



CONTENTS

Agenda item 35 (continued):

	Page
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, A/C.1/L.598 and Add.1, A/C.1/L.599 to 603)**

1. Mr. BAVAND (Iran): When the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction met in March 1971 in order to carry out its mandate under General Assembly resolution 2750 (XXV), there existed a wide range of interests and differences among States. In general the divergent interests manifested themselves in terms of the freedom of the seas on the one hand and coastal State jurisdiction on the other. The harmonization of those interests has proved to be a very difficult and complex task, since each State has its own preferences in accordance with the length of its coastline, the geological character of the sea-bed and the resources available in each coastal area. In spite of these complexities, some progress has been made during the two sessions of the sea-bed Committee in 1971, and some positive trends have emerged. Indeed the very fact that most States had formulated policies allowed a wide exchange of views, which is the first prerequisite in the shaping of future law, and I should like to refer briefly to some of those views and point out some trends.

2. The main issue under consideration was whether international law was capable of adapting itself to deal responsibly with the evolving crisis caused by technological development. The existing conventions on the law of the sea deal exclusively with coastal State jurisdiction and flag-State jurisdiction. They do not resolve critical questions regarding limits, do not deal adequately with more

recently developed issues such as pollution control or an international régime for the sea-bed, and in general do not provide the kind of equilibrium between coastal and international community interests that is needed for a reasonable degree of stability.

3. The possibilities for accommodation and co-operation within an international organization framework were not developed at the time of the first United Nations Conference on the Law of the Sea, held at Geneva in 1958. The great advantage of this type of framework is that it can provide a flexible basis for accommodating coastline and international interests with regard to the same type of activities and use of the same ocean space.

4. With regard to the sea-bed, of course, the legal ground rules and basic guidelines for the development of such an international organizational framework are provided by the Declaration of Principles Governing the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction [resolution 2749 (XXV)]. Thus the Committee was confronted mainly with the following questions: how to implement principles and declarations, what criteria should be used to delimit the international sea-bed area, what kind of machinery would be appropriate for its exploration and exploitation and how the revenue derived from its exploration would be fairly distributed among States. There were mainly three criteria presented for the delimitation of the international area: depth, distance and a combination of the two. The majority of the delegations expressed a preference for the distance criterion, which sought to avoid the geological discrimination connected with the depth criterion. My delegation, which is in favour of the combined criteria of depth and distance to be chosen by the coastal States in accordance with the configuration of its sea-bed, believes, however, that the distance should be sufficiently reasonable to safeguard the interests of the international community.

5. In regard to the international régime to be established, the views expressed in Sub-Committee I showed that more than 31 States favoured a comprehensive machinery, while the delegations favouring machinery at a regulatory or licensing nature numbered approximately 13 and 12, respectively. Evidently, in order for the "common heritage of mankind" to become a reality, which is a goal set out by the United Nations, the machinery would have to be powerful enough to undertake the necessary activities in connexion with the exploration and exploitation of the international area. While the views of delegations on this matter are not identical, however, we share the view of the representative of El Salvador that there is room for hope that formulas of understanding can be devised.

6. With regard to the preparation of a conference on the law of the sea, the predominant view was that the law

should strike a proper balance between the rights of coastal States and the interests of the maritime Powers. Many delegations observed that so far the law was more inclined towards the latter, to the detriment of the developing countries. This was particularly noticeable in the case of fisheries.

7. In our view, the time has come for the question of "living resources of the high seas" also to be dealt with in an international organizational framework, for the benefit of mankind as a whole. Here, too, there is an urgent need for accommodation between the legitimate interests of coastal States and the international community as a whole. It has been generally agreed that many coastal States have important economic interests in fisheries along their coasts. If the law of the sea is to be stable, the conference on the law of the sea must take this fact into account and provide adequate protection for such interests.

8. The settlement of fisheries problems is of course clearly connected with agreement on the breadth of the territorial sea and possibly other jurisdictional claims of the coastal States. In our view, a tri-functional approach—namely, territorial jurisdiction, exploitative jurisdiction and ecological jurisdiction—can facilitate the solution of the coastal jurisdiction as a whole.

9. There now appears to be a tacit understanding that jurisdiction of the State over coastal fisheries need not necessarily be tied to the sovereignty of the coastal State over its territorial waters, and the majority of States are prepared to reach agreement on a 12-mile territorial sea.

10. On the question of the fishery limit, there is probably considerable merit in a single jurisdictional boundary line for all kinds of exploitative activity—mineral, fishing, or other. This suggestion has the virtue of attempting to solve the legitimate economic interests of the coastal States and also forecloses attempts at creeping jurisdiction.

11. Finally, a wider zone of ecological jurisdiction is a rational response to the threats which pollution, contamination and other technological hazards pose to the coastal States.

12. Accordingly, one particular trend which emerged in the Committee's session last summer was that the coastal States had a special right to the resources adjacent to their coasts on economic, biological, ecological, and geographical grounds.

13. In the view of my delegation a future law of the sea must be constructive; it must first cover cases in which the law has lagged behind technological progress, and secondly cases in which the law is inadequate. In regard to the latter category, a new law must take into consideration, for example, special cases such as those of enclosed and semi-enclosed seas, where the law governing the high seas cannot be applied, if only because of their geographical and geological configuration, notwithstanding the detriment it would cause to the economic, commercial and industrial life of the riparian States.

