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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/Rev.1, 542, 543/Rev.1 and Corr.1, 544, 545/Rev.1, 551, 553-557 and 561);**

***(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/Rev.1, 545/Rev.1, 551, 553-557 and 561);**

***(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/Rev.1, 539, 545/Rev.1, 551, 533-557 and 561);**

***(d)* Question of the breadth of the territorial sea and related matters *(continued)* (A/8047 and Add.1, Add.2/Rev.1, Add.3 and 4, A/C.1/L.536/Rev.1, 545/Rev.1, 551, 553-557 and 561)**

1. The CHAIRMAN *(interpretation from Spanish)*: Pursuant to the decision of the Committee at the last meeting, the Committee will continue this morning with its consideration of draft resolutions and amendments relating to agenda item 25.

2. Mr. DEJAMMET (France) *(interpretation from French)*: My delegation had not intended to participate in the formal debate. We asked for the floor on Friday evening after the statement made by the representative of Chile actually in order to indicate, on the one hand, how very much we share his concern with regard to a serious preparation for the conference, but also to add that that feeling led us to conclusions which no doubt are slightly different from his.

3. We are indeed in favour of a serious preparation for the conference, as are, I believe, the vast majority of the members of the Committee. This insistence which we place on a methodical preparation is, furthermore, sometimes criticized by the delegations most anxious to promote the progressive development of international law; but since, this time, everybody seems to agree, we can but rejoice to see that this need for a methodical preparation for the next conference on the law of the sea is emphasized in the preamble to draft resolution A/C.1/L.545/Rev.1.

4. Having said this, and since the problem is to seek the best way—the best means—to acquit ourselves of this duty, and to seriously prepare the conference, then what is the best solution? For us the answer is obvious. We must immediately commit ourselves to start work. We must give reasons for the work; we must therefore set ourselves an objective to attain. Accordingly we must set a date for the convening of the conference.

5. This is necessary for two types of reasons: reasons which bear on the character of international diplomacy and reasons which also refer to our national methods of work. On the international level, experience proves that we attain results only if we clearly set forth our objectives in advance. This was particularly true with regard to the declaration of principles on the sea-bed. Does anyone believe that we would be about to accept a declaration of principles on the sea-bed if the General Assembly had not recommended last year the submission of this draft at this session? It is this requirement which was perfectly understood by Ambassador Amerasinghe and Ambassador Galindo Pohl and which explains the tireless patience and the type of perseverance that they exerted when they undertook, led and successfully guided the negotiations which finally turned out to be fruitful. As regards the United Nations Conference on the Law of the Sea held in Geneva in 1958, we have been reminded that 10 years of preparatory work had elapsed and yet the result was not satisfactory. Doubtless—but I think that this argument could be easily reversed—if 10 years were necessary to complete work

which was not considered acceptable to all, then it was perhaps precisely because the Assembly had not at the outset set a date with the necessary precision, which would have moved States to work with all the required vigour.

6. On another level, and here I recall our national methods of work, I also think that it is necessary for us to set a specific date, to prompt our administrations, our public powers, to take seriously the preparation of a conference and to feel obliged to make proposals, to study texts.

7. Thus, these are the two essential reasons which move us to recommend very strongly that a date be set unambiguously, without any confusion, without making it depend on any conditions—I mean a date to be set for the beginning of the work, for the convening of the conference. If we were to say that the conference is to be held and concluded in 1973, I would understand the hesitations of some delegations in subscribing to a commitment which is so rigorous; but we merely limit ourselves to saying that the conference will be convened in 1973. If by that date the preparatory work were deemed not to be satisfactory, there are several solutions which offer every guarantee of flexibility. The plenipotentiaries can always meet and try to take in hand the settlement of outstanding problems. If they do not succeed, they could suspend their work, propose a new session; finally, the General Assembly in 1972 could always, if such were its will, change the exact date for the convening of the conference. All the guarantees for flexibility are thus met without it being necessary to introduce additional conditions in a draft resolution. The concern of delegations which desire that an objective, a target, be indicated is perfectly understood and satisfied when it says that the conference will be convened—I say convened and not held and concluded—in 1973.

8. On the other hand, if we add after "1973" the words "if possible", everything changes. With these two words "if possible" we actually open the door to doubts, to hesitation, to procrastination. Why should we hurry? Why take seriously the position of any given country? Why negotiate if a conference will only be held "if possible"? I appeal in fact to all those who have experience in planning: does one set objectives, dates, and add the words "if possible"? Is there a single country which prepares a three-year, four-year or five-year plan which at the same time indicates that it will endeavour to achieve certain objectives "if possible"? To retain these two words would in fact deprive us of the best reasons to proceed with our work. To retain these two words is to run counter to the will for serious preparation. To delete them is to encourage the Assembly, but it would likewise encourage our public powers, our administrations, to work seriously, to show that political will for which so many delegations have pleaded.

9. May I recall, Mr. Chairman, that I had not intended to make a formal statement; I had asked to speak on Friday evening only in order to reply to the arguments that had been advanced in favour of retaining these two little words "if possible" in any draft resolution. Time has not stood still since then; amendments have been distributed officially before the deadline you had set, in accord, therefore, with your decision taken Friday evening.

10. I should like to indicate that the French delegation is grateful to the delegation of New Zealand for having submitted a text *[A/C.1/L.554]* which represents a very serious and loyal effort to come close to a compromise. This series of amendments submitted by New Zealand and other delegations is lengthy. But this is the proof of the methodical manner in which the group of countries, to which the representative of New Zealand referred, has worked on the basis of draft resolution A/C.1/L.545/Rev.1. I therefore express the hope that the sponsors of this draft resolution will agree to take these amendments into account.

11. In the meantime, a development has occurred—the United States delegation has submitted a revision of its text *[A/C.1/L.536/Rev.1]*, which is also prompted by the same concern to meet the apprehensions expressed by the sponsors of draft resolution A/C.1/L.545/Rev.1.

12. I believe that the efforts made both by the delegation of New Zealand and the group of countries associated with its efforts, and by the delegation of the United States, should now meet with an effort at a similar compromise on the part of the sponsors of draft resolution A/C.1/L.545/Rev.1.

13. My delegation would not wish to have a debate opened on the priorities or on the privileged votes of any given text which is now before us. We believe that it is still possible to arrive at that which should remain the most desirable objective of this Committee, namely, a text that is very generally acceptable.

14. I consequently believe that in the remaining hours a final effort should be attempted so that the sponsors of draft resolution A/C.1/L.545/Rev.1 will take into account the proposals either in the revised draft resolution of the United States, or in the various amendments which were submitted on Saturday before the deadline, you, Mr. Chairman, had set, and so that we may thereby arrive at a generally acceptable text which should be our common objective.

15. Mr. KOMATINA (Yugoslavia) *(interpretation from French):* I shall also be very brief, not only because of the limited time at our disposal but also because I want to make only a few observations on the various draft resolutions before the Committee.

16. We have already expressed our viewpoint during the general debate *[1784th meeting]* on the declaration of principles contained in document A/C.1/L.544. That declaration, in our opinion, seems to meet the essential elements which should serve as the basis for a solution of this complex problem of the sea-bed and related questions. That is why we are among the sponsors of that document.

17. We are also sponsors of draft resolution A/C.1/L.543/Rev.1 and Corr.1, submitted by Kuwait, Chile and other countries. That draft resolution meets an important need, especially for developing countries, as it deals with problems directly related to the exploitation of the sea-bed.

18. The draft resolution contained in A/C.1/L.551, submitted by Bolivia, relating to the position of land-locked countries, likewise deserves our full attention. The study recommended by that draft resolution would be most useful and we are ready to support it.

19. As to the problems concerning the convening of the conference on the law of the sea, a subject which is dealt with in several draft resolutions, it seems to us that draft resolution A/C.1/L.545/Rev.1, submitted by Ecuador, Guyana, Indonesia and others, is in keeping with our viewpoint. It seems to us also that that draft resolution reflects an area of agreement of the majority of Member States; first of all, as far as the mandate of the conference is concerned, the draft in question deals with all the problems relating to the law of the sea in the broadest sense of the word. The problems that the conference is called upon to deal with in their entirety are limited. That is something that is understood and is part of the area of agreement which I have just mentioned.

20. As to the other important matter, the order of priorities, that is, the order in which the problems will be discussed, the draft resolution in document A/C.1/L.545/Rev.1 contains a flexible and realistic formula which, while considering the régime as a basic element of the sea-bed system, makes it possible to deal with related problems of the sea-bed in their interdependence. That formula does not therefore exclude the study of other problems in their indivisibility. What is, however, vital is that the solution be founded on an equitable international régime; it is not a matter here of tactical defence of the weak countries, but rather a realistic approach and, in our opinion, a logical order of things. Such an approach furthermore has been advocated in the Declaration of the Third Conference of Heads of State or Government of Non-Aligned Countries held at Lusaka in September 1970.

21. On the subject of the preparation of the conference, we have opted for a single committee which should be sufficiently broad in order to equitably represent geographic regions as well as different schools of thought. The idea that the committee should in principle be open to all those who would be interested also seems to us to be partially acceptable because, among others, this is an element of democratization of our Organization.

22. As to the question of setting a possible date, which has given rise to some controversy, we have an open mind. We approach the matter from two angles: first, the need for careful preparation of the conference, and, secondly, the need for that complex problem to be regulated so as to prevent any fait accompli on the part of countries which can exploit the sea-bed. In that order of ideas, we must avoid any inconvenience which might result either from the imposition of too speedy a pace for the conference, with which many countries would be unable to keep up, or undue delay in holding the conference, which furthermore might not necessarily be a consequence of the fixing or non-fixing of a date that is more or less precise, but of an approach with respect to the totality of the problems, the substance of a solution and the progress of the preparation work. We are ready to accept a precise or preliminary date, since what is important for the conference is not so much the date as the political will and the spirit of compromise of States ready to accept constructive solutions which would take into account permanent changes of conditions as well as techniques, technology and social and political changes in the world.

23. In conclusion, we are ready to examine all new proposals. We have no preconceived ideas and, of course, we do not exclude out of hand any proposal presented or to be presented, provided that the balance established in draft resolution A/C.1/L.545/Rev.1, which is the result of negotiations and consultations, is not threatened.

24. We would be very happy if an agreement or a compromise could be reached or if a single draft resolution were presented to us which could be overwhelmingly accepted, since this would be a guarantee of the success of the conference and the objective of convening it.

25. Mr. DOSUMU JOHNSON (Liberia): When I inscribed my name on the list to speak on Friday we were at the informal stage, and the general debate, I thought, had closed on this issue. I did not think it was necessary for me to use more words to express my view on the draft resolutions *per se*, as we had almost reached an agreement on draft resolutions A/C.1/L.545/Rev.1 and 536/Rev.1 as a basis for negotiations. I was then very hopeful. However, after what took place here on Saturday following "consultations"–I mean the speeches and amendments that emerged from those consultations–I became much less hopeful of a genuine intention to use the sea-bed for the benefit of all mankind.

