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Agenda item 35 (continued):

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 use of their resources in the interests of mankind, and convening of a conference on the law of the sea: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction 1

Chairman: Mr. Milko TARABANOV (Bulgaria).

AGENDA ITEM 35 (continued)

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 use of their resources in the interests of mankind, and convening of a conference on the law of the sea: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/8421, A/C.1/L.586/Rev.1 and 598)

GENERAL DEBATE (continued)

1. Mr. SHARIF (Indonesia): Before I proceed, permit me, on behalf of my delegation to extend to the Secretary-General, to the delegation of the United States and to the family of the deceased my sincere condolences and sentiments of grief at the death of Dr. Ralph Bunche, Under-Secretary-General of the United Nations, a distinguished citizen of the United States and winner of the Nobel Peace Prize.

2. I should also like to extend to you, Mr. Chairman, and to the delegation of the People's Republic of Bulgaria my delegation's profound condolences and deep sympathy on the untimely and tragic demise of the Foreign Minister of Bulgaria, Mr. Bachev.

3. The Chairman of the sea-bed Committee, the representative of Ceylon, suggested at the beginning of our discussions [1843rd meeting] that we should limit ourselves to the procedural aspects of the work of the Committee.

4. Under resolution 2750 C (XXV) the membership of the Committee was expanded to the present 86 and the scope of its assignment broadened to include the present dual task of preparing the establishment of an equitable international régime, including international machinery, for the area and the resources of the sea-bed and the ocean floor, and the

subsoil thereof, beyond the limits of national jurisdiction, and of making preparations for a conference on the law of the sea. The target date for the convening of such conference was set at 1973.

5. At this juncture of preparatory work, the Committee, after two long sessions this year, is still faced with unfinished working papers and conceptions which are further to be negotiated and developed into compromise formulas and proposals more acceptable to all or most of its members. Furthermore my delegation realizes that we shall have to observe a cramped schedule in this remaining week in view of the fast-approaching closing date of this session of the Assembly. In these circumstances my delegation is ready to heed the suggestion of the representative of Ceylon [1843rd meeting]. However, I should first like to state briefly the position of my Government on a few pertinent questions.

6. My delegation is grateful to the Chairman and officers of the Committee for the able report they presented in document A/8421. The concise but detailed report is clear evidence of the seriousness with which the Committee discharged its assignment. The informative records of the general debate and the working papers on the establishment of the international regime, along with the lists of issues for the conference and the problems involved, provide a clear reflection of the different opinions and divergent views that exist. With patience and more time, I am sure these various concepts can be blended together into that one organization that we all envisage on the basis of the basic principles we have adopted in resolution 2749 (XXV). My Government will study those working papers with all the attention and seriousness they deserve.

7. Concerning the nature of the régime, my delegation believes that the international sea-bed authority, representing international co-operation on the part of all States, in working out principle 9 of the basic principles—for an orderly and safe development and rational management of the area and its resources and for expanding opportunities in the use thereof, and ensuring the equitable sharing by States in the benefits therefrom—can also provide a break with the traditional system of concession-granting, the potential abuses of which are well known, and adopt instead a system of profit-sharing in the spirit of the Committee's first report, which states that

“for the development of the resources of the ocean floor new forms of international co-operation should not reflect present inequalities and differences between developed and developing countries. They should provide not only for equality of opportunity, but also for equality in the actual enjoyment and equitable sharing of

benefits derived from exploitation of the resources of the ocean floor”.¹

8. In regard to definition of the limits of the international sea-bed area, the norms the Committee will establish should not sacrifice the very real differences in conditions which exist around the world to an obsession for uniformity of criteria. No such uniformity with regard to physical characteristics exists among the different undersea areas of the world. Therefore it would be unwise to establish a single criterion to demarcate the limits of the international sea-bed area throughout the whole world. The international sea-bed area is bounded at its outermost limit by the continental shelf. The definition of the latter contained in article 2 of the 1958 Geneva Convention on the Continental Shelf² should, therefore, provide a starting point for the discussion. Whatever the shortcomings of that definition, it has the merit of being a positive rule of international law. Guided by this principle, the Indonesian Government has negotiated a successful agreement with the Government of Malaysia concerning the boundaries of their respective continental shelves and is pursuing negotiations along the same lines with other neighbouring Governments.

9. As the target date for the convening of the conference on the law of the sea draws nearer, the necessary work of preparation continues apace. We have noted the several opinions on this issue—including some diametrically opposed opinions—in paragraphs 31 to 35 of the Committee's report. My Government places much emphasis on the importance of this conference, since in its opinion the 1958 Geneva Conventions on the law of the sea do not adequately reflect present realities. The opening up of heretofore unthought-of realms of activity by technology, and the widespread diffusion of new approaches to political questions related to the law of the sea and its use, have necessitated modifications, rectifications and supplements, or perhaps even confirmations, of some parts of those conventions.

10. Close to our minds, as representatives of an archipelago-State, are, further, the following three interlocking topics: freedom of the high seas, the definition of the breadth of the territorial sea and the question of fishing rights.

11. The concept of the freedom of the high seas—perhaps the oldest of international maritime laws—must certainly be preserved in this age when commerce and unhampered communications among nations in an interdependent world have become more important than they were in the days when this concept was originated. But this freedom should not be considered to be absolute for individual States; rather, it must be modified by the paramount concerns of preserving the ecology of the seas and reserving them for peaceful use in the interests of all mankind. In this regard coastal States rightfully argue that the threat of oil pollution from tanker accidents on the high seas, or the dangers posed by the transport of nuclear weapons on the high seas, to mention only two examples, entitles them to take extraordinary measures to safeguard their shores from such hazards.