14. In regard to the first category, the law must aim at recognizing the right of the coastal State to adopt measures

to protect its environment from the menace of pollution and other dangers resulting from the technological progress made in the uses of the seas. For this reason my delegation, as well as others, held the view that a separate convention, rather than a revision of the previous conventions, was required for the protection of the marine environment and for the regulation of scientific research both on the sea-bed and in the superjacent waters.

15. In order to cover all matters relating to the law of the sea, it was generally agreed that the drafting of a list of subjects, comprehensive and flexible in nature, was most important. My delegation was gratified to note that substantial progress has been made in this regard. We had the honour to participate together with 10 other delegations in the Working Group entrusted with drafting a single list of subjects. The list would have been drafted but for the lack of time.

16. As observed in the report of the sea-bed Committee [A/8421], a number of draft articles and working papers have been presented and they show that there is some room for the accommodation of interests.

17. Admittedly, on the issue of the law of the sea, any successful multilateral initiative must reflect and adequately accommodate the interests of 131 States. If new agreements regarding oceans are to provide long-term stability, they must take into account and satisfy the various interests which have caused and could cause instability.

18. Mr. ENGO (Cameroon): My delegation is taking the floor to introduce a subamendment to the amendment proposed by the delegation of Sweden in document A/C.1/L.599. My delegation has always been guided by principles in reaching decisions on questions that face this and other Committees in the United Nations. We have actively participated, or at least shown an interest, in the work of the Committee on the sea-bed because of our conviction that it provides our generation with a great and tremendous opportunity to draft and to build a true structure of peace. The importance of this effort calls for efficiency as well as dispatch. Undoubtedly, many who are not currently members may wish to join the effort in this current phase of our deliberations. Yet it is our view that the guiding factors must continue to be efficiency and dispatch.

19. Last year my delegation watched with some regret and also with stretched and teased patience the consultations which resulted in the enlargement of the membership of the Committee from a number in the forties to the current figure of 86. We did not find justification then for the enlargement of the Committee, but a spirit of compromise impelled us at that stage to support it.

20. We have before us the draft amendment contained in document A/C.1/L.599, which seeks to amend the draft resolution contained in document A/C.1/L.586/Rev.1 calling for an enlargement of the Committee by four members.

21. My delegation is convinced, from its experience, that the size of the Committee membership at the moment makes it very difficult for the Committee to achieve success with efficiency and dispatch. However, there is a fait

accompli because consensus has become the order of the day, and, in the spirit of consensus, we accepted the increase last year. We have ourselves pondered the question and have consulted our friends and colleagues on the necessity for increasing the numbers by four. So far, my delegation can find no justification for it.

22. We have been told by friends who are interested in this enlargement what their desires are. In our opinion the demands and the problems can be accommodated at the regional level. I think that some regional groups have reached the useful decision that rotation should be encouraged within their respective groups. And, of course, at present any member of the United Nations may attend as an observer and be allowed to speak and participate in negotiations without problems, but I think that any who wish to come in at this stage to participate in this effort as full-fledged members should realize that an unwieldy figure can only obstruct the success of the Committee. We also realize that the moment it is agreed that there should be four additional members a new Pandora's box will be opened, and the big question will be asked where those four members are to go.

23. It is not enough to say there are the Western, the Eastern, the African, the Latin American and the Asian groups—five groups. How are four seats to be distributed among five groups? Of course, at the appropriate stage the question of balance will have to be considered—the question whether in fact there is truly a justifiable basis for accepting the ratio that exists in the Committee at this stage.

24. It is for these reasons that my delegation, having considered the statement of the representative of Sweden [1853rd meeting], having considered the problems the Committee faces and having considered the urgency and importance that attach to the effort at this stage—proposes deleting in document A/C.1/L.599 the rest of the sentence after the word “Committee”, and substituting therefor the words: “one member”. Therefore the subamendment will in fact read: “Decides to add to the membership of the Committee one member, including China.”

25. In accepting this increase my delegation is in fact doing no more than responding to what the majority of the members of the Committee have said they want. I think that practically every member who has taken the floor has either spoken in favour of or been significantly silent on the question of the need to include the delegation of the People's Republic of China, which, we are all convinced, will make a valuable contribution. We consider this to be a special situation.

26. If criteria are to be examined it will not be out of place to consider that Asia has had six new Members admitted to the United Nations recently, and if we are to accept that as the only basis for increasing the Committee's membership, then China, an Asiatic country, satisfies it.

27. My delegation holds itself ready, as always, to answer any queries on this, and we sincerely hope that it will be possible for the Committee to adopt this formula rather than a formula likely to provoke further controversy during this session of the Assembly.

28. Mr. ROSSIDES (Cyprus): The fantastic technological advances since the Second World War have presented us with some immediate and unanticipated perils and challenges. The last decade has seen the start of efforts at meeting peripheral challenges, such as the protection of outer space from the arms race fever with which our earth is invested. It was proposed that the principles of the Charter and international law be applied to outer space and that there should be agreement between nations to protect celestial bodies from being annexed by earth Powers.

29. Thus we now have a developing law for outer space and safeguards against raining death at least from outside the atmospheric perimeter of the earth.

30. The next challenge was that of saving the international areas of the sea-bed and its resources from national rivalries so that they might be preserved for the benefit of all mankind. Within three years, the nations of the world, at least the overwhelming majority of them, agreed that the sea-bed and its resources were the common heritage of mankind and adopted the relevant legal principles on the sea-bed. Some progress has also been made towards a régime and machinery to administer those resources equitably for the benefit of the international community.