26. The amendments of Friday, I think, were definitely intended to confuse and delay agreement–which we seriously regret. Document A/C.1/L.554 would have been meaningful if it had been introduced as a draft resolution instead of as an amendment to draft resolution A/C.1/L.545/Rev.1. If the Committee had accepted the suggestion of having one text as a basis for negotiation we would have obviated the situation we found ourselves in on Saturday, which, to be truthful, was a reopening of the general debate. This confirms the opinion of some. When I say "some", I want it to be understood that it would appear that the Committee has been polarized into two sections: the operative section and the preambular section. Those of us who are small belong to the preambular section, and those who are big belong to the operative section. This confirms the opinion of some of us that some Members do not really want a conference at any time–1971, 1972, 1973, 1974 or 1975. They do not want a conference at all. That is the impression received by some of us who belong to the preambular part. Some of the questions raised on Saturday, and also on Friday perhaps, would have been very relevant after an agreement on a conference had been reached and only at the preparatory stage, when an agenda was being ironed out. If we really want to have a conference, I cannot see how we should begin to think of what the conference should deal with. That is all that transpired on Saturday. I am sure you will agree with me, Mr. Chairman, that the agenda will take care of all these matters we have been talking about: what is supposed to be done and how we are going to do it. We shall talk about all this when we agree that a conference is to take place on a certain date.

27. Speaking in this context, I am prepared to support fully what was said by the representative of the United Kingdom on Saturday *[1795th meeting]*. All this has been unnecessary. We have heard many words, a repetition of all that went on at the beginning of the debate, and now we have to have a night meeting tonight, which is not to the liking of many of us older men. If we had not talked so

much, this would never have happened. When the non-aligned Heads of State asked for an early conference they were conscious of the failures of the United Nations Conferences on the Law of the Sea of 1958 and 1960. Nevertheless, they asked for an earlier conference, realizing that the representatives at those conferences did not have the knowledge of the sea acquired through various agencies since 1960. Today we have all kinds of information. Even now as we are speaking here, studies are being made of pollution and other matters in many places, here in the United States and elsewhere. We have a great deal of information which they did not have. So we are now all agreed. We all now know that we have valid information on all aspects of the sea. We do not have to waste any time, unless we want to try to throw dust in the eyes of some people. There are agencies with all kinds of information on the sea, from which we can begin. If the founding fathers of the United Nations had waited until they had perfection, we would never have been able to have the United Nations today. If all the organizations that have come into being had waited for perfection before they started work, we would never have had those organizations today. This is what leads me to believe that the talk about postponement or obtaining perfection before we talk about a conference is a subterfuge to delay the holding of a conference which should be for the benefit of all mankind.

28. Mr. Chairman, I think we shall be able to move more expeditiously if you will go back to your old plan and get together the architects of the two draft resolutions A/C.1/L.545/Rev.1 and 536/Rev.1 and then hand over to them the amendments that have been introduced here. With yourself guiding the deliberations I think we shall make progress, and you will save us many headaches. In our opinion, whatever differences exist now are only differences of mechanics, if not semantics. Therefore there should as a result be very little difficulty in reaching a consensus text. I am again proposing today, as I did some time ago, that you talk to the operative group and suggest that draft resolutions A/C.1/L.545/Rev.1 and 536/Rev.1 be the basis for a consensus.

29. We must have a definite date fixed; otherwise we shall not have anything. If we say, "1973, if possible", that would be only a means of giving an excuse to those who do not want a conference to take place. We must be positive, fix the date, and you will see how quickly we shall arrive at it. Let me give you a little insight into the proceedings of the Organization of African Unity, which are now of course a matter of public record. When we went to Addis Ababa in 1963 the Foreign Ministers had met and had come to the conclusion that a charter was not possible that year and they made that recommendation to the Heads of State. However, when the Heads of State convened they decided that a charter must be had in 1963, and within five days we had a charter, which exists to this day without any modification whatsoever.

30. Therefore, I think if we fix the time now we shall be able to proceed. Let the United States and the non-aligned States, sponsors of the draft resolutions contained in documents A/C.1/L.545/Rev.1 and 536/Rev.1, get together and talk things over, in just the same way as the Soviet Union and the United States: when they want to get something done, they do not do it here; they go somewhere else, and it does get done. That is not an aspersion, but just a credit I am giving them. They get together and work it out. This problem could be worked out in the same way.

31. I implore you, Mr. Chairman, to do this for us; you will be helping us. If you fail, it will reflect upon the Committee—and the Committee's officers also. I therefore think you should now initiate consultations on the draft resolutions I am emphasizing—those contained in documents A/C.1/L.545/Rev.1 and 536/Rev.1 and all the amendments. That would save us from hearing a further repetition of words.

32. The CHAIRMAN *(interpretation from Spanish)*: Before calling on the next speaker I should like to make some remarks in connexion with the statement just made by the representative of Liberia. It is true, as he said, that the general debate on agenda item 25 ended at the 1789th meeting of this Committee, on Tuesday, 8 December. The Committee is now in the process of a general debate on the draft resolutions and amendments submitted in connexion with this item. That accords with the practice we have followed on each item; when the general debate is closed, we commence the general debate on draft resolutions and amendments so as to clarify the situation and so that delegations may take positions with direct reference to these drafts. It is true one may have the impression that the same general debate is under way, possibly because statements have been very lengthy—which is warranted because of the complexity of this item—and because there are many draft resolutions and amendments.

33. I would assure the representative of Liberia and all other members of the Committee that I have been prepared to make every effort to facilitate conversations and negotiations between the different schools of thought on this subject. As the representative of Liberia is aware, we had an informal meeting a few days ago, and later held another one, and it is my intention at the end of this meeting, when positions have been clarified, to propose the establishment of an informal working group, which would meet this afternoon, to be made up of the representatives of States sponsors of the draft resolutions and amendments.

34. It is my hope that, as a result of that exchange of views as well as of the negotiations I know have been and are being held, and of the will of the various groups to arrive at a compromise, we shall successfully complete consideration of this agenda item. Unfortunately, it is not always possible to achieve immediate results; a little patience and time are needed for negotiations to be fruitful. But I repeat it is my hope that we shall satisfactorily conclude this item, just as we have completed all the other agenda items.

35. Mr. BAYÜLKEN (Turkey): This Committee is at the stage of taking decisions of the utmost importance concerning the sea-bed. The outcome of its work will direct the comprehensive work to be done in coming years, which will decide international principles on questions concerning the sea. With that in mind we wish to appeal to all delegations to make every effort to move towards a consensus, which is of crucial importance for the success of the conference. It is clear that whatever resolution is adopted it may not prove as effective as it should without a consensus. We should

therefore not strive to arrive at a resolution reflecting only partial interests but should work for the largest consensus possible. What we most need at the moment is a spirit of full co-operation.

36. From that point of view, we fully appreciate the efforts of the sponsors of draft resolutions A/C.1/L.545/Rev.1 and 536/Rev.1 to improve their texts in order to achieve a larger consensus. It seems that those texts are now acceptable to a larger number of Member States. But we should equally praise the amendments proposed by Australia, Japan, the Netherlands, New Zealand and the United Kingdom contained in document A/C.1/L.554, which also reflects much valuable work. That amendment presents for the Committee's attention the line of thought of a group of members on the very important task of convening the conference on the law of the sea. My delegation shares the views expressed and finds the amendment most constructive towards the idea of having a consensus resolution, which would ensure a good start and future for the conference on the law of the sea.

37. I shall explain briefly why my delegation believes the incorporation of the amendments to draft resolution A/C.1/L.545/Rev.1 would be useful. First of all, the date of the conference would be definite. We do not see the wisdom of establishing a date for the conference and including the conditional words "if possible". Secondly, the conference's mandate is clear, precise and workable. Some delegations may prefer a much wider scope than that mentioned in the amendment, but the new text of paragraph 2 provides for that possibility. Furthermore, the mandate contained in amendment A/C.1/L.554 establishes a sound working relationship between two main sections of the conference's mandate. The régime of the sea-bed and ocean floor and the breadth of the territorial sea and related matters are subjects that should be treated concurrently. Thirdly, there is evident consensus in the Committee that the membership of the sea-bed Committee should be enlarged. That is a very important aspect that must be dealt with if the conference is to have a successful outcome. All interested members should be able to participate in the preparatory stage of the conference. They should be made aware of all interests, views and rights while establishing an international law for two thirds of the world. For that reason, my delegation believes that the composition of the sea-bed Committee at the preparatory stage should allow all interested members to participate in the work of the preparatory committee. We fail to see why countries desirous of participating in such important work should be deprived of the opportunity to do so. Bearing that consideration in mind, we believe that an enlarged membership of the sea-bed Committee should be able to accommodate the needs of delegations in this vitally important matter.

38. My delegation, which has participated in and contributed to the informal work on this subject, has presented these views with the sole purpose of promoting a compromise.

39. I believe we are going to deal with the problem of strengthening international security this afternoon. A long, arduous task has been completed with great success, and that success lies in the fact that this Committee was able to arrive at a consensus. I do not think the matter we are now dealing with is less important. My delegation would therefore like to make a most sincere appeal for all delegations sincerely interested in serving on the sea-bed Committee to do so.

40. I should also like to state the following. We concur with the Chairman's suggestion concerning establishment of an informal working group so that it is possible to arrive at such a conciliation and consensus.

41. Mr. MORAN (Spain) *(interpretation from Spanish):* I should like to state the opinion of my delegation with regard to the principles contained in the draft resolutions which have been submitted.

42. With respect to the conference on the law of the sea, there seems to be agreement among delegations that the main questions are, first, its date or dates; secondly, its agenda; and thirdly, the priority to be given to certain items.

43. With respect to the question of the date, draft resolution A/C.1/L.545/Rev.1 reflects important concessions by certain countries and represents a compromise. From the beginning my delegation has been in favour of setting a date in the near future; but we have been against any rigidity. Setting a precise date will give impetus to our work, and if we do not allow ourselves to be dominated by its being automatic, we shall avoid the risk of having the conference end in failure because of inadequate preparation.

44. Operative paragraph 2 of the draft resolution should not try to mean more than what common sense counsels: that the conference should be held at a given date in 1973 if the preparatory work has been sufficient and fruitful. I believe that nobody in this Committee would advocate the holding of the conference if there were substantiated fears of a possible failure.

45. With respect to the agenda, it is fitting to recall that the vast majority of replies to the Secretary-General *[see A/7925 and Add.1-3]*—it has been said here about 70 per cent—have agreed that the agenda should be broad, comprehensive and unified. In other words, it should deal with all the issues of the law of the sea considered as a whole. This was, in particular, the view expressed in the reply of Spain *[see A/7925/Add.1]*.

46. Now if we consider the texts before us, we note that they do not fully respond to that desire of the majority. Section I, paragraph 1, of draft resolution A/C.1/L.536/Rev.1 lists, together with very general items, others which are very specific and which really need not be mentioned because they are included in the general items. It must be borne in mind that a large number of countries acceded to international life as independent nations at a time when the general rules of the law of the sea had been established in conventions in whose preparation and signing they were not able to participate.

47. In the original draft resolution *[A/C.1/L.536]* it was specified that the conference might add other items to its agenda. In the revised version, document A/C.1/

L.536/Rev.1, the contradiction has been corrected whereby the conference would have the right to choose certain agenda items, while others would be imposed on it, including "such other specific matters as the General Assembly may decide upon", an idea which is contained in document A/C.1/L.554. To what session of the General Assembly does that refer? Is it to the twenty-sixth session? It is therefore fitting to ask whether it might not be more logical to reserve for the next session of the General Assembly the task of establishing an agenda for the conference.

