for one. There is widespread agreement that 1973 should be the year of decision-making. There is general agreement that some form of preparatory committee will be needed and that the committee, if it is to be the present sea-bed Committee, will have to be expanded by some undetermined number.

164. There seems to be a developing view that one preparatory committee should cover all the issues to be considered at the law of the sea conference, rather than two committees. There seems to be considerable, if not general, agreement on the priority of issues. We are aware of some differences of view there. Those differences on priority stem from differences of view which still exist concerning the scope of the conference, but even on the scope of the conference we detect a very large measure of agreement that the conference should be wide in scope. Some delegations do not agree, for example, that fisheries conservation or scientific research or particular aspects of pollution should be included in the agenda of the conference and others have differences of view concerning whether or not international straits should be included in the agenda of the conference, but certainly there is a very wide area of agreement on a broad conference that would include all those items of interest to particular States or particular groups of States.

165. To sum up, in our view there is such a wide area of agreement that in the process of our discussion we have already narrowed the area of disagreement. One of the main unresolved issues in our view appears to be whether the date of the conference is to be a specific date or a target date.

166. The difficulties concerning this issue appear to be substantial, but in our view they are by no means

difficulties that cannot be resolved. The question of the scope of the conference may be harder to resolve, but we feel confident that here, too, it will be possible to reach agreement on that issue. There are other, more technical differences concerning the manner in which we refer to certain items which are agreed as necessarily forming part of the agenda of the proposed conference, but our own understanding on the basis of the debate and discussions with other delegations is that here again there are no issues that cannot be resolved by sensible drafting.

167. Our conclusion is that we might well occupy our time better by proceeding along the lines adopted earlier and actually trying to reach an agreed draft, bearing in mind that if those efforts prove fruitless we shall have to go back to the resolutions before us and vote on them in succession. But we still feel it would be unfortunate if we were to occupy ourselves unduly with expressions of view on precise details of this draft or the other draft, when there is already evidence of considerable movement. What we are more concerned about is that if we do not crystallize the area of agreement that has begun to appear, we can, by virtue of our continuing discussions, actually polarize opinion and end up somewhere back where we were at the beginning of the debate.

168. We are only one delegation, and every other delegation is entitled to express its own view. We welcome hearing them, but it does seem to us that we may be reaching a point where we can assume that we have clarified the issue sufficiently and that we can go back to attempting to bring parties together on a common ground.

169. Mr. STASHEVSKY (Union of Soviet Socialist Republics) *(translated from Russian)*: The Soviet delegation would like to make some preliminary remarks on one of the drafts under consideration, namely, the draft contained in document A/C.1/L.545/Rev.1.

170. As a result of discussions and consultations held during the last few days among delegations, the Soviet delegation has gathered the impression that the overwhelming majority of States is in favour of holding an international conference on the law of the sea and of deciding on 1973 as the date for that conference. However, where States differ most, in our view, is on the question of the possible agenda of this conference. As can be seen from the debate, that is the main stumbling block and that, unfortunately, is precisely where the draft in question is most unsatisfactory.

171. Only one item has been decided on for the agenda of the future conference: the régime for the exploration and exploitation of the resources of the sea-bed. However, that item is so worded that it does not in effect make provision for the establishment of limits of national jurisdiction.

172. In the course of the work of the Committee on the sea-bed and also at the present session of the General Assembly, the Soviet delegation has often said that, obviously, if the question of the delimitation of the extent of the sea-bed beyond the limits of national jurisdiction is not resolved, the whole preparation of a régime for the sea-bed will be jeopardized. But in this part of the draft resolution, as in a number of its other provisions, we also find reflected the attitude of a certain group of States towards those in favour of a possible revision of the existing Geneva Conventions on the law of the sea. The position of the Soviet delegation in this matter has already been set forth and there is no need for us to explain it in detail. We still think that attempts at this stage to revise the existing Geneva Conventions would be harmful to co-operation among States in the use of the seas and oceans. In fact, this would lead to the indefinite postponement of questions on the law of the sea which, as pointed out by many delegations, require urgent solution. The failure to solve these questions is already having an adverse effect on relations among States. This, in our view, is an undeniable fact.