31. The importance of obtaining resources for development, particularly for the developing countries, hardly needs elaboration. When these efforts succeed, it will be the first time that the international community acquires a juridical identity and the capacity to act for the economic benefit of mankind as a whole. We are thus moving in this respect towards an international legal order in respect of the water expanses of the earth, a legal order that still escapes us on land and in its inhabited areas. Now, in proceeding towards that legal order in the sea, we came upon the revision of the law of the sea as an indispensable part of the whole process towards such order.

32. Therefore, differences over vital national interests in the living resources of the sea have unavoidably been the subject of interminable discussions. These resources are of vital importance to many nations, if not to all nations completely. Meanwhile, however, a new and formidable challenge, in the series of challenges, has rapidly come upon humanity, that of the deteriorating sea environment, and the growing threat it poses has come into sharper focus in the world. The pollution of our rivers, our lakes, seas and oceans, resulting from the careless and thoughtless manner of industrial development, has been shown up as the gravest threat to the natural environment of man and to his very survival. The living resources of the sea are constantly perishing to a degree never even imagined as possible. This brings us to the question of how we are dealing with these problems of the law of the sea.

33. The living resources of Lake Erie between the United States and Canada and joining with the Atlantic Ocean have been eliminated by pollution. This lake is already a dead lake. The lakes adjoining the Mediterranean are on the way to a similar fate if the present rate of pollution of its waters, particularly around its centre, continues. Within three years or so, according to scientific estimates, the whole of the Mediterranean will be practically a dead sea. We may gauge the world's awareness of these growing

dangers by a glance at the headlines of international newspapers of our times, such as: "World warning system on ocean waste sought by scientists", "Pollution grows in Pacific Isles", "Tokyo is sinking into a polluted sea", "Our oceans are dying".

34. The dangers to the living resources of the sea from pollution are world wide. As Jacques Cousteau said:

"One may wonder why so little care has been given to the ocean. The reason is very simple. People have thought that the legendary immensity of the ocean was such that man could do nothing against such a gigantic force. In publications, in conferences, in international units the matters are generally divided into air pollution, land pollution and water pollution. In fact, all pollution finally goes into the ocean because every single thing, every chemical, whether in the air or on the land, will end up in the ocean. According to recent figures, 25 per cent of the DDT compounds so far produced are already in the sea. All of those compounds will eventually end up in the sea—cadmium, mercury and the rest."

35. As the Commission to Study the Organization of Peace has reported, more than 1 million tons of oil are spilled in the sea each year. Added to this are human sewage, industrial wastes, garbage, autos, fill and other wastes—radioactive substances, military agents such as germ gas, poisons such as lead, arsenic, mercury, and so on.

36. Furthermore, it has been stated that at the bottom of the Baltic Sea lie containers holding 62,000 tons of chemical gases, which were dumped there by way of disposal. What will happen to those gases when the containers are destroyed by corrosion as they will be destroyed—remains to be imagined. It is a frightening prospect. But even independently of those containers, the Baltic Sea is already a dead sea.

37. Only recently has it been ascertained and realized to what unimaginable extent the rivers, the lakes and the seas are being polluted to the point of destroying all life in them. As extensive plans are made for the conference on the law of the sea to be held in 1973, one important need cries out and calls for immediate attention: the urgent need to save the sea and its resources from the effects of further pollution in order that the whole purpose of the sea-bed Committee's work and the law of the sea may become meaningful. Surely this aspect must be given first priority consideration and urgent agreement. Every day that passes makes the problem graver and more difficult to tackle. In view of the imminent danger of the extinction of the resources of the sea, it will growingly become meaningless to labour and argue about the sharing of them without taking in a parallel way agreed steps for their preservation in the meanwhile.

38. We hope, therefore, that the preparatory committee on the conference on the law of the sea will emphasize the compelling need for priority to be given to the decisions and recommendations of the conference directed towards arresting the further deterioration of the environment of the sea so that its living resources may survive. It might perhaps be advisable if the preparatory committee were to be in touch with the Preparatory Committee for the United

Nations Conference on the Human Environment so that the former's recommendations in respect of the sea environment may be brought to the notice of the Conference on the Human Environment through its Preparatory Committee.

39. We look forward to the coming sessions of the sea-bed Committee being productive in their work and having the sense of urgency the subject requires, with particular emphasis on the aspects with which I have already dealt.

40. As regards the venue of the coming sessions, in view of the divergent views expressed in this Committee my delegation's suggestion is that by way of compromise one session—preferably the first—should be held in New York and the second at Geneva. But we have no strong views on this matter.

41. Mr. KEDADI (Tunisia) (*interpretation from French*): First of all, my delegation wishes, on its own behalf and on behalf of the Government and the people of Tunisia, to express to you, Mr. Chairman, and to the Government and the people of Bulgaria its most sincere condolences on the occasion of the death of the Minister for Foreign Affairs of Bulgaria, who throughout his life defended the great principles of freedom and international co-operation in accordance with the Charter of our Organization.

42. Tunisia, as a member of the sea-bed Committee, did not deem it necessary to intervene in the course of the debate in our Committee so as to enable non-members of the sea-bed Committee to have an opportunity to state their views on the work of that Committee in the course of this year. My delegation actively participated in the deliberations which took place during the two Geneva sessions and, in close co-operation with the developing countries, of which we had the honour to be chairman during consultations, made a modest contribution to the relative success which has so far been attained by the Committee.

43. In particular, my delegation is gratified at the solidarity evinced in the group of Afro-Asian countries, which succeeded in submitting to the Committee a list of subjects for the agenda of the international conference on the law of the sea scheduled for 1973 [A/8421, annex I, sect. 16]. This solidarity was also evinced in the Group of 77 developing countries, and my delegation is convinced that this community of views is such as considerably to facilitate the work of the Committee, since the other members seem to be coming increasingly close to the position of the developing countries, whose interests are clearly emphasized in the relevant resolutions of the General Assembly in the field of the peaceful uses of the seas and oceans.