¹ See *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 22*, part three, para. 33.

² United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

12. The question of the breadth of the territorial sea has raised some controversy, as stated in paragraphs 36 to 39 of the report, but, like the question of the sea-bed area, it poses a vexing problem only to those who insist upon the establishment of a uniform distance for all States. My delegation makes no such insistence, believing instead pragmatically that regional arrangements established by the free and mutual agreement of States concerned present the best approach to the problem. True to this principle, the Indonesian Government has negotiated with Malaysia and other neighbouring States in South-East Asia on this question. Indonesia illustrated the special case of archipelago-States, which involves the intimate and inseparable interconnexion, as a geographic reality and an economic necessity, deeply rooted in the psychology of the peoples, between their national life, their political unity and the territorial integrity of the State and the islands with their surrounding waters. Since its declaration on Indonesian waters of 1957, my Government has regarded as territorial sea all waters 12 miles from straight base lines connecting the outermost points of the archipelago. Taking into account the need to recognize local conditions, this position provides an acceptable arrangement for our region. Other regions could work out similar arrangements, best suited to their needs, and in conformity with the established principles of international law, including the right of innocent passage.

13. From what I have just said, it is evident that the distinction between the high seas and the territorial sea is a construction of the legal mind which nature does not respect. Pollution does not stop at the limits of the territorial sea and turn back. Neither do fish. The territorial and high seas together form one continuous marine environment. The traditional view of fishing rights needs modification in this light, so that coastal States have some special right to fish in the high seas adjacent to their territorial waters, simply because of the factors of proximity and ecological interrelationship of the two zones. Preferential or conservation zones adjacent to territorial waters could be established and, like the delineation of the breadth of the territorial sea, could reflect regional arrangements and variations. The inflexibility of the fixed distance criterion must bend to more important considerations, such as the need of individual States, or, as suggested by the representative of Iceland to the Committee in Geneva, the degree of dependency on the fishing industry.

14. Having covered these points, I should like to say a few words on the procedural questions to be resolved at this session. Under the terms of paragraphs 2 and 6 of resolution 2750 C (XXV), the sea-bed Committee was charged with making preparations for the 1973 conference on the law of the sea, including the drawing up of a comprehensive list of subjects to be discussed, and the drafting of articles for a treaty on the international régime. This work has not yet been brought to completion. Last year the Committee held two sessions at Geneva, lasting from four to six weeks, in March and July/August. It seems to me that similar arrangements would be suitable for this year's sessions as well, and to this end my delegation has co-sponsored draft resolution A/C.1/L.586/Rev.1, which was officially introduced this morning by the representative of Brazil. In order to facilitate the proceedings of the twenty-seventh session of the General Assembly, my

delegation further expresses the hope that the Committee will be able to complete its report promptly at the close of the August session, giving adequate time to enable Governments to study it and take action before the discussions of the report at the next session of the Assembly.

15. My delegation believes that one last matter deserves the further consideration of the First Committee, and that is the question of the participation of the People's Republic of China in the work of the sea-bed Committee. The current distribution of seats on the Committee is based upon the principle of equitable geographical representation of each regional grouping as of last year, with the membership of 86 consisting of a number of countries regarded as adequately representing the existing number of the following groups of States: namely, 25 for the 41 States of Africa; 18 for the 21 States of West Europe and other States; 17 for the 28 States of Asia; 16 for the 24 States of Latin America; and 10 for the 10 East European States. At this session of the Assembly we witnessed the admission of five new States, all in the Asian group; Bahrain, Bhutan, Qatar, Oman, and the United Arab Emirates. In addition, the People's Republic of China has included itself in the Asian group. Hence, the total number of States of the Asian group has risen to 34, certainly justifying the addition of another Asian State to the Committee on the Peaceful Uses of the Sea-Bed.

16. Those are my delegation's observations and comments on some of the subjects of the item under discussion.

17. Mr. MATSEIKO (Ukrainian Soviet Socialist Republic) (*translation from Russian*): The Ukrainian delegation would like first of all to express its deep and sincere condolences in connexion with the untimely death of the eminent State and political leader of fraternal Bulgaria, the Minister for Foreign Affairs, Ivan Bachev. Comrade Bachev made an important contribution to the development and strengthening of friendship and fraternal co-operation among the countries of the socialist community, to the cause of strengthening peace and security and to the enhancement of the effectiveness of our Organization. We should like to ask our Bulgarian friends to convey our feelings of deep sorrow to the people and Government of Bulgaria and to the family of the deceased.

18. As has already been said in this forum, this year's report of the Committee on the sea-bed [A/8421] differs in nature and scope from previous ones. At its last session the General Assembly adopted a decision to convene in 1973 a conference on the law of the sea [resolution 2750 C (XXV)]. As a result of this, the Committee's functions were broadened considerably. It was entrusted with the task of studying not only questions relating to the sea-bed but also questions relating to the law of the sea with a view to preparing for that conference. This undoubtedly increases the Committee's responsibilities. It is quite obvious that the holding of a conference on the important and complex problems of the law of the sea, which affect the vital interests of all countries, large and small, developed and developing, coastal and land-locked, requires careful and thorough preparation.

19. We are convinced that in order successfully to hold the conference and to carry out the necessary preparatory work

it will be necessary first of all to draw attention to the problems which were not settled at the two previous Conferences on the Law of the Sea and have not been reflected in the Geneva Conventions of 1958. In our opinion, this should be our starting point, and we should not embark on a general revision of the Geneva Conventions, which, as the basis for existing international law of the sea, have stood the test of time and serve the interests of the development of international co-operation in the use of the sea.