173. The Soviet delegation understands the desire of the developing countries to examine at this conference the question of rules for the exploration and exploitation of the sea-bed and its resources and to work out an appropriate régime which would govern the activities of States in this field. Yet we cannot agree that the merging of questions of the sea-bed with an unlimited number of questions relating to the law of the sea—questions which cannot even be accurately defined—would help to settle the question of the régime of the sea-bed or other urgent questions of the law of the sea. On the contrary, we are deeply convinced that such an approach would complicate the solution of the question of the régime of the sea-bed as well as that of other urgent aspects of the law of the sea.

174. The Soviet delegation cannot agree to such an approach, as we are deeply convinced that, no matter how subjective or well-intentioned delegations may be in wanting such an approach, this would inevitably complicate preparations for the conference and hamper an effective solution of the problems to be solved.

175. We regret to note that the draft, which was presented by a number of delegations before us as if it were almost a compromise reflecting the viewpoint of all States, does not reflect the position of a large number of States which regard as important and urgent the settlement of matters such as the clear-cut definition of the limits of national jurisdiction over the sea-bed, the definition of the breadth of the territorial sea and directly related matters concerning international straits and the rights of coastal States in respect of fisheries in adjacent open-sea areas, as well as the prevention of marine pollution.

176. It goes without saying that the solution of these questions would be in the interests not only of large States—or, as the representative of Ecuador said, of the super-Powers—but of all States, large, medium and small, developed or developing. We are convinced of this because the solution of these questions on the basis of international agreement would, in the final analysis, contribute to improvements in mutual understanding and co-operation among States in this important field. It would help to do away with the friction and disputes arising in this field and would thus strengthen international peace, which is our common desire.

177. The preparation for an international conference of such great importance as the one we are discussing cannot start with the adoption of a decision which would disregard

the position and approach of a large number of States in the matter of the law of the sea and which would not reflect the position and viewpoint of all the main groups of States.

178. We are confronted with a choice in this matter of a conference. From the very beginning of the preparation for it, will the spirit of co-operation and compromise and the desire to find mutually acceptable solutions prevail, or will the efforts for a just and effective settlement of the urgent matters concerning the sea-bed and the law of the sea prove futile?

179. In our view, the question of the convening of this conference is too serious a matter for us to take a hasty or emotional decision. This being so, the Soviet delegation considers it necessary to continue to pursue efforts in order to use all possible means for reaching agreement among the sponsors of the draft resolutions and amendments with which we are all familiar and which have been widely discussed in unofficial consultations.

180. Mr. SOLOMON (Trinidad and Tobago): In considering this very wide and important subject contained in agenda item 25, the delegation of Trinidad and Tobago has always kept in the forefront of its mind the principles of the resolutions adopted on this issue, the resolution setting up the sea-bed Committee and the resolution regarding the conference on the law of the sea and the debates which have taken place over the past two years and more on these very issues. In considering the terms of the resolutions and the statements made in the debates, we find some very clear and inescapable conclusions.

181. It is clear, for example, that there is an area of the sea-bed and the ocean floor beyond the limits of national jurisdiction. It is clear that that area is the common heritage of all mankind; that, consequently, no person or State can claim sovereignty or sovereign rights over that area. That area, furthermore, as a consequence, must be the subject of an international régime which would control it and exploit its resources in the interests of all mankind, in particular, in the interests of the developing countries, whether they be coastal or land-locked.

182. We have been impressed also by the inescapable conclusion that the problems of marine environment are one and indivisible, and that no solution to any one of these problems is possible without reference to all the others. In fact, it would be unrealistic to try to seek a solution of any one of those problems if we are not to avoid creating confusion in all the other areas of the marine environment.