44. The delegation of Tunisia has had an opportunity to state its views on the majority of questions and subjects raised in the Committee, and we therefore do not intend to dwell on the substance of these problems here.

45. However, we should like to emphasize the new initiative submitted by the delegation of Malta at the 1417th meeting of the Second Committee, and we wish to express our gratitude to that delegation for having been so good as to consent to this important question of the

establishment of an intergovernmental centre for training nationals of developing countries being referred for further study to the sea-bed Committee. In past statements the delegation of Tunisia dwelt at length on this question, to which we attach the utmost importance. Indeed, we consider that no régime or international machinery can be viable unless it has the effective participation of nationals of most of the countries of the world. Now, the nationals of the developing countries are in an unfavourable position and cannot make their contribution effective until urgent measures are taken for their benefit so as to prepare them as early as possible to take over these new tasks, which require previous essential technical training. Thus my delegation is pleased to welcome Malta's initiative, and we shall certainly have an opportunity to speak at greater length on this question when it is debated in the Committee.

46. My delegation now wishes to say a few words on draft resolution A/C.1/L.586/Rev.1, of which it is a sponsor, as well as on the amendments and subamendments that have been presented.

47. The Tunisian delegation supports the position stated here by a large number of delegations to the effect that the Committee should have two sessions, each of five weeks' duration, to be held in Geneva rather than in New York, for the reasons stated by the majority of the developing countries, which referred to the financial possibilities of those countries. Thus to our great regret we are unable to support the amendment submitted in document A/C.1/L.600.

48. As regards the amendment submitted by the Swedish delegation [A/C.1/L.599], my delegation also regrets that it cannot support it because it brings into question the idea of regional groups, and at the present stage of our debate it might entail extremely lengthy, difficult and perhaps inextricable discussions. Indeed, given the recent admission to the United Nations of new Members, some regional groups are entitled to require larger representation in the sea-bed Committee. On the other hand, the Tunisian delegation is definitely in favour of the admission of China, whose contribution to the Committee will doubtless be of particular importance. For those reasons, my delegation will support the subamendment submitted this morning by Jamaica, in the event that it does not give rise to lengthy debates in this Committee. But we are rather inclined towards the solution just presented by Cameroon for the admission of China to our Committee. My delegation believes that that will avoid useless disputes and will certainly enable us to move forward with our work.

49. Mr. FARHANG (Afghanistan): This being the first time I have spoken in some days, I should like first of all to extend to the Bulgarian delegation our deepest sympathy and condolences on the occasion of the tragic demise of the illustrious Minister for Foreign Affairs of Bulgaria.

50. I should like now to introduce the amendment contained in document A/C.1/L.600, proposed by Bolivia, Liberia, Nepal, Paraguay, Singapore, the Ukrainian Soviet Socialist Republic and Afghanistan, to modify draft resolution A/C.1/L.586/Rev.1.

51. My fellow representatives have no doubt noticed that the sole objective of this amendment is to have the two sessions of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction held in New York in lieu of Geneva.

52. I would venture now to state very briefly the weighty reasons that have prompted us to introduce this amendment, and I should like to express our hope that it will be considered by all representatives carefully and objectively.

53. First, concerning United Nations finances, it is no secret that our Organization now faces tremendous financial problems, and it will not be an exaggeration to say that the Organization is at this very moment in the midst of a financial crisis of great dimensions. We are informed that in some Committees—and more particularly in the Second Committee—some programmes of extreme importance and urgency, particularly to the developing countries, could not be implemented because of the tight financial position of our Organization. We believe that under such circumstances it is the duty of every Member State to try to help the Organization through strict economy in its expenditures, or at least by avoiding imposing upon it unnecessary extra burdens. We have been informed that the holding of the two 1972 sessions, each lasting four weeks, at Geneva would require an extra expenditure of nearly half a million United States dollars. And if the sessions are to last five weeks, or more than four weeks, each, the financial burden on the Organization may rise proportionately.

54. Secondly, concerning the financial difficulties of individual States, a large number of members of the Committee are from among the so-called developing group of countries, and some of them now belong to the now-recognized least developed countries. When we say "developing countries", we mean countries with limited resources, including financial resources. Most of these countries have no permanent mission or personnel at Geneva, while they all have a mission in New York, which is their permanent mission in that city. If the meetings were held at Geneva they would have to incur extra expenditure for the travel and upkeep of their delegations there, while if the sessions were held in New York they would be spared at least part of the extra burden. The same also applies to office, administrative and other facilities necessary for the proper functioning of their delegations, of which a minimum may be available to them in New York and practically nothing at Geneva.

55. Thirdly, concerning the balanced treatment of countries situated in different and varied conditions, last year the two sessions of the Committee were held at Geneva, thus favouring those countries which for some reason or other preferred that locality to any other. It would therefore only be fair if they were to agree to hold next year's meetings in New York, thus helping those delegations which find that solution more favourable to them.

56. Fourthly, concerning the position of non-member States, we all know that more than 40 member States are outside the membership of the Committee. That does not mean that those countries are for that reason less interested in the work of the Committee or cannot make useful contributions to its objectives.

57. If the sessions were held at Geneva, then only the most developed nations from among the non-members, which means the richest countries from among the non-members, would have the opportunity to follow its work through their observers. If the sessions were held in New York, then even the poorest countries could follow the work through their observers, because they all have missions in New York.