20. Among the questions which were not settled by the Geneva Conventions and which require an urgent solution are the questions of the breadth of territorial waters, freedom of passage through and flight over straits used for international navigation and the preparation of an international legal régime for the sea-bed beyond the limits of the continental shelf. Another question which should be considered is the more precise definition of the outer limits of the continental shelf.

21. The great importance of all these problems is quite obvious. The lack of clear treaty rules on these questions, and especially on the question of the maximum breadth of territorial waters, opens the way to unilateral actions and claims, gives rise to dissension and conflicts among States and complicates their relations. The adequate solution of these pressing problems of the law of the sea by means of the conclusion of an agreement of universal nature would undoubtedly contribute to the strengthening of the international rule of law over sea and ocean space and to its use for the benefit of all mankind.

22. Since this session of the General Assembly is almost over and since the report of the Committee on the sea-bed simply reviews the Committee's work and contains no concrete recommendations, the delegation of the Ukrainian SSR does not consider it appropriate to speak in detail of the substance of the problems considered by the Committee, particularly since we did so at both Geneva sessions. We should only like to say a few general words about the work of the Committee and about the tasks facing it in connexion with the preparation of the forthcoming conference.

23. It should be pointed out that, despite certain difficulties, especially during the initial stage of its work, the Committee achieved some positive results in 1971. It solved the main problems relating to the organization of its work, held a general debate both in plenary and in the three Sub-Committees and proceeded to consider, in accordance with its mandate, the specific problems set forth in General Assembly resolution 2750 C (XXV). The Committee had a number of documents submitted to it for consideration, primarily on questions relating to the sea-bed régime. Concrete proposals were also made with regard to a number of other important questions.

24. The Committee is faced with the very complex and responsible task of reconciling various texts. In order to do that, all the members of the Committee will have to exhibit a maximum of goodwill, mutual understanding and willingness to work out mutually acceptable solutions making it possible to ensure the success of the preparatory work and the conference itself.

25. Some progress was made on the question of the preparation of a list of problems which should be dealt with by the conference. The Committee was presented with a large number of proposals representing the views of all the main groups of States. It should be noted, however, that greater progress could have been expected in this area if all States and all regional groups had shown the necessary willingness. As you know, pursuant to a decision of Sub-Committee II a working group was set up to draft a list of problems by reconciling the various proposals which had been submitted. Unfortunately, that working group held only two short meetings and never met again, although there were definite possibilities for further consultations both during the Committee's second session and during the present session of the General Assembly. We hope that such opportunities will not be wasted in the future, that consultations will be continued until the Committee's next session begins and that they will produce positive results.

26. I should now like to touch on the draft resolution contained in document A/C.1/L.586/Rev.1. We agree with operative paragraph 1, which notes the progress of the preparatory work of the Committee towards a conference on the law of the sea. Paragraph 2 notes the consideration by the Committee of the reports submitted by the Secretary-General pursuant to General Assembly resolutions and this paragraph also meets with no objections on our part.

27. We also agree that there should be two sessions of the Committee on the sea-bed next year, as provided for in operative paragraph 3. On the other hand, the delegation of the Ukrainian SSR would like to voice an objection to the proposal that the two sessions of the Committee should be held at Geneva. Past experience clearly shows that Geneva does not always have the necessary facilities to enable as large a committee as the Committee on the sea-bed to work smoothly. Next year the situation will be even further complicated by the fact that because of the great number of other conferences to be held at Geneva the Secretariat would have to resort to the temporary recruitment of almost all the servicing staff. That would inevitably result in an inordinate rise in additional expenditure. If the two sessions that were held last year at Geneva occasioned additional expenditure of approximately \$300,000, then in the present case, as documents A/C.1/L.598 and Add.1 show, the additional expenditure would amount to \$358,000. And if we surmise, as is quite possible, that the duration of each session will be five weeks, this figure would be in the neighbourhood of \$500,000.

28. We are convinced that such inordinate spending would only aggravate the already serious financial situation of the Organization, especially as there is no need for the outlays. In New York we have the necessary facilities for holding sessions of the Committee on the sea-bed without additional expenditure. The delegation of the Ukrainian SSR therefore considers that the sessions of the Committee should be held in New York.

29. Mr. AL-QAYSI (Iraq): Mr. Chairman, my delegation would like at the outset to express its deep sympathy and sincere condolences to you and to the Bulgarian delegation on the tragic death of the distinguished Minister for Foreign Affairs of Bulgaria. We should like the friendly Bulgarian

delegation to transmit our sentiments to the Government and the people of Bulgaria and to the family of the deceased.

30. Mr. Chairman, in response to your appeal and that of Ambassador Amerasinghe, the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, I shall limit myself to the procedural aspects of the item before us and make some general observations.

31. From the statements of some sponsors of the draft resolution contained in document A/C.1/L.586/Rev.1, it would seem that the proposed dates envisaged in operative paragraph 3 are not put forward rigidly, nor does it appear that the possibility of two five-week sessions of the sea-bed Committee in 1972 should definitely be excluded. In the view of my delegation, these matters and the question of the venue of the sessions should be resolved according to the convenience of the majority, if not of all delegations, taking into particular consideration the question of financial implications for States and organizations and the availability of smooth secretarial services. We approach these questions with an open mind and hope that a compromise will eventually be arrived at. We also hope to see the People's Republic of China represented in the sea-bed Committee and look forward to its contribution therein.