183. It is for this reason that the delegation of Trinidad and Tobago has urged and constantly supported the idea of holding a comprehensive conference on the law of the sea. It should be comprehensive in order to include all the problems of the marine environment and it should be held at the earliest possible date.

184. I say "earliest" and "possible" for two reasons. It should be at the earliest date because we are impressed by the sense of urgency. If this area is, in fact, to be exploited for the benefit of mankind, then the march of science and technology does not permit us to dilly-dally. If we are to avoid a further colonial scramble on the sea-bed, and if we are to put an end to anarchy on the high seas, then it is essential that we get down to the task and arrive as early as possible at a fixed set of rules and principles. I say "possible" because it is important to understand that the complexity and multiplicity of the issues involved require adequate and careful preparation and the wide participation of all the States of the world. Too many States have been neglected in past conferences. Many of the States represented here today were mere colonies in 1958, and could not, therefore, participate, even if they wanted to. The importance of these issues is being recognized more widely now than ever before. Even the smallest of the developing States are beginning to recognize where their interests lie, and it is important in international arrangements and agreements, if they are to be viable, that the participation and the agreement of the maximum number of States should be encouraged.

185. Therefore, we come to the question of which States should participate in this exercise. We have not decided on, and we cannot accept, any prejudgement of the dates. To prejudge the dates would be to put the exercise and those who participate in it in a straitjacket, but it is essential that we should start as early as possible. At least, the preparatory committee can be given a commencing date early in 1971, but the final date for the holding of the conference must of necessity depend on the results of the work of the preparatory committee. We must start off with the assumption that the States which participate in this preparatory work will do so in a spirit of goodwill. Not all countries agree fully with the terms of reference that are proposed for the committee but, as I said before, it is necessary in international relations to compromise. We have to give a little here and take a little there. No single State can expect to get all it desires, if there is to be harmony in the world, so that even if every State is not fully satisfied with the terms of reference of the committee, once it has been agreed that the committee is to be set up and that the work has to go forward, then all those States which participate should undertake not only to give of their best to arrive at a conclusion within the terms of reference, but also to avoid dragging their feet and putting obstacles in the way of those who would like to arrive at a conclusion. Therefore, I emphasize that it is not necessary to fix a specific date for the holding of a conference.

186. Two things are necessary: first, that we have a target date for the starting of the preparatory work and, secondly, that the States involved should undertake the work in a spirit of goodwill and not in a spirit of obstruction. Having decided on the commencement of the work, then the results of the preparatory work will determine how soon we can start on the full conference on the law of the sea. It is to be hoped that that would be 1973, and since everyone seems to feel that that is a good date, let us use that as a target date, but not as a fixed date. Early 1973 does not seem to be too close or too far away, and perhaps a little leeway here and there is possible. But I emphasize that the exact date of the commencement of the full conference on the law of the sea will depend on the work of the preparatory committee.

187. How is the committee to be composed? The suggestion has emerged—and I believe it is receiving more or

less a consensus–that there should not be a new committee but that the existing sea-bed Committee should be expanded to include some 29 or 30 more members. The delegations of Brazil and Trinidad and Tobago have circulated a draft resolution *[A/C.1/L.539]* which calls for a preparatory committee different and distinct from the sea-bed Committee. But we are flexible on this point; and if the draft resolution in document A/C.1/L.545/Rev.1, which seems to be gaining considerable support–including our own–can be accepted without any substantive amendment, then, for my part, I am prepared to recommend to my Brazilian colleague that we no longer pursue the Brazil-Trinidad and Tobago draft resolution but support fully draft resolution A/C.1/L.545/Rev.1. I repeat: that is on the condition that it is not drastically amended, because any such drastic amendment could result in our having to change our attitude.