58. These are some of the reasons prompting my delegation, and some other delegations, to make an appeal to the sponsors of the draft resolution contained in document A/C.1/L.586/Rev.1 to make an effort to have a second revision of their draft, thus showing their understanding of the position of countries that have this difficulty. In view of the time-limit that has been imposed on us by the delay in the work of the Committee, I should like to make another appeal that this question should not become a point of argument, but should be considered objectively so that the amendment could be accepted by all.

59. Mr. WALDHEIM (Austria) (*interpretation from French*): We were deeply saddened to hear of the tragic death of His Excellency the Minister for Foreign Affairs of the People's Republic of Bulgaria, Mr. Ivan Bachev. I had the privilege of knowing Mr. Bachev personally and, like all those who knew him, I admired his lofty qualities as a statesman and a human being. Mr. Chairman, I extend to you my most sincere condolences and ask you to transmit to the family of the deceased our profound sympathy.

60. Last year when the First Committee considered questions relating to the law of the sea it considered four specific issues: the report of the sea-bed Committee regarding its work during 1970; a report of the Secretary-General on marine pollution; the question of convening a conference on the law of the sea; and the question of the breadth of the territorial sea. As a result of this discussion the General Assembly decided at its twenty-fifth session to enlarge the membership of the Committee and to entrust it with a new mandate according to which it was to start preparing for a future law of the sea conference.

61. Under the terms of resolution 2750 C (XXV), it is envisaged in principle to hold the next law of the sea conference in 1973 and to have it deal with the establishment of an international régime for the sea-bed, a precise definition of the area over which the régime is to apply and a broad range of related issues including those concerning the régime of the high seas, the continental shelf, the territorial sea, fishing and conservation of the living resources of the high seas, the preservation of the marine environment and scientific research. The sea-bed Committee, which has the task of preparing draft treaty articles on these subjects as appropriate, has presented us with a report on the results of its endeavours during 1971. The report, contained in document A/8421, is comprehensive in nature. It contains many annexes and gives a clear picture of the proceedings and achievements of the two sessions of the Committee in 1971. The report is complemented by studies submitted by the Secretary-General on the economic impact of sea-bed exploitation, on the particular problems of land-locked countries and on the issue of how to share the benefits derived from the exploitation of the sea-bed [A/AC.138/36-38]. These studies, for which we

should like to congratulate the Secretary-General, have already been the subject of a preliminary examination by the sea-bed Committee and will form the background of our future discussion of the sea-bed régime.

62. In going through the voluminous report of the Committee we have to observe, however, that, so far, it has not been possible for the Committee to come up with draft treaty articles on any subject referred to it. Moreover, it can also be noted that progress was uneven with regard to the three main issues which can be distinguished in the report. The first main issue, where most progress was made, relates to the establishment of an international régime over the sea-bed; the second series of issues relates to the traditional questions of the law of the sea; whereas the third series of issues relates to the problem of pollution and the question of scientific research. The fact that the first Sub-Committee which dealt with the sea-bed régime made more headway than the other Sub-Committees might be explained by the programme of work which gave priority to the task entrusted to it. Accordingly, the members focused their attention to a greater degree on the establishment of an international sea-bed régime.

63. Although at first sight these observations might lead one to believe that the Committee as a whole did not advance very much, we feel that the proceedings have after all produced encouraging results and have laid the basis for fruitful further co-operation.

64. Thus, for example, the Committee succeeded in settling the procedural problems of the organization of the work—a particularly sensitive issue with each and every new committee—and established after long and protracted negotiations a work programme which promises, we hope, a smooth and business-like approach in the future.

65. As to the substance, it is worth-while to single out the submission of draft treaties and draft treaty articles regarding the establishment of an international machinery for the sea-bed and the ocean floor by individual States or groups of States. My delegation considers the presentation of these drafts as an encouraging first step because it testifies to the earnestness of the efforts to set up an international régime for the sea-bed. All those who remember that only a few years ago the idea of an international sea-bed régime, including appropriate international machinery, was the subject of controversy in the former sea-bed Committee as well as in the General Assembly of the United Nations, will have to agree that in preparing a text on that item the international community has indeed made substantial progress.

66. In view of these developments, my delegation can support the main ideas contained in the draft resolution, which calls for a continuation of the work of the sea-bed Committee in 1972.

67. The time is short, and delegations here are familiar with the position of Austria on most of the matters before the Committee. I will, therefore, not repeat our attitude here but simply recall that the Austrian delegation, representing a land-locked State, has focused much of its attention on the elaboration of an international régime for the sea-bed because this is the only means by which

land-locked States, or any other State lacking the necessary technological know-how and capital, would be able to participate in and take advantage of what was proclaimed last year the "common heritage of all mankind."

68. We feel that a strong international organization set up in implementation of that régime will, on the one hand, be a guarantee to the international community that the principle of common heritage will be translated into reality and, on the other hand, provide the international community with the opportunity to proceed to new forms of international co-operation.

69. Another aspect which we consider important in this context is that the sea-bed régime would have to apply to a reasonably large area, because we feel that the international community would be best served by trying to keep the international area as wide as possible. My delegation is, of course, fully aware that some aspects of marine exploitation are of varying interest to different States and recognizes that in proceeding with our negotiations these particular interests will have to be taken into account, since only solutions acceptable to the international community hold the promise of effective implementation.