48. I think that we have fallen into semantic confusion. We are confused between subject and agenda. The General Assembly must, in the course of its present session, determine the subject of the conference and the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction should submit to the next session a precise agenda for the conference. This would not be an innovation. We would simply be acting in accordance with the usual procedure in conferences convened and prepared by the United Nations. The United Nations Conference on the Human Environment, for example, was prepared in that manner, which presents the advantage of being clear and rational and further removed from the interplay of various influences and interests.

49. The subject of the conference—and I am not speaking of its agenda—should, in the opinion of my delegation, be the broadest possible and include all questions related to the law of the sea, with special consideration given to the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction. At any rate, since we continue to prefer that the general and unified character of the subjects discussed be clearly expressed in a general formula, my delegation would be prepared to accept the wording of operative paragraph 2 of draft resolution A/C.1/L.545/Rev.1, without, of course, any changes or amendments. Any subsidiary or additional specifications would be detrimental to it.

50. Finally, I wish to deal with the question of priorities. The word "priority" entails, whether we like it or not, a certain sense of exclusiveness. When we speak of priorities, it seems that we ourselves deliberately place certain items in centre stage while leaving others near the wings. In fact, it is not and cannot be so. On the one hand, resolution 2574 A (XXIV) indicated the specific manner in which to deal with the question of the sea-bed. Secondly, the very nature of things compels us to do that. This is a new subject which is vital for many countries and essential for good harmony in the international community. For all other important subjects there is an established doctrine. With respect to the sea-bed, until now only a few valiant efforts have been made, and it is a pleasure for me to pay tribute to them. The interrelation between the sea-bed and the rest of the items on the law of the sea has been brought out in all or almost all the statements which have been made in this debate.

51. Thus, the only logical conclusion is that in the preparatory work of the conference, it is necessary to have in the first place the question of the sea-bed, which constitutes the main piece of our puzzle. This, of course, does not mean that work should not go on simultaneously and in a parallel manner on other questions, but that it is necessary for our knowledge of the sea-bed to attain a sufficiently high level.

52. These last observations lead us to favour the idea of having only one committee charged with the preparation of the studies and drafts, both on the sea-bed and on the other questions. My delegation believes that the committee should have as broad a membership as possible.

53. Mr. KOH (Singapore): At this stage of the deliberations of the First Committee, my delegation would like to set out the criteria which will guide us in considering the draft resolutions, and the amendments thereto, that have been introduced under agenda item 25.

54. But first, we crave the indulgence of the Committee to set the record straight on one point. Sub-item *(c)* of agenda item 25 deals with the views of Member States on the desirability of convening, at an early date, a conference on the law of the sea. The views of Member States have been collated by the Secretary-General pursuant to General Assembly resolution 2574 A (XXIV) *[see A/7925 and Add.1-3]*. Certain representatives have argued in our present debate that those delegations which voted in favour of that resolution last year are thereby obligated to support this year a resolution which would accord with the question of the establishment of an international régime priority in the preparations for the projected conference.

55. My delegation cannot agree with that proposition. General Assembly resolution 2574 A (XXIV) merely requested the Secretary-General to solicit the views of Member States on the desirability of convening, at an early date, a conference on the law of the sea. As was explained by several delegations, and without dissent, before that resolution was voted upon last year, in voting for it an assenting delegation did not thereby bind its Government to reply in any particular manner to the Secretary-General's inquiry. Indeed, it would have been perfectly consistent, in logic, for a delegation which had voted in favour of General Assembly resolution 2574 A (XXIV) to have informed the Secretary-General subsequently that it was against the holding of a conference on the law of the sea in the near future. *A fortiori,* a delegation which voted for that resolution is not thereby committed to any particular definition of the scope of such a conference or on the most appropriate manner for its preparation.

56. Having disposed of that preliminary point, I would now like to set out the criteria which would govern our decisions on the draft resolutions and the amendments thereto which are under consideration.

57. First, we hold the view that many aspects of ocean space are physically and legally interrelated. This being the case, we are therefore in favour of a broad conference. But a broad conference, however broad, must still have its limits. It would therefore be necessary to define the agenda for the conference. The determination of the agenda for the conference should, in the view of my delegation, be governed by the following considerations. First, the conference should deal with the old unresolved problems of the law of the sea. Second, the conference should deal with new problems of the law of the sea. And third, the

conference should deal with those questions of the law of the sea which, although provided for by existing customary and conventional international law, have been rendered obsolete by recent scientific, technological or political developments.

58. Governed by the aforesaid considerations, my delegation would wish to include, within the agenda of the conference, the questions of the establishment of an equitable international régime, the precise definition of the area to which the régime should apply, the breadth of the territorial sea and the directly related matters of international straits and the interests of coastal States in regard to fisheries in adjacent areas of the high seas, and the question of marine pollution. This is, of course, not an exhaustive list and we have an open mind to the suggestions of other delegations.

59. On the question of marine pollution, it would be necessary to co-ordinate the work of the preparatory committee on the law of the sea with the preparatory committee for the 1972 United Nations Conference on the Human Environment. With such co-ordination, it should be possible for the two conferences to deal with different aspects of marine pollution.

60. My delegation is of the view that the projected conference should be a conference of plenipotentiaries which should have the power to adopt international conventions on all of the above-mentioned questions.

61. My delegation is also of the view that there is some urgency in holding a conference on the law of the sea. The reasons why it is urgent to do so have been set out so admirably by Ambassador Pardo of Malta *[1794th meeting]* that it is unnecessary for me to repeat them. We are for holding the conference at the earliest practicable date. We are persuaded by those who have argued that if the preparatory work for the conference were carried out expeditiously it could be completed in time for a conference in 1973. For that reason, we would support the proposal to designate 1973 as the year for the conference, but if the preparatory work cannot be completed by then, it will be necessary to postpone the conference to a later date.

62. My delegation favours the ideas of confining the entire preparatory work for the conference in one committee and of expanding the membership of the present sea-bed Committee to assume this undertaking.

63. As for the mandate to be given to the preparatory committee, my delegation will be guided by the following considerations. First, we are persuaded by the argument that the establishment of an equitable international régime and the precise definition of the area to which it should apply are two inseparable aspects of the same problem. We are therefore of the view that the preparatory committee should be instructed to commence work on those two questions simultaneously.

64. Certain representatives have tried to argue that it is not in the best interests of the developing countries to agree to the simultaneous commencement of preparatory work on the régime and on the precise definition of the area to which it should apply. My delegation is not persuaded by that argument. Apart from the fact that the two questions are logically interrelated and therefore best dealt with together, we fear that to insist upon priority for the régime is to run the certain risk of reducing the prospects for an early agreement on an equitable international régime. What seems like a tactical victory now could prove to be a costly mistake if the result is that the preparatory committee could go on meeting, perhaps for the next 10 years, with no prospect of reaching any agreement. Such an outcome would redound to the injury of the vast majority of the developing countries. We therefore cannot help but question the political wisdom of those who counsel such an approach.

65. It is envisaged that the preparatory committee will divide itself into two or three sub-committees in carrying out its task. On this premise, we feel that the different sub-committees could simultaneously commence work not only on the régime and the precise definition of the area but also on the other questions of the law of the sea.

66. In the view of my delegation, the Ambassador of Malta raised the level of our vision when he told us the other day that what we have embarked upon is no less than the construction of a new and equitable international order to govern man's activities in the ocean space. In this enterprise it is the conviction of my delegation that we must eschew any sectarian approach. For, if the new international order is to be both equitable and viable, then it must take into account the legitimate interests of all groups of countries, developed and developing, land-locked and coastal, as well as those which are shelf-locked. We fully understand the anger in the hearts of many representatives from developing countries arising from past discriminations and indignities but if it was wrong in the past for a group of Western countries to have legislated for the whole world, it is equally wrong now for the group of developing countries, however numerous, to arrogate the same right to themselves. Both principle and prudence would seem to dictate that we should strive, not against each other, but with each other, to find and enlarge the area where our interests intersect. Motivated by this philosophy, my delegation had proposed to you, Mr. Chairman, a few days ago, that the time had come to consider the setting up of a small working group, consisting of the representatives of the sponsors of the different draft resolutions and amendments, to attempt to evolve a consensus draft.

67. We thank you, Mr. Chairman, for having set in motion the process of negotiation, from which we hope an agreeable compromise will emerge.

68. Mr. DEBERGH (Belgium) *(interpretation from French):* When last week I presented the viewpoint of my delegation concerning agenda item 25, I ended by saying that I reserved my right to speak to the draft resolutions on the future conference of the law of the sea *[1788th meeting]*.

69. At that time there were only two draft resolutions– the draft submitted by the United States *[A/C.1/L.536]* and the draft submitted by Brazil and Trinidad and Tobago *[A/C.1/L.539]*. These two draft resolutions were obviously not the last word, as was consequently shown.

70. Since then–and I say this with all due respect to my colleagues of Brazil and Trinidad and Tobago, who seem to insist on two committees for the preparation of the future conference–it appeared that there was a majority view, a majority within each group, in favour of having the conference prepared by one single committee, the sea-bed Committee with a wider membership.

71. I note that, judging by its new draft *[A/C.1/L.536/Rev.1]*, the United States has also been converted to this point of view.

72. Frankly, my delegation has no hard and fast idea as to the date for the convening of the conference. It seems to us sufficient to say that it will be in 1973, and that at the twenty-sixth, or even at the twenty-seventh, session of the General Assembly we could decide the exact time of the year. There would not be much sense in deciding now whether it would be early or late, or even in saying "if possible". The stage reached by the preparations will determine the date at the proper time. The main thing is to say that it will be in 1973.

73. At the same time, we could decide whether it will be necessary to have a preparatory meeting, if this suggestion of the United States is accepted.

74. Another problem that can be easily resolved, even too easily, is the number of members for the preparatory committee. My delegation has its views on this point; we believe, particularly, that a large number is by no means a guarantee of success, that experience has generally proved the contrary. But, though it is easy for some one who has already burnt his fingers to preach caution, we understand the insistence of those who want to join us in this game, which indeed does involve a considerable number of honourable interests of sovereign and equal States.

75. But there is the question of the mandates of both the conference and the preparatory committee, and it is here, in our opinion–quite apart from the political will to achieve results–that the guarantee for the success of the undertaking and its methods seems to lie.

76. All the existing draft resolutions have much in common on this point, at least at first glance. It is only on more careful examination that their differences become evident, together with their shortcomings and defects.

77. If I now concentrate on draft resolution A/C.1/L.545/Rev.1, it is because, unlike the others, it is submitted to us as representing the common view of a large group of States, of an important number of the group of 77 developing countries. We also are told with particular insistence that it is a document which represents a final compromise, as it were, that should satisfy everyone. On this point I feel somewhat uneasy, because when we speak of compromise we are speaking of agreement, which implies the existence of parties who have reached agreement, who have agreed to compromise. The question then arises, who is involved there? Was the text of draft resolution A/C.1/L.545/Rev.1 the fruit of the labours of some of the group of 77, who recommended it to the other members of the group? This is a matter which concerns them. But it does not appear that the sponsors, before the present discussion, ascertained the viewpoints of other groups and really took them into account in a frank and open dialogue.