32. Allow me now to make some general observations relating to the assessment of the work of the sea-bed Committee. In this connexion we think that the correct approach should not be unduly academic. We are all familiar with the complexities of the issues, their intimate interconnexion and their diverse dimensions. It is indeed not untrue to assert that the rule of law is a behavioural norm representing a certain balance between a variety of conflicting interests at a certain stage of human development. Whether this balance is morally just or unjust, whether it is economically sound or otherwise, whether it is politically popular or imposed is a relative judgement of which time and place are the constituent elements. The law of the sea is no exception, as I am sure members are all aware, for it was created, and it has been perpetuated, to further the interests of those maritime nations powerful enough to shape it.

33. Need I recall how Grotius's *Mare liberum* and Selden's *Mare clausum* were conceived and eventually born and fostered? Since that distant past the conflicting claims of the maritime Powers have evolved and transformed to take the shape of so-called deep-rooted concepts of law, despite the fact that life is dynamic and law cannot afford to lag behind in a static form.

34. Now we are striving once again to look into these concepts, for although not very long ago the monumental Geneva codifications were achieved, we find ourselves again facing a very simple truth, namely, that the more man discovers through his persistent endeavours in science and technology the more our present-day behavioural norms require revision, adjustment and even changes in order to establish a more reasonable and equitable balance between conflicting interests in a manner which would constitute a viable and realistic foundation for international co-operation.

35. To achieve a new reasonable and equitable interest-balance system of norms to govern the conduct of States at sea requires recognition of the following.

36. First, the great value of the four Geneva Conventions on the law of the sea should not be treated lightly; however, at the same time law is not an end in itself; it is a means reasonably and equitably to balance the conflicting interests at a certain stage of time and place. Progressive development of international law must be viewed as a continuous process if law is to correspond to reality.

37. Secondly, the underlying basis of the present state of affairs at sea should not be viewed in terms of noble internationalism versus dishonourable economic nationalism. It should rather be viewed through the periscope of the realities of our modern world, namely, developed and developing States, rich and poor, greed for profit and economic self-defence, and the like. One is then bound to conclude that what is needed is to balance reasonably and equitably, to the maximum extent possible, the national interests of each and every individual State with the international interests of the collectivity of nations.

38. Thirdly, the established notions of the present law must be viewed in a new, realistic light. Thus, for example, if the doctrine of the freedom of the seas emerged in defiance of maritime empires, it should not be a tool hanging round our necks. It should rather be the functional tool of a reasonable and equitable interest-balance system. Need I recall the marine environment problem which resulted from strict adherence to the doctrine of freedom of the seas?

39. Fourthly, the new phenomena of the law of the sea must of pragmatic necessity be viewed as being a response to genuine economic need and not simply a mere banditry. The more we drive our energy as best we can towards adjusting the basic impulses that give rise to the phenomena themselves to the over-all interests of the entire international community the nearer we are to a satisfactory solution.

40. Finally, if international co-operation is to mean anything at all, our attitude should be motivated by a genuine desire to confront real issues and not to cloak them with all sorts of shades to conceal self-gain. I recall the concluding words of the Chairman of the sea-bed Committee when introducing in the First Committee, at the twenty-fifth session, the then draft declaration of principles governing the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction. He said, "Success in a gigantic enterprise of this sort calls for the display of a spirit of prudent compromise." [1773rd meeting, para. 42.] That is very true indeed, not only in relation to the sea-bed but also with respect to our entire effort in the whole domain of the law of the sea, and it is in this light that my delegation will approach the work of the sea-bed Committee in 1972.

41. Mr. BALLAH (Trinidad and Tobago): At the outset of this brief statement I should like on behalf of my delegation and on behalf of the Government and people of Trinidad and Tobago to extend to you, Mr. Chairman, and, through you, to the Bulgarian delegation and the Govern-

ment and people of Bulgaria our profound condolences on the passing of the distinguished Minister for Foreign Affairs of Bulgaria.

42. The Trinidad and Tobago delegation is intervening in the debate on agenda item 35, dealing with questions of the sea, in order to comment briefly on the procedural aspects of the Committee's work. In doing so we are abiding by the tacit agreement which permits only non-members of the sea-bed Committee to intervene substantively on the item before us.

43. My delegation feels that even at the risk of repetition a substantive debate should have taken place on this question. Such a debate would have focused on and highlighted emerging trends in the work of the sea-bed Committee and would have been of considerable assistance to the non-members of the sea-bed Committee in discussing the problems relating to the law of the sea. Time did not, however, permit a substantive debate—at least, so we are told. My delegation will therefore deal with the procedural issues raised in the course of the work of the sea-bed Committee during its spring and summer sessions of 1971.

44. Although no consensus has been reached in the sea-bed Committee on draft articles concerning the international régime and the related law of the sea questions, it is the view of my delegation that marked progress has been made in the task of elaborating a legal régime for the sea-bed and ocean floor beyond national jurisdiction. We therefore endorse operative paragraph 1 of the draft resolution contained in document A/C.1/L.586/Rev.1, which notes with satisfaction the encouraging progress of the preparatory work of the Committee towards a comprehensive conference on the law of the sea, in conformity with its mandate contained in General Assembly resolution 2750 C (XXV).

45. Sub-Committee I of the sea-bed Committee has made significant progress in elaborating the international régime for the area. Nine working papers on the international régime have been presented to the sea-bed Committee, and they have been discussed in some depth and detail. All working papers seem to accept the concept of the common heritage of mankind as a basis for structuring the international régime, including international machinery, for the sea-bed and ocean floor beyond national jurisdiction. There are many common elements in each of the nine working papers, and we feel that agreement on the basic framework for such a régime is in fact in sight.