188. We agree, therefore, that there should be a single committee, to be composed of the existing members of the sea-bed Committee plus, perhaps, 29 others. To establish such a committee would take care of two important points: in the first place, it would allow States which do not now share in the activities of the sea-bed Committee but which are interested in this very vital aspect of our work to participate for the first time in the work of that Committee and in the preparations for the conference on the law of the sea. For the first time in the history of the world, a number of States which had no part at all in framing regulations, agreements and treaties in connexion with the law of the sea would now be able to participate; and, in the second place, it would take care of the thorny problem of rotation, which has been bedevilling most of the regional groups over the past few months. It will be recalled that when the sea-bed Committee was set up the question of the rotation of membership every two years among the regional groups arose. If the Committee is now expanded to the extent where the majority of States which wanted to participate in the year 1970 but were not permitted to do so can now participate in those activities, the question of rotation need never arise.

189. I shall conclude by saying that none of the draft resolutions now before us fully meets the views, wishes and aspirations of the Trinidad and Tobago delegation. We do not expect it to. In international relations, as I have said, there must be compromise; no one State can expect to seek its own national interests at the expense of all others. And if we are to pursue our objectives, if we are to move forward and make progress now, let us agree to a rational compromise such as is put forward in draft resolution A/C.1/L.545/Rev.1, and pass on from there to a second stage. First of all, we will have had the agreement on the general declaration of principles for the régime, which I hope will be accepted without too much modification–none at all, if possible; and then we shall proceed to our preparatory work on the conference of the law of the sea, along the lines set out in the draft resolution referred to above.

190. We have been discussing this issue for more than two years. During all that time we have expressed our views, argued and differed, but time is no longer on our side. The march of science and technology is overtaking us–it is going ahead of us–and, if we want to ensure that the international community will derive the benefits as well as the pride of ownership of this area at the earliest possible date, then let us agree to submerge our minor differences in the interest of progress.

191. Mr. LA GUARDIA (Argentina) *(interpretation from Spanish):* In its statement in the general debate on this subject on 1 December *[1779th meeting]*, my delegation expressed certain fundamental concepts and, not wishing to repeat them in full, I shall sum them up very briefly.

192. On that occasion my delegation stated that, in its view and because of the indivisibility of the subject, the future conference should have on its agenda all the items listed in General Assembly resolution 2574 A (XXIV). As can be seen from the resolution itself, the régime for the sea-bed and the ocean floor beyond national jurisdiction is the only admissible priority in that agenda, since all other subjects should be treated on an equal footing, without the setting of arbitrary priorities to satisfy any specific interests.

193. With regard to the preparation of the conference, we said that that work should be delegated to a body with terms of reference to set up agenda, programme and procedure, but also empowered to prepare drafts.

194. We also stated, with reference to timing, that we did not object to the setting of a date for the first meeting of the preparatory committee; nor did we oppose the suggestion of a tentative date for the holding of the conference itself, although we felt that it might be premature and unwise, at this session of the Assembly, to set fixed dates that might ultimately turn out to be impractical and incompatible with reality.

195. To link this general position, which I have summarized very briefly, with the various draft resolutions before us it becomes obvious that our position is far closer to that outlined in draft resolutions A/C.1/L.539, submitted by Brazil and Trinidad and Tobago, and A/C.1/L.545/Rev.1, submitted by seven countries, than to that draft resolution A/C.1/L.536 submitted by the United States.

196. Our colleague, the representative of Trinidad and Tobago, has just hinted that his proposal, submitted jointly with Brazil, might be withdrawn in deference to some other proposal. But with his leave, I should like to make some reference to that draft resolution since I consider it to be a valuable contribution.

197. Specifically, so far as the convening of the conference, its agenda and the order of the items on the agenda are concerned, my delegation prefers the way in which the Brazil-Trinidad and Tobago draft resolution treats them, although the language of resolution 2574 A (XXIV)–"in the light of the ... régime to be established"–has been changed somewhat in the Spanish text to read "in terms of the régime". This is not the case with the English text, which follows the wording of the General Assembly resolution.