78. I have been told that the text in question nevertheless reflects the opinion of a majority, and I suppose there may indeed be a relative majority behind it. But I wonder if this is not a rather special and risky way of going about preparing for a conference that is to create or perfect an important branch of international law. For if the decision resulting from multilateral international negotiations is to be determined by a majority vote, practice shows that automatic majorities are not yet a guarantee for the entry into force and the practical application of treaties thus adopted. This is an additional reason, therefore, for being extremely cautious from the very outset and for not imposing upon the parties rigid and inflexible negotiating positions.

79. The mandate of the preparatory committee and that of the future conference therefore determines to a very large extent the success of the preparatory phase. We must avoid a mandate lacking in realism. We must have a clear-cut mandate, a simple mandate, and above all an unambiguous mandate.

80. I admit that in view of these criteria, I have certain doubts. There is, first of all, the well-known question of priorities, or rather of the order of priorities. Let it be well understood, I am the first to admit that the working-out of a convention on an international régime for the sea-bed will be the basic task of the preparatory committee, and if, for that reason, this question is first in the order, far be it for me to say anything against the fact. In that sense it has priority.

81. But on the other hand, I cannot agree that the fate of all the other questions, real or imaginable, of the traditional law of the sea should be made dependent upon solution of this fundamental question, especially since the system of having a single preparatory committee is only a prolongation of the Committee on the sea-bed, whose terms of reference are limited.

82. The sponsors of draft resolution A/C.1/L.545/Rev.1 have tried to reassure us in this regard, and I am grateful to them for having deleted, from paragraph 2 of their first draft, the expression "taking into account this régime". But I very much fear that, even thus, all the ambiguities have not been dispelled. Indeed, if we examine the text of paragraph 2, we must observe that the mandate still involves two different approaches, according to the type of question. The conference is to establish an international régime for the sea-bed, and I suppose that the sponsors mean that it should establish a convention governing that régime. It seems to me that the expression they have chosen is not very correct, for the conference will not be establishing a régime; it is the convention that will establish the régime, by virtue of its implementation by the States–while on the other hand, it is to "deal" only with a "broad range of issues" involving traditional international law. So that two different terms are employed here: on the one hand, "establish", and on the other, "deal with". There is therefore a difference in the mandate, depending upon the subject concerned, and this cannot but make us somewhat wary.

83. The new United States draft, A/C.1/L.536/Rev.1, does not make this distinction, whereas the Norwegian amendment *[A/C.1/L.553]* to draft resolution A/C.1/L.545/Rev.1 retains it. The Maltese amendment *[A/C.1/L.555]* to that draft, on the other hand, seems to us further to strengthen it, in view of what it proposes as an amendment to paragraph 5 of the draft resolution.

84. But there is more, specifically in connexion with paragraph 5, relating to the mandate of the preparatory committee. Here again, we must note the fact that the ambiguity is still there, even to a greater extent. The paragraph asks the preparatory committee to draft a treaty on the sea-bed régime, while for the rest it limits itself to asking only for draft articles on subjects and questions that are to be identified in a complete list–why complete? –to be drawn up in advance, taking into account the tasks involved, which means that if there is no list there will never be any draft articles.

85. Ambassador Galindo Pohl, the Chairman of the Legal Sub-Committee, certainly is not going to contradict me if I warn the First Committee that it is extremely difficult to draw up such lists. Throughout the entire history of the Legal Sub-Committee it has never been possible to draw up a list of the legal elements that should be taken into account in drafting the declaration of principles. That is one of the reasons why that undertaking never succeeded, although it was rescued *in extremis* by Ambassador Amerasinghe.

86. The conclusion is clear: our concern on the matter of priority is far from having been dispelled, especially since we have heard many sponsors–actual, putative and honorary–of draft resolution A/C.1/L.545/Rev.1 plead the cause of priority here. The best solution would be to enumerate and specify the questions that would be within the terms of reference of the conference and the preparatory committee, as stated in the draft amendments *[A/C.1/L.554]* proposed by New Zealand and others. In addition, I understand that these draft amendments entrust the preparatory committee with the task of studying new topics and making specific suggestions for the agenda of the conference to the General Assembly.

87. A second question of concern to my delegation relates to the substance of the terms of reference of the preparatory committee. It is often said that since the sea is a physical whole the law of the sea is also a whole. I have no doubt that the first statement is true, but I am not as sure that such a conclusion can be drawn concerning the law of the sea. The law of the sea does not deal with the sea as such: its object is to regulate the use of the sea–in other words, some human functions which could be categorized and dealt with in specific terms. That is why there are special branches of the law of the sea. There has never been one single body of law of the sea; that has never happened and will never happen; there will always be only specific conventions. It must be noted that if the United Nations Conference on the Law of the Sea was a success in 1958, it is because great care was taken to have negotiations carried out by four specific committees and to conclude with four distinct Conventions. Of course, there are links between the various sectors of the law of the sea, but they exist only to the extent that they reflect conflicting uses that could be made of the sea. But it is not because here and there there are some ties that one must deal with all this together, even if it were possible. Caution is of the essence.

88. The various branches of the law of the sea are the fruit of work that started centuries ago, even before the existence of my country and many great maritime countries such as the United States; all this started centuries ago, and is still going on. Attempts to perfect it go on and on.

89. Therefore, my country agrees that the future conference should be within this historical context, in order to settle pending matters such as the breadth of the territorial sea, or to alter rules that have been outstripped by technological progress and have become obsolete or out of keeping with the functions they were intended to regulate. But the prudence of international jurists teaches us that one must scrupulously preserve and respect, as much as possible, everything that is stable and valid in successive conventions, which can be so fragile that if one element is taken away everything collapses. The great danger of total revision–revision for revision's sake–is that it might serve specific interests which would run counter to and oppose the common interest.

90. It is for those reasons that my delegation takes a dim view of the enumeration in paragraph 2 of draft resolution A/C.1/L.545/Rev.1; and in the corresponding paragraphs of the other drafts, an enumeration of questions which would be within the broad range that would come under the terms of reference of the conference. It seems to us that there are questions that are out of place there or that are not well drafted. For instance, the régime of the high seas and of the territorial sea. Everybody knows that there is nothing to be changed in that régime. A gap has to be filled–that is all–the definition of its breadth, which in turn would lead to the settlement of two related problems.

91. May I say in passing that there are no links between the régime of the territorial sea and the future régime of the sea-bed, for the simple reason that the use of these two fields will never be competitive.

92. While marine pollution and the preservation of marine environment can certainly be mentioned, one should not lose sight of the fact that other bodies are already dealing with it or will deal with it before our conference in 1973.

93. The wording of paragraph 2 of A/C.1/L.545/Rev.1 –and this goes *mutatis mutandis* for its operative paragraph 5 and for the amendments of Norway *[A/C.1/L.553]* and Malta *[A/C.1/L.555]* –seems to be predicated upon a certain definition of the various branches of the law of the sea and relations among them. But they are related only when they regulate competitive functions, and only in this field are revision and adaptation possible or desirable. In these circumstances, one should ask the preparatory committee to identify such cases and to propose to the General Assembly that they be included in the agenda of the conference as advocated in the amendments in document A/C.1/L.554. To say, as has already been said, that resolution 2574 A (XXIV) had already decided to include in the mandate of the conference items specified in operative paragraph 2 of the draft resolution runs counter to the truth. That resolution decided nothing, except to

entrust the Secretary-General with carrying out an investigation, or to explore the views of Governments; and it is not possible, even from the replies of Governments, to conclude that they answered as they were supposed to have answered–namely, that there should be a total revision of existing law.

94. On the other hand, it is sometimes stated that the Conventions of 1958 must be revised, as the new countries were not sufficiently represented there. The representative of Lebanon has already proved the qualitative relativity of such an assertion *[1786th meeting]*. But I should like to add that this is untrue as regards the quantitative claim. If we look at the list of countries, we will see that they had two thirds of the votes less two.

95. I have yet a third remark concerning the draft resolution, paragraph 3 of which reaffirms the mandate of the sea-bed Committee. This is all to the good, and other resolutions could have been mentioned in addition to those referred to here. At the 1788th meeting I noted that it would be regrettable if the preparatory committee were to neglect the accumulated experience of the work of the Economic and Technical Sub-Committee. It would be regrettable if the Committee did not continue to work within the framework of a continuous review of economic and technical conditions on the exploitation of the sea-bed. It should at least be aware of technological developments. In this connexion I should like to thank the members of the Secretariat who have presented us with a description of the current state of such knowledge and of its development. But to come back to my relative concern in paragraph 3, to "reaffirm" the mandate of the Committee without further ado, is something that I view with some scepticism. It is tantamount to forgetting that the Committee on the sea-bed for three years has worked very arduously on a very complex problem for the mere reason that this mandate is equivocal. To reaffirm it means to saddle the enlarged Preparatory Committee with the same ambiguous mandate. It was possible to interpret the mandate as meaning that the Committee was not competent to deal with the delimitation of this area of the sea-bed beyond the limits of national jurisdiction. This should thus continue with the Preparatory Committee which would be competent to deal with many more problems, but still not with this one.

96. But there is more. If we look at paragraph 2 of draft resolution A/C.1/L.545/Rev.1, we are forced to conclude that even the conference would only have second rate competence because the question of delimitation of the sea-bed beyond the limits of national jurisdiction is drowned in the so-called "broad range of issues". The Maltese amendments *[A/C.1/L.555]* and the new United States draft *[A/C.1/L.536/Rev.1]* are a little more logical on this point. The Norwegian amendments *[A/C.1/L.553]* do not deal with it at all.

97. My proposal is simple. We must mention in paragraph 2 and in paragraph 5 the question of the delimitation, together with the question of the régime, not as a previous question but as something which is directly linked to it: the idea of the régime would make it easier to settle the matter of delimitation and vice versa.

98. As to paragraph 3, it does not suffice to reaffirm the mandate of the sea-bed Committee; it should be stated that it is reaffirmed in view of the changes in paragraph 5. We do not only enlarge the Committee from the quantitative point of view, but also on the meaning of its terms of reference. To dispel any ambiguity once and for all, should one not also change the name of the Committee? The representative of El Salvador said some very relevant things in this connexion *[1795th meeting]* but I am even more radical than he is and I think that only the name "Preparatory Committee for the Conference of the Law of the Sea of 1973" would be unambiguous.

99. In conclusion, my delegation has but one concern: the effective preparation of the 1973 conference. We must not lose sight of the fact that that conference will not be prepared with professional objectivity such as the one which characterized the members of the International Law Commission in the preparation of the 1958 conventions. There will be a different kind of objectivity, that is to say, it will be an objectivity determined by the convergence and the divergence of governmental views. It is therefore vital that the preparatory committee be given a realistic mandate, one which would be devoid of any equivocal aspects or ambiguity.

100. I greatly fear that with the terms of reference contained in draft resolution A/C.1/L.545/Rev.1, the preparatory committee would be like a boat that would be seaworthy only because of its paint. It would scuttle the crew rather than ensure a good régime for the 1973 conference. Therefore my delegation thinks that the draft resolution, whose approach in general is good, must be further revised and adapted. And you will have understood by my intervention that my delegation considers that this could be done on the basis of the amendments in document A/C.1/L.554.