46. The working paper presented by the United Republic of Tanzania [A/8421, Annex I, sect. 1], and that presented by 13 Latin American countries [*ibid.*, sect. 8], both contained in the report of the Committee have very much in common and would seem to have the support of the majority of the members of the Committee. My delegation suggests that at the spring session of the Committee's work in 1972 these two working papers could rightly form an agreed basis for the Committee's work. It is worthy of note that the report of the sea-bed Committee takes a radical departure from previous reports in that it contains a summary of the philosophy of each of the main working papers on the international régime prepared by the sponsors of the respective working papers.

47. My delegation, which had the honour of introducing the Latin American working paper on the international régime at the summer session at Geneva, wishes to draw the attention of non-members of the sea-bed Committee to the underlying philosophy of that paper as stated in paragraph 53 of the report of the sea-bed Committee. Permit me, therefore, at this point in my intervention to express the gratitude of my delegation to the Chairman of Sub-Committee I, Mr. Seaton of Tanzania, for guiding so successfully the work on the international régime.

48. Sub-Committee II is still faced with the sensitive and delicate task of drawing up a comprehensive list of subjects and issues on the law of the sea. If the conference on the law of the sea is to deal organically with the whole range of issues relating to the law of the sea, then a list of subjects and issues must clearly be comprehensive. The working papers submitted by 31 Afro-Asian countries [*ibid.*, sect. 16] and by 15 Latin American countries [*ibid.*, sect. 14] cover a comprehensive list of subjects and clearly take an organic approach to the question of the law of the sea. The working paper produced by Canada and Norway [*ibid.*, sect. 10] also approaches the problem of the law of the sea in a non-piecemeal fashion. This would seem to be the only direction Sub-Committee II can take in arriving at a comprehensive list of subjects and issues.

49. My delegation was hoping that this matter would already have been resolved in the Committee. In our view, agreement is near, and we feel that it should take Sub-Committee II less than a week of its spring session to reach a consensus on such a list. Trinidad and Tobago is a member of the small working group created by the sea-bed Committee to draw up the list. We are prepared to co-operate with the other members of that Committee in the speedy accomplishment of its task. We have every confidence in the leadership and the ability of Ambassador Galindo Pohl of El Salvador to guide us in the task of drafting treaty articles during the spring and summer sessions of the sea-bed Committee's work in 1972.

50. The Trinidad and Tobago delegation has always attached the greatest importance to the work of Sub-Committee III, dealing, among other things, with scientific research and pollution. On 17 March 1971, Ambassador Solomon, the Trinidad and Tobago representative to the sea-bed Committee, expressed the view that the preservation of the marine environment, the prevention of pollution, pure scientific research of fundamental oceanographic research, however broadly defined, were matters that could be subsumed under the heading of "peaceful uses of the sea", which should be dealt with by Sub-Committee III.

51. He went on to state that matters of training and of assistance to developing countries in sea-bed operations, or any matter falling under the heading of peaceful uses of the sea-bed, should be assigned to Sub-Committee III, and that training was a matter which demanded the urgent consideration of the sea-bed Committee.

52. The sea-bed Committee has discussed training, and my delegation has, in that Committee, urged the expansion and intensification of programmes of training in all aspects of marine science and technology for developing countries. My delegation has also urged that the United Nations Develop-

ment Programme and other agencies within the United Nations family should establish and fund regional oceanographic institutions for such training in developing countries.

53. It is to be noted that three working papers on the international régime have made provision for training. It is gratifying to my delegation that the Second Committee has referred to the sea-bed Committee for its consideration the Maltese proposal for the setting up of an intergovernmental sea service, which has as its long-term objective the training of marine scientists from developing countries in all aspects of sea-bed operations.

54. We feel, however, that a necessary first step towards any such long-term objective, desirable as it may be, is the establishment of regional oceanographic institutions for the training of nationals of developing countries in all aspects of sea-bed operations.

55. We agree with the suggestion made by the representative of Malta at this morning's meeting that some specific period of the July/August session of the sea-bed Committee should be devoted to discussion of the urgent question of training; for if developing countries are to participate meaningfully on terms of equality with developed countries in the international régime to be established, then procedures for the training of nationals of developing countries in all aspects of sea-bed operations must be set in motion immediately.

56. Some delegations have spoken with pessimism about the chances for success of a 1973 conference on the law of the sea. It is felt in some quarters that the sea-bed Committee has made so little progress in its preparatory work that no conference may be possible. My delegation holds the opposite view. The trends that are emerging in the sea-bed Committee seem to point to completion of the preparatory work in 1972. On the thorny problem of maritime limits, a clear trend has emerged, and the Venezuelan compromise proposal made on 12 August 1971 at the 64th meeting of the sea-bed Committee by Ambassador Aguilar reflects that trend. We feel that the law will not settle, nor crystallize at, anything less than the so-called compromise proposal. That proposal may, in fact, point the way to an eventual solution of the problem of maritime limits. We are optimistic.

57. It will be recalled that, at the end of August 1970, when the sea-bed Committee met in Geneva, there was no agreement on the declaration of principles. Great waves of pessimism surged forth at that time. However, the General Assembly adopted resolution 2749 (XXV) on 17 December 1970 without a dissenting voice. Delegations at that time paid tribute to the skill and tact of our Chairman, Ambassador Amerasinghe of Ceylon. We have every confidence in the diplomatic skill of Mr. Amerasinghe in guiding the sea-bed Committee to a successful conclusion of its preparatory work in 1972.

58. In conclusion, my delegation would like to make some brief remarks about the draft resolution contained in document A/C.1/L.586/Rev.1, which was so ably introduced this morning by the representative of Brazil.