70. Before I conclude, let me say a word about the forthcoming conference on the law of the sea. My Government, which is following closely the developments in the sea-bed Committee, is aware that in principle the conference, in accordance with resolution 2750 C (XXV), will have to be convened in 1973. Although almost two years still separate us from the projected date of the conference, we have considered it appropriate to inform the First Committee that the Austrian Government intends to invite the conference to convene in Vienna. Since at this stage it was considered premature to issue a formal invitation, I should like to confine myself to commending this possibility to your favourable consideration.

71. Mr. EREN (Turkey): Mr. Chairman, I shall remember the twenty-sixth session of the General Assembly regretfully—regretfully for having missed the chance of sitting under your chairmanship. Your diplomatic dexterity and your graceful forcefulness in representing your country need no reaffirmation. For me you stand out, above all, as a man blessed with infinite humanity—the supreme quality in any human being in any capacity.

72. We are dealing today with a problem that is vital to us all not only as citizens of our national States but as inhabitants of this planet, 70 per cent of which is sea. It is a problem that needs expert judgement as well as expeditious treatment. Since I am not an expert and since I believe in the expeditiousness of the issue, I shall abide by your wisdom and confine my remarks to procedural aspects of the question.

73. First, I want to commend the report of the sea-bed Committee [A/8421]. It is a well-prepared and well-balanced report. It records faithfully the outcome of the two meetings the Committee held in 1971 at Geneva.

74. We are pleased to note that the report reveals the modest progress made in the Committee, particularly in the organization of its work. It also records the constructive

proposals advanced at the second meeting of the Committee. However, with the issue before us, time is of the essence. Any progress made must be judged in terms of whether or not it advances our basic purpose. Chaos continues to rule the sea and the sea-bed. This confusion serves neither individual countries nor the international community as a whole. In addition, the developing countries rightly need to hurry to establish an equitable régime for the sea-bed beyond national jurisdiction. They need to bridge the gap between developing and developed countries. Delay in bringing an international order to the sea-bed and the sea daily raises new obstacles to an agreement. We are perfectly aware of the divergencies between the interests of Member States, on one hand, and between national interests and the interests of the international community, on the other. We are aware of the attendant difficulties in reconciling these multifaced differences. These imperatives call for action within a reasonable period of time. If the pace is not accelerated, we might find ourselves 10 years later even further from an agreement than now. We are afraid that the present pace of progress in the work of the Committee might be inadequate to allow the convening of a conference in 1973, which is the objective accepted by the General Assembly. For that reason we shall support every constructive proposal for speeding up the work of the Committee.

75. The second point I want to make is of a more specific nature. Yet it is connected with the time factor, since it can help to promote the calling of the conference with due expeditiousness. I am referring to the list of subjects and issues envisaged for the agenda of the conference. An agreement on this question will enable the Committee to carry its work one step forward and focus its efforts on preparing the drafts for the conference. We share the view that such a list should be neutral and should not prejudice the decision of any country or the outcome of any problem. In view of the importance of the list of issues, it would be appropriate to give priority to this question in the work of the Committee. In this connexion, my delegation would like to see the Working Group of eleven countries, which was formed to facilitate an agreement on a list of subjects and issues, resume its work as soon as possible.

76. Last year, when the sea-bed Committee was enlarged from 42 to 86 members, some representatives expressed doubts about the wisdom of the enlargement. We are pleased to note the Chairman's remarks to the Committee to the effect that this enlargement has in fact strengthened the Committee and increased its usefulness and value and the content and quality of its deliberations.

77. In this connexion, I want to reiterate our pleasure at finding the People's Republic of China in its rightful seat in the United Nations. China also has a long coast, extending along the Pacific Ocean. Its participation in the preparatory work of the Committee will also strengthen the Committee's effectiveness. My delegation believes in the necessity of enlarging the Committee to include the People's Republic of China and other Members with predominant interests in the salt waters of the world.

78. We also support the change contemplated in the name of the sea-bed Committee. With its new mandate the Committee has now acquired a new character. It has

become a preparatory committee for the conference on the law of the sea, and it would be only proper to seek a new title for the Committee which would reflect its new character. However, in doing so we should take care not to alter the balance and priorities among the different tasks of the Committee as envisaged by the General Assembly.

79. I now turn to the number, timing, length and place of the meetings of the Committee.

80. My delegation believes that the proper yardstick in deciding on all those questions should be determined by the interests of the majority. The majority of the sea-bed Committee is composed of developing countries, for whom interest in these matters is of greater import. Three meetings increase costs for Member countries. Consequently, we favour two meetings of five weeks in March and August. On the question of place, I am of the opinion that at least one meeting should be held at Geneva; although we would prefer that the second meeting should also be held at Geneva, we would be willing to agree with the majority view.

81. The CHAIRMAN (*interpretation from French*): I call on the representative of Canada who wishes to speak on a matter of clarification.

82. Mr. BEESLEY (Canada): I wish merely to revert to a point that has been referred to by several delegations, namely, the desirability of having circulated to the sea-bed Committee, and indeed to the Members of the United Nations other than the members of the sea-bed Committee, the report of the Intergovernmental Working Group on Marine Pollution, which met from 8 to 12 November. I understand from the Secretariat that it is indeed its intention to circulate this paper to the sea-bed Committee. I wish to obtain a confirmation of that. I understand that it might not be circulated as a document of the sea-bed Committee, but that it would none the less be made available to the members of the Committee because of the interrelationship between the work of the Committee on Marine Pollution and the work of the Stockholm Conference. I wish to direct to the Secretariat the question whether it is in fact its intention to circulate that report to the sea-bed Committee.