101. I shall certainly not surprise you, Mr. Chairman, by saying that in a spirit of logic, my delegation has decided to join in sponsoring these amendments. This does not mean that we do not recognize that there is much that is valid in other resolutions and amendments. We believe that a *rapprochement* between the various viewpoints remains possible. It is up to us to try it.

102. Mr. SHAHI (Pakistan): Like many other delegations we too were of the opinion that none of the draft resolutions originally submitted provided a universally acceptable platform. Each one of those draft resolutions in its own right enjoyed pockets of support within the Committee without being able to command an overwhelming majority. We have since seen a genuine desire on the part of all delegations for mutual accommodation. As a result, the seven-Power draft resolution *[A/C.1/L.545/Rev.1]*, and the one sponsored by the United States delegation *[A/C.1/L.536/Rev.1]*, have already undergone revisions. We commend this desire to achieve harmony.

103. At this stage we should like to indicate our appreciation for draft resolution A/C.1/L.545/Rev.1, as in its general approach, that draft resolution, although it does not fully meet the aspirations of the developing countries, comes closest to it. It also has the potential of being acceptable to a large number of developed countries, as is evidenced by the fact that in proposing amendments to it they are treating draft resolution A/C.1/L.545/Rev.1 as the

main working document. If these amendments find favour with the sponsors and the appeal and the acceptance of the document is enlarged, then we shall have achieved considerable progress at this session. Here we must commend the efforts of the delegations of Norway, Australia, Japan, the Netherlands, New Zealand, the United Kingdom, Malta and also Canada for endeavouring to explore in the various amendments they have submitted the possibilities of achieving greater understanding.

104. Taking into account the number of amendments which have since been proposed and which need to be resolved, a further process of compromise is clearly indicated. We are heartened to note that this process is well under way and the possibility of having a draft text commanding the widest possible support is imminent.

105. At this point we should like to underline the urgency of the matter. The developed countries have expressed the fear that the absence of a precisely delimited area of the territorial sea would inevitably lead to the unilateral extension of national claims. On the other hand, the developing countries have voiced the apprehension that the lack of an equitable legal régime would encourage the scramble for the riches of the sea by those who have the financial and technical capability to exploit those resources. We are therefore of the opinion that it would be mutually advantageous for the developing as well as the developed countries to take up urgently the questions of the equitable régime, the international machinery and the area to which that régime is to apply.

106. Having said this, let me now turn to the seven-Power draft resolution contained in document A/C.1/L.545/Rev.1 and to the amendments to it submitted by Australia, Japan, Netherlands, New Zealand and the United Kingdom in document A/C.1/L.554 and by Malta in document A/C.1/L.555.

107. In the appropriate context I shall also take into account the relevant provisions of United States draft resolution A/C.1/L.536/Rev.1. With regard to the preambular part of draft resolution A/C.1/L.545/Rev.1, I shall confine my observations to its seventh preambular paragraph. We would support the Maltese amendment to delete that seventh preambular paragraph for the reason that the elaboration of an international régime must be done side by side with formulating a precise delimitation of the area of the sea-bed and ocean floor and the subsoil thereof, because the two are not only connected but are also interdependent. The seventh preambular paragraph seems to disregard this interdependence.

108. The third amendment in document A/C.1/L.554, to replace the seventh paragraph of the preamble by another formulation which recognizes the interconnexion, is acceptable to us.

109. As the main question before us is that of the mandate for the conference, and the mandate for the preparatory committee, especially the divisive question of priorities at both stages, most of my observations will deal with the amendments to paragraphs 2 and 5. In view of what I have said about the urgency of the conference on the law of the sea, a definite time should be set for the conference and therefore the words "if possible" in paragraph 2 should, in our opinion, be deleted. We are fully cognizant of the argument that such a conference can be held depending only on the progress of the preparatory work. We subscribe to that view and have stated it publicly in our previous interventions. We feel nevertheless that specifying a definite time will help us to bestir ourselves and step up the preparatory work, if need be. We also feel that adequate preparation can be made for the conference between now and early 1973. There will be two sessions of the General Assembly between now and early 1973, which would afford us an ample opportunity to review the matter of preparatory progress that has been made, should the need arise.

110. In regard to the agenda of the conference in paragraph 2, there are two sets of amendments: the first in document A/C.1/L.554, and the second in document A/C.1/L.555. Both sets of amendments agree that the conference should conclude one or more conventions to establish an international régime, including an international machinery for the area of the sea-bed and the ocean floor and subsoil thereof beyond the limits of national jurisdiction and for the precise delimitation of that area. We are ready to accept either of the two formulations, which are improvements on the corresponding text in operative paragraph 2 of the draft resolution, that is, the amendments to the provisions relating to the international régime and to the delimitation of the area.

111. But those sets of amendments differ in respect of the treatment to be given to the other uses relating to the law of the sea. The sponsors of the amendment in A/C.1/L.554 consider that the question of the breadth of the territorial sea, the matter of international straits and the interests of coastal States in regard to fisheries and marine pollution should also be the subjects of a convention or conventions parallel with that of an international régime for the sea-bed and its limits. United States draft resolution A/C.1/L.536/Rev.1 spells out the agenda of the conference in almost identical terms with the amendments in document A/C.1/L.554. On the other hand, the Maltese amendment in document A/C.1/L.555 does not accord this priority to the territorial sea and the other closely related questions and includes them among the broad range of issues relating to the law of the sea which are to be given, so to speak, a second priority, at least insofar as the mandate of the preparatory committee, that is, the enlarged sea-bed committee, is concerned. We do not wish in any way to undervalue the arguments of the sponsors of A/C.1/L.554 or ignore the fact that they do provide for the preparatory committee's submission to the General Assembly at its twenty-sixth session of proposals for further specific matters–presumably, régimes of the high seas, the continental shelf, the contiguous zone, the conservation of the living resources of the high seas, the preservation of the marine environment, the prevention of pollution other than that to be covered in the convention on the international régime, and scientific research. But considering that our immediate task is to achieve a consensus within the very short time remaining before this session ends, it seems to my delegation that the Maltese amendments to paragraph 2 present us with a better chance of arriving at a generally acceptable compromise than the relevant amendments in document A/C.1/L.554.

112. For the same reason, and in consequence of our preference for the Maltese amendments in regard to the agenda of the conference that I have just mentioned, we would favour the mandate to the preparatory committee as spelled out in the amendments of the Maltese delegation.

113. In regard to the amendments to the other provisions of the operative part of the draft resolution, my delegation agrees with the amendments in A/C.1/L.554, as spelled out in the document, and thinks that the new paragraphs 9, 10 and 11 would greatly improve the corresponding provisions of the draft resolution as well as fill the gaps in the latter's operative part.

114. Turning to the question of the enlargement of the sea-bed Committee, my delegation, like most other delegations, favours an increase in its membership. Of the two figures suggested, we would be inclined to support the lower figure. We feel that an additional membership of 29 would be consistent with the objectives and purposes for which the sea-bed Committee is being enlarged and yet leave it compact enough to ensure its efficient functioning. However, we do not advocate a rigid adherence to that figure and would be willing to consider such other compromise proposals as may be put forward.

115. While I have the floor, I should like to indicate the support of my delegation to draft resolution A/C.1/L.551. It is our earnest hope, as expressed by the representative of Ceylon the other day *[1795th meeting]*, that the delegation of Bolivia would find it possible to delete the words "particularly those which are land-locked" from the last paragraph of the preamble. As has been rightly pointed out, those words seem to introduce an element of imbalance in the draft resolution which otherwise is a document worthy of our full support.

116. Finally, my delegation would wish to indicate its desire to join the sponsors of the revised draft resolution contained in document A/C.1/L.543/Rev.1 and Corr.1.

117. In conclusion, my delegation would once again pay tribute to all concerned for their efforts to reconcile their differences. We are within a measurable distance of a consensus. I would therefore support the appeal of the representative of Turkey for a final effort to this end so that new ground may be broken at this twenty-fifth commemorative session to extend the rule of law based on the principles and spirit of the Charter of the United Nations to the new environment of the ocean space.

118. Mr. OGISO (Japan): In the past few days the attention of this Committee has been invited to various draft resolutions which have been formally presented. It was suggested by some delegations, in this connexion, that draft resolution A/C.1/L.545/Rev.1 was the outcome of extensive consultations and that it represented a view which was very generally maintained and supported among the membership of this Committee. Although my delegation fully appreciates the efforts of the sponsors of that draft resolution, it must be frankly pointed out that this assertion would not appear to be substantiated by the prevailing feelings in this Committee. We have already heard, on Saturday and this morning, a number of representatives comment on various draft resolutions and proposals for amendments and suggestions for further consultations with a view to producing a generally acceptable text.

119. This should come in no way as a surprise to all those who have the courage and honesty to look at the present situation from an impartial and objective point of view. As was already pointed out by the representative of New Zealand at the 1795th meeting, the amendments contained in document A/C.1/L.554, of which my delegation is one of the sponsors, are the outcome of intensive discussions among a considerable number of delegations from several regions. We, as one of the sponsors of these amendments, have finally decided to present in the name of the five delegations the text that has emerged from these informal discussions, because we have become convinced that the text enjoys a substantial backing from delegations which feel that neither draft resolution A/C.1/L.545/Rev.1, submitted in the name of Ecuador and five other Powers, nor draft resolution A/C.1/L.536 in its original form, submitted by the United States, would be completely satisfactory.

120. In our statement at the 1787th meeting my delegation referred to three specific points which, in the view of my delegation, required some detailed comments. The first point concerns the question of the scope of the problems to be dealt with by the conference and consequently the scope of the mandate to be given to the preparatory body of the conference. We then stated that it would be both unwise and unrealistic from a practical point of view to try to reopen those questions which were already settled in Geneva in 1958, unless there were good reasons to believe that the evolution in the international community in the intervening period of 12 years had made a particular rule obsolete or inappropriate for general acceptance.

121. A common argument used in this Committee in that regard is that there are a number of new States which did not participate in the norm-meeting process of the United Nations Conference on the Law of the Sea in 1958. A close examination of this argument reveals that it is less valid than it might appear at first sight. For one thing, much of what was done at the Geneva Conference was in essence a codification of what had been regarded as established rules of customary international law. For another, the State practice since then, including in particular that of a number of newly independent States of Asia and Africa, would appear to testify to the observance of these norms by the international community.

122. For these reasons, the sponsors of document A/C.1/L.554 have felt that the language employed in paragraph 2 of draft resolution A/C.1/L.545/Rev.1 was too general and too vague to be suitable for wide acceptance. It must be clear to any impartial mind that the two principal questions of the law of the sea which remain so far unsettled and which need our urgent treatment and final settlement are the following: one is the question of the breadth of the territorial sea and such directly related matters as the question of international straits and of the interests of coastal States in regard to fisheries in adjacent areas of the high seas; the other is the question of the international régime to regulate activities for exploration and exploitation of the resources of the sea-bed and ocean floor area, with its clearly defined boundary. What we tried to achieve

in our amendment was precisely to bring these points to light by specifying them in unambiguous terms, while not being too exclusive or dogmatic about the possibility of dealing with other issues which might require our treatment–hence our amendments to operative paragraphs 2 and 5 of the draft resolution.