59. Trinidad and Tobago also sponsored the draft and supports it. My delegation agrees that there should be two

five-week sessions to be held in Geneva in March/April and July/August 1972 and that they be flexible as to dates. We feel that the Committee must expedite its work, and we agree with those delegations that have suggested the expansion of the Committee by only one seat to accommodate the People's Republic of China, whose contribution to the preparatory work of the sea-bed Committee will indeed be invaluable.

60. The sea-bed Committee has completed one year of its two-year mandate. Any further expansion of the Committee at this stage may serve only to postpone the date of the conference, tentatively set for 1973.

61. Mr. KANIARU (Kenya): The representative of Zambia, speaking on behalf of the entire African group, expressed condolences on the untimely passing away of the distinguished Minister for Foreign Affairs of the People's Republic of Bulgaria. My delegation fully supports and shares the sentiments expressed by the chairman of the African group.

62. Like previous speakers, my delegation is grateful to the Chairman of the sea-bed Committee, who, at the outset of the debate on this item, suggested that the members of the Committee should confine themselves to procedural questions, leaving substantive discussion of the item to non-members. Since my country is a member of the sea-bed Committee, I will as far as possible adhere to that suggestion.

63. First, regarding the question of the venue of the sessions of the sea-bed Committee, my delegation, as a sponsor of the draft resolution contained in document A/C.1/L.586/Rev.1, introduced this morning by the representative of Brazil, subscribes to the view that the two sessions of the Committee should be held at Geneva, for the reason, among others, that Geneva, which hosts a United Nations Office, should get its fair share of United Nations meetings. Besides, if we want experts from many developing countries to attend, we should not ignore the possibility of holding the meetings of the Committee in the place which will facilitate the readiness of those Governments to release their experts for the meetings, particularly taking the financial costs into account. Accordingly, my delegation has no doubt whatsoever of the need, practicability and usefulness of holding both sessions of the Committee at Geneva during 1972.

64. Secondly, there is the question of the duration of the sessions. As we look to the year of a possible conference on the law of the sea, namely 1973, we should hold the sessions during the 1972 meetings for a period that will make it possible to complete the preparatory work or at least make substantial progress possible. Bearing this in mind and the fact that there is still much to be done, my delegation is of the view that the sessions in 1972 should be of approximately the same duration as the sessions in 1971. Accordingly, we will support any decision reflecting this position.

65. Thirdly, with regard to negotiations on a number of matters before the Committee, notably, the question of the list of subjects for the law of the sea conference, my delegation was one of 11 countries that were nominated to

work on an agreed list of subjects. We did our best but, as the report of the Committee shows, there was inadequate time to complete negotiations. In this connexion, the very useful statement made by the Chairman of Sub-Committee II, Ambassador Galindo Pohl of El Salvador [*1844th meeting*] offers an interesting guide. My delegation will, along with all other interested delegations, intensify informal consultations in New York before the first meeting of the sea-bed Committee to ensure that, as far as possible, we will be in agreement on a list that is neutral, balanced and as comprehensive as possible. It may be noted that there is a general understanding within the Committee that the issues may be reduced or added to, depending on Governments—thus, the inclusion or exclusion of any issue is not prejudicial to any Government.

66. My delegation supports those delegations which have requested that the report of the second session of the Intergovernmental Working Group on Marine Pollution, contained in document A/CONF.48/IWGM.P.11/5, be made available to the sea-bed Committee. As was pointed out by the delegation of Canada, that report contains very important principles which could in all seriousness facilitate the work of the sea-bed Committee as a whole and Sub-Committee III in particular.

67. My delegation joins the Chairman of the Committee on the sea-bed, the representative of Peru and others in expressing the wish that the People's Republic of China be involved in the preparatory work of the Committee at the earliest possible opportunity.

68. To touch on a point that may border on substance, it will be noted from the report of the sea-bed Committee [*A/8421*] that the term "economic zone" appears here and there throughout the report. My delegation attaches great importance to this concept, as we made it abundantly clear during the sea-bed session at Geneva. We think that an accommodation of the various interests will only be possible through a new concept such as the economic zone or, as was stated a few moments ago by the representative of Trinidad and Tobago, "patrimonial zone" enunciated by the Ambassador of Venezuela during the August session. Of course, the contents of the concept are still to be built on and we welcome all possible contributions by interested delegations, particularly those of the developing countries which hitherto have not availed themselves of the so-called rights enshrined in the freedoms of the high seas. Thus, my delegation envisages a relatively narrow territorial sea, which could be demarcated at 12 miles provided that the floor of the ocean beyond this limit—up to a reasonable limit, which could be 200 miles—is regulated by the coastal States. The regulation we have in mind includes exploration and exploitation of this area; the conservation and preservation of fish and other living resources in the area; the regulation and mitigation of marine pollution in the area; and ownership of such archaeological deposits as may be available in the area.

69. Should another State wish to avail itself of the resources within the area, the coastal State would be in a position to grant such permission on its own terms, which could include payment of certain fees for licences; apportionment of the catch of fish that may be caught in the area; training of its personnel in fishery; co-operation in any

scientific exploration that might be undertaken in the area; and participation in the exploration and exploitation of such mineral resources as might be in the area. In this connexion, it will be noted that those States, corporations or individuals permitted to operate in the area would strictly observe rules and regulations of the coastal State, particularly regarding pollution and conservation. In the zone beyond the 12-mile limit, my delegation does not envisage undue interference with freedom of navigation, freedom to lay submarine cables or even overflight. The zone in question, which shall be regarded as being under national jurisdiction, will not, of course, extend to 200 miles in some situations, for instance, where adjacent or opposite States have an area less than the distance in question, in which case, unless they agreed to the contrary, the principle of equidistance would apply. In enclosed or semi-enclosed seas, a different régime would have to apply. In the case of some areas, the zone under national jurisdiction might be utilized on a regional basis.