83. Mr. CHACKO (Secretary of the Committee): The Secretariat had taken note of the reference made by several delegations in the course of the debate to the desirability of making available to the sea-bed Committee the report of the Intergovernmental Working Group on Marine Pollution, which met at Ottawa in November of this year. I have been informed that this report, which is contained in document A/CONF.48/IWGMP.II/5 will be circulated by the Secretary-General of the United Nations Conference on the Human Environment to all members of the United Nations in the near future. In addition, in view of the request made in this Committee, copies of the same report will also be made available to the members of the sea-bed Committee at its next session.

84. Mr. RYDBECK (Sweden): My delegation has introduced an amendment in document A/C.1/L.599, proposing an addition to the sea-bed Committee of four members. I think the Committee has also been informed by the current

Chairman of the group of Western and other States that if an enlargement should take place the candidature of Finland for one of the new seats in the enlarged Committee is unanimously supported.

85. I should like to explain to the Committee the reasons behind our proposal and the circumstances behind the Finnish candidature this year for the Committee. Last year, as many of us will remember, up to the very last moment there was great difficulty in reaching an agreed solution of the problem of the composition of the Committee and the number of its members. During those negotiations both Finland and Sweden had submitted their candidatures and both, I think rightly, claimed that they had very serious national interests in being represented on the Committee. However, to facilitate a solution it was agreed between us that after one year's membership Finland would take over. But there was a condition to that agreement—that there be no further enlargement of the sea-bed Committee.

86. I wish to make one point clear so that there will be no doubt about it. Sweden stands by its agreement. So, should this come to nothing it is Sweden that leaves the Committee; we will be without a seat and Finland will enter the Committee as agreed. I think it is useful perhaps to stress this.

87. As to the enlargement, of course there is unanimous agreement that the People's Republic of China should be given a seat on the Committee. Since it seems impossible to have this accommodated within the present number of 86, I think that there has always been an agreement that we have to enlarge the Committee at least to accommodate the People's Republic of China. In this situation my delegation has consulted many other delegations during recent weeks and we have come to the conclusion that at least some delegations—not a few but a certain number of delegations—would be prepared to support a proposal for an additional four members, but not more than four members. I mention this because in the discussions here it seems to me that the argument has been put forward that there are countries belonging to other, larger geographical groups that would also like to be on the Committee. We have no objection to the enlargement of the Committee to accommodate all States with a serious national interest in this matter. We cannot quite understand why it should make a great difference whether the Committee has 86 or 90 members. As a matter of fact, the question is now whether it should have 87 or 90 because I think that there is unanimous agreement on the Chinese seat. As a matter of fact, as the representative of Turkey reminded us a moment ago, the enlargement has proved fruitful for the work of the Committee.

88. Those are the reasons why we have put forth the amendment, and we had hoped that it would receive positive consideration in view of the fact that nobody, I think, would be prepared to deny that a country like Sweden, with a very long coastline for one thing, has a very serious interest in the work of the sea-bed Committee. I would also remind members that my Government has shown a very active interest in the question of the régime of the sea-bed, and so on. But let us leave that aside for the moment. I should just like to make a plea for all delegations to consider whether there is not a reasonable case for an

enlargement by four members. I repeat that, though the proposal of the Western group and others proffers the candidature of Finland, the seat now in question is in reality, because of the agreement between Finland and Sweden, the Swedish seat.

89. I gather that there are many differing views—not only disagreements, but differing views—here, and if it would be agreeable to the Committee it might be a good thing to give time for consultations among the membership and the groups.

90. Mr. HACHEME (Mauritania) (*interpretation from French*): Our statement will rather be part of the general debate. I apologize for the delay of our delegation in putting its name down, but the reasons were beyond our control. The comments we make will be brief. Mr. Chairman, I hope that you will allow the Mauritanian delegation, therefore, to speak briefly on this complex item, the discussion on which has been going on for a number of days now.

91. The Mauritanian delegation is privileged to be a member of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and has participated with some interest in the work carried out by that Committee.

92. The drawing up of the report contained in document A/8421, which is before the First Committee, was carried out through the tireless efforts made by each and every one of the members of the sea-bed Committee in an attempt to come up with a document that reflected the ideas and trends expressed by all schools of thought and in accordance with the desire to protect the vital interests of everyone. This constructive spirit, a spirit of conciliation and compromise, which has always prevailed throughout the deliberations of the Committee since its creation in 1968, deserves to be emphasized.

93. The Mauritanian delegation would like to point with some admiration to the remarkable way in which Mr. Amerasinghe has always conducted the work of the Committee. Furthermore, we should emphasize the important part played by the Chairman of the sea-bed Committee and its officers and secretariat. Everyone here recognizes, I think, the complexity and the importance of the problem involved in the exploration, exploitation and the peaceful utilization of the sea-bed and ocean floor beyond the limits of national jurisdiction. It is therefore essential for the study of a possible international régime, which is necessary to govern such an exploitation, to be carried out progressively and without undue haste.

94. Time does not allow us to go into any detail on all the aspects of the question, since the First Committee has other items that still remain to be concluded before the end of the session. But we will have more time to devote to the consideration of this item when the sea-bed Committee meets in March of 1972. Nevertheless, in the opinion of our delegation, the devising of international machinery and other ways and means of determining an international system to govern the exploration and exploitation of this common heritage of mankind represented by the resources of the sea, needs the elaboration of programmes and

long-term studies where the technical data will be disseminated to all States. This will undoubtedly, we believe, make it easier for the resources of the sea to be exploited both in the international zone, whose exploitation would come under this machinery, and in territorial waters under the national jurisdictions of States concerned. We consider that this is a realistic course that could lead us to success in finding a solution to the problems involved in this exploitation.