123. At this juncture I might add a word or two concerning the controversial question of priority. I must make it quite clear that our amendments are not intended to have, nor do they in fact have, the effect of prejudicing the question of priority between various topics one way or another. On the contrary, what we the sponsors have tried to do is rectify the imbalance which crept into the draft resolution with regard to the treatment of various issues. Thus, that document in its operative paragraph 2 speaks of a conference which would establish an equitable international régime but which would only deal with a precise definition of the area and which would also only deal with the broad range of related issues, without trying to specify them. We have considerable difficulty in accepting the wording of the draft resolution in this respect, since it seems entirely clear to my delegation that the establishment of an equitable international régime on the sea-bed and ocean floor beyond the limits of national jurisdiction will not be possible unless we come to a clear agreement on the precise delimitation of the area concerned. Again, in operative paragraph 5 of the draft resolution, it is remarkable that the need for the delimitation of the area of the sea-bed and ocean floor is not mentioned as part of the mandate of the preparatory body. Clearly, the language of operative paragraph 3, which reaffirms the mandate of the existing Committee on the sea-bed, is not helpful here, in view of the fact that the mandate of the existing Committee is in dispute precisely on this point of whether it covers the question of the delimitation of the area. That is why we have felt it advisable to propose amendments to operative paragraphs 5 and 3, with a view to placing it beyond doubt that the mandate of the preparatory body will unquestionably extend to the definition of the area.

124. The second point to which I wish to invite the attention of the members of this Committee is the question of the time schedule for the conference. The representative of New Zealand, in his excellent introduction of the amendments to this Committee, made such convincing remarks on this point there is little for me to supplement. I wish simply to address myself to one point raised in this Committee.

125. My delegation firmly believes that the need to convene a conference on the law of the sea is sufficiently urgent for a concrete decision on the time schedule to be essential not only as an impetus and spur for the work but also in order to establish a precise work plan for the preparatory body. We cannot accept any formula that would have the effect of postponing the conference to an indefinite date. That is why our amendments propose deletion of the unnecessary and possibly harmful words "if possible" from operative paragraph 2 of the draft resolution.

126. The third point on which my delegation emphasized the need for a practical and flexible approach in our statement last Monday is the question of procedure and the organization of work for the preparation of the conference. In that context my delegation stated that on the one hand questions such as the extent of the territorial sea, international straits and fisheries of coastal States on the high seas, which are so closely integrated as to form an organic whole, should be considered as such by one body, while the important question of establishing an international régime for the exploration and exploitation of the resources of the deep sea-bed with a clearly defined boundary would in itself require full treatment by another body. On the other hand, it is only too clear that in the final analysis both groups of problems are closely interrelated and therefore the highest degree of co-ordination between them will be needed.

127. The procedures to be established for the preparation of the conference must at least be capable of satisfying those two elements. It seems clear to my delegation that consideration of practical expediency and flexibility in the given circumstances could dictate that we proceed with those problems on a parallel basis–as was suggested, for instance, by the representative of Singapore a few minutes ago. That is the only realistic way for us to find a satisfactory solution to these closely interrelated problems, and that is precisely what the sponsors of document A/C.1/L.554 are now proposing by way of an amendment to operative paragraph 5 of the draft resolution.

128. As one of the sponsors of the amendments I have tried to expound in some detail the views of its sponsors on some salient points of our proposed amendments to the draft resolution contained in document A/C.1/L.545/Rev.1. I shall try to explain specifically why the sponsors of these proposed amendments felt it necessary and useful to present them. They submitted them in the firm belief that the draft resolution still far from satisfies the viewpoints of the great majority of the members of this Committee and is capable of much improvement before it can be genuinely acceptable to the entire membership of this Committee. The sponsors submitted these amendments in response to the appeals made in this Committee that in order to achieve real progress in our consultations we should offer specific comments rather than general views on the draft resolutions already formally introduced.

129. The sponsors sincerely hope that their proposed amendments will be regarded as specific comments on the draft resolution, for the purpose of consultations reflecting the viewpoints of a number of delegations representing a wide cross-section of the membership of this Committee, rather than something that should be put to the vote in its present form.

130. My delegation trusts that the consultations that will follow, according to the Chairman's proposal, will eventually produce a draft resolution that will commend itself to general acceptance by the members of the First Committee rather than the existing draft resolutions, which appear to be no more than expressions of very specific points of view.

131. Mr. RABETAFIKA (Madagascar) *(interpretation from French):* In the statement I made in this Committee at the 1779th meeting I had the opportunity to state in detail the views of my Government on the desirability of

convening as early as possible a conference on the law of the sea as well as on the need for careful preparation, at the appropriate technical level, for that conference.

132. While we maintain what we said in favour of the initial United States draft resolution and our remarks concerning certain of its provisions, and without necessarily reverting to a general statement that would be more fitting in a debate already ended, before commenting on the various texts submitted to our Committee, I should like very briefly to make the following specific points regarding the position of my Government on sub-item *(c)* of the agenda item before us.

133. We believe the Committee on the sea-bed does not–at least in its present form, and according to the mandate conferred on it by resolution 2467 A (XXIII)–seem to have been charged with fixing the limits of territorial waters. Its work could, none the less, define the broad outlines of the various choices which themselves should be taken up by a conference on the law of the sea.

134. My Government deems it indispensable to define those limits as quickly as possible, as also the limits of the continental shelf, which, by deduction, will give us the limits of the international area of the sea-bed.

135. It would then remain to determine the rights and modalities for the exploitation and exploration of that area, as well as for fishing beyond territorial waters. The solutions of these problems are obviously interconnected, but noting this should not lead us to have them all studied necessarily by a single conference.

136. As we see it, the items should be classified in series and separate solutions should be found while taking into consideration their interrelationship. That is tantamount to saying that several conferences would have been necessary, bearing in mind the following order of progression: setting the limits of the territorial waters and the continental shelf; preparation of a convention on fishing in the high seas and in the adjacent area, and, finally, preparation of a régime for the exploration and exploitation of the sea-bed.

137. I hasten to add that such specific questions are not intended to bring in question the mostly positive results we have achieved in this Committee in recent days because of the spirit of compromise which has moved those having different views and the concessions, at times substantial ones, agreed upon by various sides.

138. My delegation supports the general principles enunciated in the United States draft resolution *[A/C.1/L.536/Rev.1]*, even though doubts remain on two essential points.

139. We fear, in fact, on the basis of the specific points I have just made on the position of my Government, that a single conference would be unable to deal with the very broad range of issues mentioned in section I, paragraph 1. Anything that we might stand to gain in co-ordination we would risk losing in effectiveness and speed, if one can speak about speed with regard to so important a conference.

140. Furthermore, while paying a tribute to the United States delegation because it has come around to the idea of a single preparatory committee, an idea which seems to be shared by the majority of the Committee, my delegation maintains, for its part, that it would have been preferable to keep the procedure specified in the original text.

141. The thorough study of each item and the careful preparation of the recommendations or draft articles would have been better guaranteed by the existence of several preparatory committees. But we are far from being insensitive to the arguments of those who say that we should take into account the opportunity to participate for States which often find it impossible to attend several international conferences at the same time. We take note, nevertheless, that it is indispensable in the context of the problem we are considering, to specify that the sea-bed Committee will act as a preparatory committee for the new conference on the law of the sea.

142. Another principle we find and support in the new United States text is that the necessary decisions should be taken at the twenty-sixth session with regard to certain aspects of the problem which we shall not be able to settle at this session. Finally, given the practice in the preparation of international conferences–and I am referring specifically to the United Nations Conference on the Law of Treaties–it would not be out of place to provide for a preparatory conference when one can better define the points of agreement and divergence, before the final conference.

143. We are also grateful to the Unites States delegation for having taken into account in section II, paragraphs 6 and 7, of the revised text, that which I called in my previous statement the indispensable shuttle or intercommunications between the Committee and the Member States.

144. Most of these principles my delegation also sees in a somewhat different form, it is true, in the amendments in document A/C.1/L.554, which the representative of New Zealand introduced at our last meeting. As you know, these amendments incorporate the contents of working paper No. 1, which was distributed at our informal meeting on 10 December last, and to the drafting of which my delegation contributed. These amendments are not intended to destroy document A/C.1/L.545/Rev.1, which has been implicitly accepted as a reference document; they introduce clarifications which have become necessary because of the adoption of compromise positions by the group of 25 States, to which we have associated ourselves, and equally because of the limits beyond which we are entitled to expect reciprocal concessions from the authors of the draft resolution, all the more so since the truth is that, in so important a decision, we need to have as broad a consensus as possible.

145. We believe that we have given proof of a spirit of concession in our version of the seventh paragraph of the preamble in the revised text of document A/C.1/L.545, when we recognize that a régime must be prepared in the course of the next conference and that that preparation would facilitate an agreement on the other questions which must also be resolved at the same conference. I believe that the representative of the United Kingdom sufficiently

brought out at the 1795th meeting the idea of parallelism in the studies and decisions, so that my delegation need not dwell on that matter.

146. In speaking of the position of my Government, at the beginning of this statement I recalled that we would have preferred to have several conferences. If this point of view is not shared by the majority, the least we can accept is that the questions be classified in series in a manner that will show their equal importance, and the presentation which is made in paragraph 4 of document A/C.1/L.554 meets this wish. It is understood that for us this graphic presentation does not correspond to any order of priority and that it simply indicates the objectives of the conference, objectives with regard to which, I believe, opinions are less divided. What we request of the sponsors of the draft resolution is not to press excessively, at least at this stage, for a priority, just as we will not press the issue, because one must realize that such a priority will in fact appear when the conference or the preparatory committee itself considers the questions, taking into account their degree of preparation, their interrelationships and the agreement which may be expected from Member States.

147. The amendments in paragraphs 5, 7, 8 and 9 of document A/C.1/L.554, attempt to define the mandate of the preparatory committee, born of the sea-bed Committee, in the light of the objectives stated in paragraph 4.

148. Obviously we cannot content ourselves with reaffirming the mandate of the sea-bed Committee as specified in resolution 2467 A (XXIII), if we decide that it is to work as the preparatory committee of a conference which is to deal with questions other than those relating to the sea-bed. That would be a manifest contradiction, or else a will to give indirectly a certain priority to the régime, and we entreat the sponsors of the draft resolution not to insist on that.

149. We also believe that in this draft, which deals essentially with the conference, we should not in the operative part repeat general principles, such as, for example, the equitable sharing of benefits, which we can do more profitably and without prejudging the position of some members, when the draft articles of the régime are to be prepared.

150. On this subject, I should like to say that my delegation, despite the reservations which I explained at the 1779th meeting, is a sponsor of the draft resolution on the declaration of principles *[A/C.1/L.544]*. But it seems to me that we should leave to delegations a sufficiently large measure of freedom in evaluating that declaration so as to enhance the possibility of preparing a régime acceptable to all, and that it would not be desirable, at the outset, to impose on them conditions which will be difficult to eliminate.