198. With reference to the date, and despite what I have just said, as a compromise formula we would prefer the phrase "if possible, in 1973", or some analogous phrasing,

perhaps one such as that suggested by the representative of Peru this afternoon that links the final date to the state of preparations for the conference.

199. We also feel that the priority of the régime is far better outlined in the draft resolution submitted by Brazil and Trinidad and Tobago than in the others, even than that contained in the seven-Power draft *[A/C.1/L.545/Rev.1]*. On the other hand, this latter seems more complete and we are happier with the idea of a single expanded committee to deal with interrelated matters rather than two separate committees. We would also prefer the mandate of that single committee to include the right to prepare drafts.

200. We are at the stage of negotiations. At an informal meeting this morning we heard some very interesting proposals from the representative of Norway to the effect that the text of draft resolution A/C.1/L.545/Rev.1 might be changed somewhat. We listened very carefully and would be ready to accept some of them, although I am afraid not all of them. We could not agree to the deletion of the words "if possible" in paragraph 2 for the reasons I have already adduced and need not repeat.

201. With regard to the new wording proposed for the whole of paragraph 2, again we believe that that wording does not sufficiently highlight the necessary priority to be given the international régime over other questions, even over the definition of the area, a priority that even draft resolution A/C.1/L.545/Rev.1, as I have just said, does not stress as strongly as it should.

202. Since this is our reaction to the Norwegian proposals which, of course, deserve careful consideration, there is all the more reason for us to maintain them with regard to another informal document circulated this morning.

203. During the debate on this subject there has been an evident contradiction in the positions of certain countries with regard to at least two controversial questions. In fact, even those delegations advocating the setting of a dead-line still admit that that date might ultimately have to be modified in the light of the results to be obtained, to avoid a repetition of the failures in 1958 and 1960. Yet despite this, contrary to what should be a consistent stand, they refuse to include that logical far-sightedness in the draft resolution.

204. The second incongruity that I would stress with regard to the work of the Assembly itself is that it is asked to go back on its word and to challenge the undoubted priority that should be given to the question of the régime in accordance with the terms of its previous resolutions, particularly resolution 2574 (XXIV).

205. We are very much afraid that such a discussion, far from bringing progress, may turn out to be retrogressive on a matter of vital importance to all States and particularly to the developing countries.

206. I have just said that we are at the crucial negotiating stage. My delegation is eagerly awaiting the new text spoken about by the representative of the United States, as well as any other proposal that may be submitted and will spare no effort to co-operate to find a solution that will gain general approval.

207. Mr. MORTENSEN (Denmark): I shall be very brief and limit my remarks to one problem and one problem only, namely, the question of the size of the committee to be set up.

208. In an earlier intervention in this debate *[1782nd meeting]*, we said that the Danish Government hoped that there would be a possibility of a sufficiently broad composition of the committee to permit of the membership also of small countries having a vital interest in this matter. It should be borne in mind that probably a large number of States will attach great importance to participating in the preparatory work because their vital interests are involved. We also said that our normal preference for committees of rather limited membership in this case, obviously, would have to give way to the interests of such countries. It would now seem that a general trend is developing towards one rather than two committees. This development makes it all the more important that due consideration be given to Member States that feel the need to be represented on the new committee.

209. I shall not at this stage enter any special plea or put forward concrete suggestions as to the number of new members. If 29 is sufficient, good; if a slight increase should prove necessary, then I hope that would be possible. If a somewhat larger increase proves necessary, I hope that a spirit of compromise will reign during the forthcoming consultations, so that we may ultimately meet all justifiable and reasonable demands from Members to participate in the work, thereby recognizing the special nature of this committee that we are about to set up.

210. The CHAIRMAN: Before adjourning, I have some closing announcements to make. The delegation of Colombia has now joined the list of sponsors of draft resolution A/C.1/L.544. The delegations of Mali and Zambia have added their names to the list of sponsors of draft resolution A/C.1/L.551.

The meeting rose at 6.30 p.m.

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