70. We then have the problem of the land-locked countries—and may I here note the interesting and realistic statement made by the representative of Zambia this morning, which my delegation will study with great care and which it finds to be generally in line with the position we tried to enunciate in Geneva during the July/August session.

71. My delegation realizes full well that the land-locked countries, like the coastal and other countries, have a right to utilize the resources of the high seas and the ocean floor in the international area, but we also realize that it would be difficult for these countries to concretize that right meaningfully unless the co-operation of the coastal State is assured. Taking into account the fact that half of these countries are on the African continent, it is of paramount importance that a solution ensuring the effective participation of these countries should be found. Bearing this in mind, my delegation during the July/August session in Geneva reiterated the need for cultivating a regional solution of the problem.

72. Thus, my delegation would wish to see that the problems of the land-locked countries, say in Africa, are genuinely discussed and their interests accommodated within the region. We, of course, realize that, as far as others are concerned, the land-locked countries should be persuaded to go along with them on the pretext, for example, that a limited coastal zone will insure that there is a bigger international zone from which they will derive maximum benefit, and other such arguments. In effect, however, an alliance for a blocking third at the conference on the law of the sea is the underlying motive.

73. My country, when advocating regional co-operation, does so in the faith that such a system offers the best solution. In this connexion, it will be recalled that within my part of the world, four countries, two coastal and two land-locked, namely, the United Republic of Tanzania, Kenya, Uganda and Zambia, have a joint shipping line. Some of the ships are registered at Lusaka and Kampala, respectively, while others are registered at Nairobi and Dar-es-Salaam. Through this joint enterprise, the two republics that are not coastal enjoy at par the benefits that accrue to a coastal nation. Such arrangements could be extended to other areas and fields as well.

74. Finally, my delegation has had an opportunity to express its views both within this Committee and in the sea-bed Committee on the matter of the structure, powers, functions, etc. of an international régime and machinery, and some of the proposals before the sea-bed Committee. Needless to say, in the regulation of the resources common to all mankind, no country is seeking the traditional technical assistance of another. Rather, we are all indulging in a co-operative effort in the regulation and realization of the sea resources and opportunities offered by a great challenge.

75. In this task, my delegation will co-operate with others to realize the benefits and potentials ahead of us.

76. Mr. SMIRNOV (Union of Soviet Socialist Republics) (*translation from Russian*): The delegation of the Soviet Union would like to express its condolences and heartfelt sympathy in connexion with the untimely demise of the Minister for Foreign Affairs of the People's Republic of Bulgaria, Comrade Ivan Bachev. Comrade Bachev was known to us as an eminent State and political leader of fraternal Bulgaria who made a great personal contribution to the cause of developing and strengthening friendship and comprehensive co-operation among the socialist countries and to the cause of strengthening international peace and security. We should like to ask you, Comrade Chairman, to convey our feelings of deep sorrow to the Government of the People's Republic of Bulgaria, the Bulgarian people and the family of the deceased.

77. Turning to the questions which are now being considered by the First Committee, the delegation of the Soviet Union, heeding the appeal by the representative of Ceylon, Ambassador Amerasinghe, Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction [*1843rd meeting*], intends to limit its statement today to questions of a practical nature, which we must settle at this session of the General Assembly.

78. Such an approach to the consideration of this agenda item seems to us all the more justified in that the positions of the member countries of the Committee, as shown by the Committee's report [*A/8421*], were quite fully set forth during the Committee's deliberations in 1971. The Soviet delegation's position on the fundamental questions of the law of the sea and the sea-bed was set out in statements both in the main Committee and in the Sub-Committees and has been duly reflected in the report.

79. During the Committee's sessions the Soviet delegation stressed that the points of departure in elaborating rules of the law of the sea, including rules for the sea-bed régime, should be the general trend in the development of the law of the sea, existing rules as embodied particularly in the 1958 Geneva Conventions on the law of the sea and regard for the legitimate interests of all States.

80. The relevant resolutions of the General Assembly have entrusted to the Committee on the sea-bed two main tasks within the context of preparations for the conference on the law of the sea planned for 1973. The first task is the preparation of draft treaty articles embodying the régime—including an international machinery—for the area of the

sea-bed and the ocean floor beyond the limits of national jurisdiction. The second task consists of the preparation of draft articles on a broad range of issues and problems related to the law of the sea, as enumerated in paragraph 2 of resolution 2750 C (XXV). As can be seen from the report, the Committee was able, generally speaking, to make an effective start in discharging the complex tasks assigned to it both from the organizational and the substantive points of view. Much of the credit for this is due to the Chairman of the Committee, the Chairmen of the three Sub-Committees and all the officers of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. Much work was done by the Secretary-General of the United Nations and the Secretariat in preparing documents for the Committee.

81. If we carefully examine the reports of the Committee and its Sub-Committees and all the draft treaties and other proposals which were submitted, we shall undoubtedly be convinced of the great complexity and diversity of the problems confronting the Committee and of the significant divergences which exist at present in the approaches of individual States or groups of States to the solution of these problems. This clearly emerges from the Committee's report.