151. These observations apply equally, in a general way, to the amendments of Norway, Malta and Canada *[A/C.1/L.553, 555 and 556]*. My delegation recognizes their merits, but since essentially they take up the ideas which I had stated on behalf of my delegation, it seemed to me that, in order to spare the Committee tiresome repetitions, it would be more expeditious to deal with them all in the same context. My delegation is happy to see that all these amendments proceed from the same spirit, that because of them differences have abated and that the proposed drafts make it possible to define the points on which we need to have a minimum of understanding with a maximum of mutual concessions.

152. Indeed, if we wish to have an international conference, it is not a question of bending a given majority to support a given theory. That kind of parliamentary manoeuvring, we must recognize, would only have unpleasant consequences in a problem where it is necessary to take into account all interests, and not only those which we rightly or wrongly believe to be justified. Were it to be that way, we would risk finding ourselves, 90 of us or even fewer, joined together; but without the effective participation of those whom we most wish to persuade of the soundness of our views.

153. An agreement on the objectives of the Conference, without speaking of priority or of particular points of view, as well as on the mandate of the preparatory committee, is possible. Let us leave it to the conference, or even better to the preparatory session, to decide itself and in a sovereign manner, how it intends to consider the questions of the sea, taking into account the work of the sea-bed Committee and of the relevant conferences, as well as the views of Governments which may evolve after consultations and exchanges of views, without adhering to doctrinaire positions which are too rigid to serve the cause which we all seek: success within a given time period of the forthcoming conference on the law of the sea, progression and not conversion.

154. Mr. PARDO (Malta): I thank you, Mr. Chairman, for permitting my delegation to say a few words to introduce the amendments in document A/C.1/L.555 which we have submitted to draft resolution A/C.1/L.545/Rev.1. The essence of these amendments and, indeed, the views of my delegation are contained in the new preambular paragraph which we suggest should be inserted after the sixth preambular paragraph in draft resolution A/C.1/L.545/Rev.1. This preambular paragraph contains three basic ideas: firstly, a further development of the international law of the sea is both necessary and urgent because of the advance of science and technology; secondly, this development of the international law of the sea must take into account the interests of all States, both coastal and land-locked, both developing and developed; thirdly, this development of international law of the sea must take place within a framework of close international co-operation.

155. If these basic ideas are accepted, then it is, I think, clear that firstly, we must have an international conference on the law of the sea at the earliest possible date, and that it would be highly helpful were a definite date set now; secondly, that this conference must be convened to reach agreement not only on régimes but also on related limits, since otherwise it would be impossible to reach agreement on any further constructive development of the law of the sea or, indeed, to do any serious work; and thirdly, the scope of the conference should be as comprehensive as possible since many questions are inter-connected in such a manner that they can be resolved only within the broad framework of ocean space as a whole.

156. We have tried to make those points in our amendments. Furthermore, we have tried to define clearly the terms of reference of the committee which will prepare the conference in such a way that progress can be made as rapidly and as rationally as possible. In this connexion we have suggested the deletion of paragraph 3 of the draft resolution, since we feel that this paragraph can give rise to different interpretations and, furthermore, a part of 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 will have been dealt with in any case with the adoption of the declaration of principles.

157. I take this opportunity of stating that my delegation supports the draft resolution sponsored by Bolivia in document A/C.1/L.551 provided that the words "particularly those which are land-locked" are deleted from the fifth preambular paragraph of that document.

158. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) *(translated from Russian):* The Soviet delegation would like to make a number of additional comments in connexion with the draft resolutions on the convening of an international conference on the law of the sea. During the discussion it has become fairly clear that there are two main questions connected with the convening of a conference on the law of the sea which, in the view of many delegations, will to a considerable extent determine the success or failure of the conference.

159. The first of these questions concerns the fixing of the date for the conference and the second the establishment of its programme and the approximate range of major problems or groups of questions to be considered at the conference.

160. The delegation of the Soviet Union shares the view expressed by the majority of speakers that it is essential, even at this early stage, as far as possible to fix the date for the holding of the conference and that it should be convened in 1973. The fixing of such an early and definite date, in our view, would have an important effect on all States in speeding up the work of preparing for the conference and ensuring its success.

161. There are still differing views concerning the programme of the conference, as can be seen from the draft resolutions submitted on this question and the amendments to them; that is to say, there are differing views about the issues which should be considered and decided at the conference.

162. The position of the Soviet Union on this matter is clear and definite. It has been explained repeatedly and in detail by the delegation of the Union of Soviet Socialist Republics. We are convinced that such a conference will be of value to all States and will make a positive contribution to the progressive development of international law if it is carefully prepared and if its aim is to settle outstanding questions of the law of the sea which are of special and urgent importance to the activities of States in the world's oceans.

163. We consider—and the debate which has just taken place has undoubtedly confirmed this—that the question of the maximum breadth of the territorial sea and the directly related matters of international straits and fishing rights of coastal States in adjacent areas of the high seas are among the most urgent and immediate problems relating to the law of the sea which have yet to be settled. This group of questions must be included in the programme and in the agenda for the conference in an absolutely clear and unambiguous form. At the same time, we understand the point of view of those developing countries which consider that at the conference one or more international agreements with respect to a régime for the exploration and exploitation of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction should be concluded. The Soviet delegation considers that the question of a régime for the sea-bed and the ocean floor should be included in the programme of the conference. The problem of a régime for the sea-bed and the ocean floor is, of course, a new and complex international problem, and the elaboration and establishment of such a régime would require considerable time and effort. It is quite clear that the elaboration of a régime for the sea-bed and the ocean floor might have some chance of success if at the same time the boundaries of this area of the sea-bed and the ocean floor are defined.

164. It has also become necessary to make provision in the programme of the conference for the possibility of considering the question of preventing pollution of the marine environment.

165. The preparation of draft articles and agreements on all these extremely important, urgent and still unresolved questions relating to the law of the sea must be carried out simultaneously in view of the need to accomplish all this work in a comparatively short time. Such an approach is justified and advisable in the interests of all countries. This is the only approach that is balanced, to use a term now frequently employed in United Nations circles, that is to say which takes full account both of the position of countries which consider it important to ensure that a draft agreement or agreements on a régime for the sea-bed and the ocean floor are formulated as quickly as possible and of the urgent need at the same time to prepare without delay draft agreements on other outstanding questions relating to the law of the sea, above all on the three interrelated problems of the maximum breadth of the territorial sea, shipping in international straits and the fishing rights of coastal States in adjacent areas of the high seas.

166. It is in the light of these principles that the delegation of the Soviet Union approaches the draft resolutions on the question of convening a conference and the amendments to them. In view of all these circumstances and considerations, we cannot agree that the revised draft resolution formerly submitted by six and now by seven countries and contained in document A/C.1/L.545/Rev.1 meets all these important requirements. The sponsors of this draft resolution have not deemed it possible to take into account the comments made by the Soviet delegation and a number of other delegations during the debate in the First Committee and in the subsequent lengthy consultations. As a result, the main defect of this draft resolution is that it is one-sided. We cannot agree with the view expressed by some delegations, in particular by some of the sponsors of this draft resolution, that it virtually reflects a

"consensus" reached in the First Committee. In fact, this draft resolution is in no way balanced and reflects the positions of one group of States on the question of convening a conference and on the aims of such a conference. This can be seen merely from the fact that it is proposed that all the work of preparing for the conference should in effect be subordinate to the preparation of a draft treaty with respect to a régime for the sea-bed and the ocean floor, while the question of establishing the boundaries of the area to which such a régime would apply would remain unsettled, still open. Consequently, it is as if the sponsors of the draft resolution were predetermining that such a régime, even if it was ideally formulated, would be hanging in mid-air. There would be nothing to apply it to. At the same time, the draft resolution fully reflects the approach of a well-known group of States which are endeavouring to subject to revision questions which have already been settled. The sponsors of the draft resolution are in effect proposing that the conference should concern itself with a review of the Geneva Conventions.

167. The Soviet delegation has already indicated that it considers such an approach unjustified, inadvisable and unnecessary. To involve the conference in consideration of all the questions settled by the Geneva Conventions would mean diverting it from consideration of really important and urgent but still unresolved questions relating to the law of the sea.

168. If this course is followed, the possibility of achieving agreement on the most urgent and acute questions relating to the law of the sea might be still further complicated. As we see it, it is not the task of the conference to allow itself to be used to break down international law and order which was established over a long period of historical development and consolidated in the Geneva Conventions and which is the basis for the use of the world's oceans by States. The task of the conference must be to strengthen this basis of international law with a view to the further development of co-operation among States in this field. Efforts must be concentrated first of all on the unresolved questions relating to the law of the sea, on the search for solutions to these questions not by unilateral actions but by achieving agreement among States on a mutually acceptable international basis.

169. Another thing, too, is clear: to include in the agenda for the conference such a vague and ill-defined broad range of issues concerning the law of the sea which are related to the existing Geneva Conventions and to tie them into one "package" with questions relating to the sea-bed and the ocean floor might considerably complicate and delay a solution to the already complicated and varied problems relating to a régime for the exploration and exploitation of the sea-bed and the ocean floor.

170. At the same time, the seven-Power draft resolution completely ignores a group of questions to which attention has been drawn by a number of countries, including the Soviet Union, at the twenty-fifth session of the General Assembly. I am referring to the breadth of the territorial sea and directly related matters. It goes without saying that we can in no way agree with the view of certain delegations that it is only the great Powers, and in particular the "Big Two" Powers, that have an interest in finding a solution to this group of questions. This is a false and incorrect thesis and approach. The Soviet Union is deeply convinced that a speedy solution to these very questions on the basis of an agreement acceptable to all States would be in the interests of all States, both large and small, developed and developing, coastal and land-locked. The achievement of agreement on these questions, which have long been urgent, would make it possible to remove the grounds for friction and disputes in international relations in this area, would help to establish mutual understanding and co-operation among States and would, accordingly, be a useful step towards the strengthening of international peace. It would also help to bring about a correct solution to the problem of a régime for the sea-bed and the ocean floor. It is this approach which corresponds to the interests of all States.

171. The delegation of the Soviet Union also has doubts regarding a number of provisions contained in the draft resolution submitted by the United States *[A/C.1/L.536/Rev. 1]*. It seems to us that if the work of preparing for the conference and elaborating appropriate draft agreements or conventions on questions relating to the law of the sea is to be more effective there must be a special preparatory committee to work parallel to the Committee on the sea-bed. It would hardly be justified to enlarge the Committee on the sea-bed out of all proportion by bringing into it a large number of members unprecedented in the history of the United Nations and to give it the additional functions of a preparatory committee. Obviously, the extremely unwieldly nature of such a body could only have a negative effect on the preparatory work which it would carry out on such an important question.

172. The Soviet Union attaches great importance to a solution of the urgent questions relating to the law of the sea. We consider that a solution to these questions is absolutely essential in order to strengthen still further the international basis for co-operation among States in the use of the world's oceans, including the sea-bed and the ocean floor. In view of this, we attach very grave importance to the preparation of the conference, the precise definition of its aims and tasks, and the establishment for this purpose of the machinery for its preparation.

173. We consider that a decision of the General Assembly on such an important question as the convening of an international conference on the law of the sea should reflect the points of view of all States and all groups of States and should be the result of agreement and concerted positions. A decision regarding the conference should not reflect the views and positions only of certain groups of States, however influential or numerous they may be. In such a case it would be difficult to count on the success of the conference. Quite naturally, we cannot agree to such an approach.

174. The Soviet delegation considers that it is essential to make further efforts to ensure that the First Committee and the General Assembly adopt a draft resolution which could receive the support of all States Members of the United Nations. The amendments submitted by a number of delegations in recent days seem to us to be directed towards this end.

175. The Soviet delegation's final attitude towards draft resolutions on the convening of a conference on the law of

the sea will be determined by the extent to which they meet those requirements which we regard as matters of principle and as fundamental to the preparation and successful holding of an international conference on the law of the sea.

176. Mr. HOUBEN (Netherlands): In an earlier intervention the Netherlands delegation expounded the views of its Government on a number of issues pertaining to the sea-bed beyond the limits of national jurisdiction and to some of the other problems that remain to be solved by a third conference on the law of the sea *[1781st meeting]*. At this stage the Netherlands delegation would wish to comment briefly on the substance of the draft resolutions before the Committee, as well as on the proposed amendments.

177. We are gratified to note that the debate so far has shown that a large area of common ground exists. In fact, all of the draft resolutions submitted testify to the urgency of international action. No delegation has taken the position that a third conference on the law of the sea is premature; on the contrary, there seems to be wide agreement that such a conference could be adequately prepared within the next two years. In addition to the timing of the conference, the machinery for its preparation would appear to be a subject on which nearly general agreement exists. Since the United States delegation has now agreed to the enlarged sea-bed Committee's function as a preparatory committee for the conference–and I refer to the revised version of the United States draft resolution *[A/C.1/L.536/Rev.1]*–there is only draft resolution A/C.1/L.539 which provides for a different machinery.

178. One particular question concerning the machinery to be applied has not yet been solved, and that is the membership of the enlarged sea-bed Committee. As to this important issue I should like to state the following. The importance of the matter under consideration should make it possible for those nations with substantial interests to be represented on that Committee. Precisely for this reason, the original 42 members were designated not as standing members but as members on a rotation basis. At this juncture it would seem that the 42 nations that are at present members are united in defending a new idea: that we forget about our previous and general agreement with respect to the principle of rotation. My delegation would submit that such a proposal is realistic only if all geographical groups decide that they can be adequately represented by "X" of their members. In that case the remaining question would be whether the relationship between the various groups is fairly reflected in the relationship between the "Xs". Then also we should not be asked to vote on a specific number–for which we proposed in our amendments *[A/C.1/L.554]* the figure of 39–if we do not know beforehand what number it will amount to in terms of seats available for each group. We made no secret of the fact that the Netherlands, now that the rotation principle seems to be in the process of being abandoned, is seeking membership in the enlarged Committee in order to contribute, to the best of its ability, to the establishment, *inter alia*, of an international régime for which we have already made an initial proposal which was so devised as to take into account the special interests and needs of developing countries.

179. Furthermore, we face the problem of the scope of the conference. Perhaps this has proved to be the most difficult one. There is, of course, good reason for making the agenda of the conference a big argument, for too broad a scope might mean failing, and too narrow a scope might prevent substantial achievements on a world-wide scale. Considering that the elaboration of an equitable and operative sea-bed régime should be carried forward immediately, we, together with the delegations of Australia, Japan, New Zealand and the United Kingdom, have formulated our proposed amendments to draft resolution A/C.1/L.545/Rev.1 in document A/C.1/L.554 in such a way that the establishment of such a régime, as proposed in sub-item *(a)* of operative paragraph 2, is, so to speak, first on the list. But rather than lose time, as did the sea-bed Committee over the past three years in quarrelling over the interpretation of its mandate–which is what we, in fact, would risk in formulating the scope of the conference in terms of "establish" in the case of the régime, and "deal with" in the case of other related matters–the Netherlands delegation would wish the conference and the preparatory sea-bed Committee to be clear on the other related matters to be dealt with concurrently. For that reason the breadth of the territorial sea and the directly related matters of international straits and the interests of coastal States in regard to fisheries in adjacent areas of the high seas have been inserted in the mandate of the conference under sub-paragraph *(b)* of paragraph 2, while sub-paragraph *(c)* refers to the remaining questions of marine pollution.

180. If the mandate of the conference on the law of the sea were formulated in such a way, it would seem to us to be clear as well as concise, and not so comprehensive as to complicate further the outstanding problems, which are difficult enough in themselves.

181. The amendment pertaining to sub-paragraph *(d)* of operative paragraph 2 had been so formulated as to make it clear beyond doubt that the General Assembly would still be in a position to consider further what other specific matters might be added to the agenda of the conference. Perhaps this will satisfy those delegations that have sought to provide for a broader scope for the conference.

182. For the reasons I have just mentioned, the Netherlands delegation would vote in favour of the draft amendments contained in document A/C.1/L.561 in case draft resolution A/C.1/L.536/Rev.1 were to be dealt with first. May I add, however, that we hope that that situation will not arise.

183. The debate so far has revealed that there is substantial support for many of the items contained in the amendment in document A/C.1/L.554. In fact, we share several of those ideas with the delegations of Norway and Malta, which also have submitted amendments, in documents A/C.1/L.553 and 555, respectively, to draft resolution A/C.1/L.545/Rev.1. We gladly note the support given this morning to our proposed amendments and to certain of the ideas contained in them by the delegations of Singapore, France, Turkey, Pakistan, Belgium and Madagascar. We feel the time is ripe to heed the call made by the representative of Ceylon the other day, and by the representative of Singapore this morning, to have informal consultations with a view to achieving a consensus text; for

a matter so important as the one under consideration, it is never too late to do our utmost to achieve as broad an agreement as possible.

184. Mr. KHANACHET (Kuwait) *(interpretation from French):* My statement will be very brief. It refers to the draft resolution, as revised, contained in document A/C.1/L.543/Rev.1 and Corr.1.

185. When I had the honour to introduce the original text of this draft resolution, I explained in detail the reasons why my delegation, in agreement with the sponsors, deemed it necessary to submit the draft, given the importance of the problem not only for our respective countries, but also for all the developing countries.

186. After rather broad consultations with the co-sponsors and other delegations, we deemed it necessary to clarify our draft resolution as originally submitted.

187. Operative paragraph 1, which in the original text appeared as a compact text without sub-divisions, has been sub-divided into three sub-paragraphs. The reason we preferred this form was to make the work of the Secretariat easier by designating specifically what we were asking of it. In sub-paragraph *(a)* we call on the Secretary-General, in the study which he is invited to undertake, on the one hand, to identify the problems–which is the first stage of the study–and on the other hand to "examine the impact they will have on the economic well-being of the developing countries, in particular on prices of mineral exports on the world market". In sub-paragraph *(b)* we ask the Secretary-General to "study these problems in the light of the scale of possible exploitation of the sea-bed, taking into account the world demand for raw materials and the evolution of costs and prices". This, I hardly need say, refers to a principle which is generally recognized in economics: the principle of supply and demand. We request that this study take into account these two factors in the world economy, particularly as regards the raw materials from the sea-bed and which could be exported.

188. Likewise, we believed it useful to add a new idea to our draft resolution. This is the idea contained in operative paragraph 3 which requests the Secretary-General, in co-operation with the specialized agencies and other competent organizations, to keep this matter under constant review. The reason why we introduced this new paragraph in our draft resolution is that we consider that it is a problem which will be in constant evolution. The progress achieved from day to day in science and technology prompts us to believe that this study should be pursued constantly so that it will be up to date with the evolution and progress achieved in the scientific and technical fields.

189. In general, it is economics which is at the basis of this draft resolution; it is economics which prompt the ideas and principles which are behind each of the provisions of the draft, both in the preambular and operative parts.

190. This draft resolution having been distributed to all delegations some time ago, I hope they have been able to consider it with the attention it deserves. We also hope that when it is put to the vote it will command the support of the broadest majority, if not the unanimous vote, of the Committee.

191. The CHAIRMAN *(interpretation from Spanish):* I call on the representative of Turkey on a point of order.

192. Mr. BAYÜLKEN (Turkey): Mr. Chairman, I should like to refer to your suggestion as regards the work of an informal working group to achieve a consensus.

193. Referring to this suggestion of yours, I should just like to say that it would also be very helpful if this informal group, by making the explorations in achieving a consensus, would also take into account the question of the enlarging of the Committee in close consultation with the regional group. I think that experience has shown up to now that there is no sacrosanct figure: 10, 20, 30 or 40; the most important thing is to achieve a balanced representation within the groups and as a whole with the groups. That is why I wanted to make the suggestion so that the informal group might just take it into account in the consultations that they will hold.

194. The CHAIRMAN *(interpretation from Spanish):* Before adjourning the meeting, I should like to make a few announcements.

195. First of all, I requested the members of the Committee to take note of the fact that Brazil and Pakistan have become sponsors of the draft resolution contained in document A/C.1/L.543/Rev.1 and Corr.1, Sierra Leone has been added to the sponsors of draft resolution A/C.1/L.545/Rev.1 and Belgium has been added to the sponsors of the amendments contained in document A/C.1/L.554.

196. I also wish to add that, having reached the end of the list of speakers for the general debate on the draft resolutions and the draft amendments on agenda item 25, normally we would now be ready to proceed to the vote. However, as has been proposed by several speakers–and as I myself said a moment ago–there seems to be a general view that it would be worth-while to make a final effort to try to arrive at a consensus on the subject. Accordingly, a meeting has been scheduled for this afternoon at 3.30 p.m. for the sponsors of the draft resolutions and amendments. I feel sure that all those who are members of this informal working group will very much bear in mind the remark made by the representative of Turkey a few moments ago.

197. As regards our programme, I wish to announce that in accordance with the decision taken by the Committee at its 1795th meeting, this afternoon we shall take up agenda item 32, dealing with measures to strengthen international security. In this connexion I wish to add that, because of the late hour at which this meeting is ended, we shall start at 3.30 this afternoon instead of 3 p.m.

198. The holding of subsequent meetings will of course depend largely on the progress which is made in the negotiations on agenda item 25. However, since we shall definitely have to conclude our work tomorrow I would venture to suggest that at the morning meeting we come back to these draft resolutions on agenda item 25, and I hope that at that time we shall have a very clear and definite idea of the situation. It is also possible that we shall have a meeting tomorrow afternoon so as to conclude any pending item and so as to put the final touches on our work.

199. Finally, I wish to announce that, given the situation, it is very likely that it will not be necessary to have a meeting tonight.

200. Mr. CHAMMAS (Lebanon): I note from the *Journal* that no meetings have been scheduled for the First Committee for tomorrow. In the light of your statement, Mr. Chairman, which is a very constructive statement, enough time should be allowed for the working group to meet, as you have suggested. Therefore, I think we can go on the assumption that this afternoon the meeting will deal with the important question of international security and that after that, tomorrow morning, we shall see if we can deal with the item on the sea-bed. That is my understanding.

201. The CHAIRMAN *(interpretation from Spanish):* The programme for tomorrow does not mention any meetings for this Committee simply because we had hoped that we would finish our work. That hope, we now know, has not been fulfilled, but the necessary steps have been taken so that two meetings will appear in the *Journal* for tomorrow and tentatively a night meeting, to be on the safe side.

The meeting rose at 1.45 p.m.

Litho in United Nations, New York

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