82. The report shows that in the search for a solution to the Committee's first task many delegations followed the constructive course of submitting specific proposals and specific draft articles for future international agreements. Several comprehensive draft treaties embodying the régime for the sea-bed and the ocean floor and a whole series of working papers presenting elements of future international agreements were submitted for the Committee's consideration. It goes without saying that the members of the Committee will have to make significant efforts in order to take a new step forward and rise to a new level in preparing a draft treaty on the peaceful uses of the sea-bed for consideration by the conference on the law of the sea. Without wishing to go into the substance of the proposals that were made, I should like to note that the Soviet Union made its contribution to the consideration of this question by submitting model draft articles of a treaty on the use of the sea-bed for peaceful purposes [*ibid.*, annex I, sect. 3]. The draft articles contain a number of basic provisions aimed at regulating and co-ordinating the activities of States in the industrial exploration and exploitation of the mineral resources of the sea-bed and provide for the establishment of just and optimal conditions for the effective development of sea-bed resources for peaceful purposes and in the interests of all mankind.

83. We consider that the search for a solution to the problems relating to the sea-bed régime together—as one package—with the unsettled questions of the law of the sea will enable us to find a solution which will be responsive to the interests of all countries—large and small, coastal and land-locked.

84. As to the second task confronting the Committee, we must note with regret that there have been certain difficulties of a rather formal and procedural nature. Those difficulties have been described in detail by the representative of El Salvador, the Chairman of Sub-Committee II [1844th meeting].

85. In fact, an abnormal situation arose with regard to the preparation of the list of issues and questions in accordance with General Assembly resolution 2750 C (XXV). A number of specific proposals were submitted to Sub-Committee II for consideration. In order to facilitate agreement on the list a working group composed of 11 States was set up. Unfortunately the working group was able to hold only two meetings and made no substantive progress at all.

86. In our opinion, the proposals submitted by members of the Committee for the list of issues and questions to be considered by the conference could, under given conditions, have been examined in a spirit of co-operation with a view to preparing a single list for presentation to the Committee. The unjustified delay or unwillingness to approach this question constructively can only have a negative effect on the Committee's work.

87. In this connexion the Soviet delegation supports the suggestion by the Chairman of the Committee on the sea-bed that it would be desirable to hold consultations before the forthcoming 1972 session of the Committee in order to complete the preparation of the list of issues and questions so that the Committee could at its first 1972 session adopt the list and continue its substantive work.

88. Turning to specific questions related to the Committee's activities in 1972, we should like to stress that the Committee should make every effort to prepare the draft international treaty articles requested of it by the General Assembly for the forthcoming conference on the law of the sea.

89. Everything possible should be done to increase the effectiveness of the work of the Committee. In order to create conditions for more effective work we feel that consideration should be given to the suggestions that the reports of the Committee and its Sub-Committees should not be prepared during the sessions, and the suggestions that the scope of the reports of the Committee and its Sub-Committees should be reduced. The delegation of the Soviet Union supports the proposal made by the Ambassador of Ceylon and now stated in the document containing the corresponding draft resolution that two sessions of the Committee should be held. We believe that the Committee's sessions should be of five weeks' duration each. Experience has shown that longer sessions have been rather unproductive. However, we do feel that the proposals concerning the length of the sessions are not expressed clearly enough in document A/C.1/L.586/Rev.1, which only mentions the time when the sessions are to be held—during March and August. In our opinion the draft should more precisely indicate the length of the Committee's 1972 sessions.

90. As to the venue of the Committee's sessions, we note that the Secretariat, as usual when preparing a suggested schedule of conferences for various organs of the United Nations, has already proposed that the sessions should be held in New York. Document A/C.1/L.598/Add.1 shows that holding the sessions at Geneva would involve substantial difficulties and give rise to substantial additional expenditure on the recruitment of outside staff. According to that document, the cost of two five-week sessions at Geneva would be a little over \$435,000. To service the

sessions it would be necessary to engage over 100 persons –interpreters, translators, revisers, typists, etc. In addition, 15 staff members would have to be sent from New York and on top of all that additional supporting staff in the General Service category would have to be engaged.

91. All this, as I said, would involve additional expenditure amounting to about \$435,000. In view of the already difficult financial situation of the Organization, the Soviet delegation considers that by rotation both sessions of the Committee in 1972 should be held in New York, where the necessary facilities exist for servicing of the sessions by the Secretariat and where no additional expenditure will be required.

92. With the reservations made above we are prepared not to object to, and even to support, the draft resolution contained in document A/C.1/L.586/Rev.1.

93. In conclusion, allow me, Comrade Chairman, to assure you that the delegation of the Soviet Union is prepared to engage in an effective search for mutually acceptable solutions to the problems within the purview of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

94. The CHAIRMAN (*interpretation from French*): I give the floor to the representative of Lebanon, on a point of order.

95. Mr. GHORRA (Lebanon): Mr. Chairman, I wish to extend to you, on behalf of the group of Asian countries, our deepest and heartfelt condolences on the passing away of the Minister for Foreign Affairs of Bulgaria, Mr. Ivan Bachev. The members of the Asian group, as well as other delegations, had come to know the late Minister for Foreign Affairs of Bulgaria during his stay here in New York. They had come to appreciate his contribution to international understanding and co-operation and were very sad to learn of his untimely death. I would ask you, Mr. Chairman, to accept the condolences of the Asian group and also to convey these condolences to the government and people of Bulgaria, and especially to the family of the deceased.

96. The CHAIRMAN (*interpretation from French*): Since the representative of Lebanon has addressed me as a member of the delegation of the People's Republic of Bulgaria, I should also like to thank the members of the Asian group as well as all other delegations that were kind enough to express their condolences on the untimely death of the Minister for Foreign Affairs of Bulgaria. I shall of course transmit those expressions to the Government and people of Bulgaria as well as to the family.

The meeting rose at 4.50 p.m.