95. In the meantime, conservative measures should be undertaken to avoid having this zone of seas and oceans beyond the limits of national jurisdiction subject to appropriation or installations of any nature that might make it even more difficult successfully to conclude the efforts now being made by the international community to define the strict limits of this zone and to organize it in the way most acceptable and most compatible with the interests of all States.

96. In view of what I have said, the Mauritanian delegation will give its support to any proposal that would be aimed at preventing or confining any activity in this zone of the sea-bed and ocean floor beyond the limits of national jurisdiction, while waiting for the international community to devise machinery that would govern such activity, which should be exclusively devoted to the interests of mankind as a whole.

97. We cannot but reiterate the conviction of our delegation in connexion with certain aspects of this exploitation, and we believe that we should emphasize the particular importance we attach to the delimitation and definition of this zone, which is what we call the sea-bed and ocean floor beyond the limits of national jurisdiction. In this context, my delegation shares the opinion held by many States expressed here regarding the need and the duty to be fully mindful of security and the safety of the rights of all coastal States.

98. In previous discussions in the Committee it has been shown that States have differing opinions about the extent to which present-day international law makes it possible to resolve the problem of delimiting the territorial waters and economic rights thereupon. The members of the Committee do not agree on how the activities of States should be governed regarding the exploitation of the sea-bed and ocean floor. In this connexion, it is important for Member States of the United Nations to consider the results of the work done by the Committee during the two sessions held in Geneva this year, which are contained in its report and to have some idea of the progress that has been achieved in this area by the Committee, and also make suggestions to facilitate the task of the Committee in its future work.

99. The Mauritanian delegation does not intend at this stage of our discussion to take up any more of the Committee's time, since we are members of the sea-bed Committee itself and, consequently, will have an opportunity to consider this matter and express our point of view on it during the next session of that Committee.

100. But before I conclude these brief remarks, my delegation once again would like to stress the importance which our country attaches to the question of the

exploitation and utilization of the sea-bed and the ocean floor beyond the limits of national jurisdiction. Such exploitation, we believe, should be carried out for exclusively peaceful purposes in accordance with the needs of the international community, and that is why we are in favour of a declaration prohibiting the use of the sea-bed and the ocean floor for military purposes. We hope that the members of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction will continue at the forthcoming sessions their endeavours to overcome those obstacles which still exist and will eventually lead us to the elaboration of an international régime convenient and acceptable to all States.

101. In connexion with the draft resolution and the amendments now before us, my delegation will vote in favour of the Swedish amendment [A/C.1/L.599] and will also vote in favour of the draft resolution [A/C.1/L.586/Rev.1].

102. Mr. PATRICIO (Portugal): Regarding the statement of the representative of Sweden concerning his amendment to the draft resolution before us, I should like to clarify one point that could raise some doubts on the part of members of this Committee.

103. In my capacity as Chairman of the group of Western European and other States, I deem it necessary to state that our group decided to support the candidature of Finland for the sea-bed Committee only if—I repeat, only if—an enlargement of the Committee was decided upon. No decision was taken supporting an increase in the membership of the Committee by four or any other number.

104. Mr. KRISHNADASAN (Zambia): The purpose of my intervention is to propose a subamendment to the Swedish proposal contained in document A/C.1/L.599, but that proposal would be dependent upon your guidance, Mr. Chairman, as to the best way in which we could put our view across.

105. As we see it the proposal by the representative of Cameroon to insert the words “one member”, namely, China, after the words “Decides to add to the membership of the Committee” and thereby amend the Swedish proposal, would naturally preclude the proposal contained in the Swedish amendment from being taken up. Am I right—and this is where I want your guidance, Sir—in thinking that the proposal of Cameroon should be put to a vote first in such circumstances?

106. The CHAIRMAN (*interpretation from French*): According to the rules of procedure a subamendment is put to the vote before the amendment. So the subamendment would be voted on first, and then the amendment, whether the subamendment were accepted or rejected. I hope the Secretariat agrees with me on this.

107. Mr. KRISHNADASAN (Zambia): Thank you for your guidance, Sir. In that case, what we have in mind is the following—and here too I might ask for your advice if this is an incorrect procedure.

108. Now all of us, as you have correctly said, Sir, are naturally in favour of the admission of the People's

Republic of China, and there are no two words on that score. All of us are in support of that. Equally, in making a very brief statement this morning my delegation supported the Swedish amendment and gave a few reasons for that support. Since those reasons were advanced before the statement and the proposal of an amendment by the representative of Cameroon, I think it is only fair that we add to those few comments of this morning by stating that we do not consider that an increase from 86 to 90, even on the assumption that 86 is an unwieldy body—and we are not saying that it is or is not—would make very much of a difference. On what assumption? On the assumption that those four additional members are going to participate fully in the proceedings of this Committee, even though the present members need not necessarily have all participated. That would be our additional comment on what we stated this morning, and in view of what you said on the procedural question, Sir, what I should like to do now—and here too I might need your advice once again, Sir—is to propose the following subamendment.

109. Although it would be in the format of the Swedish amendment, I think—and you may correct me here if I am wrong, Sir—that it is really a subamendment to the Cameroon amendment. Please correct me if I am wrong.

110. I shall now read it out, and you can tell me if I have made a mistake. We propose the insertion of the words “including China”, so that paragraph 3 would read:

“Decides to add to the membership of the Committee four members including China to be appointed by the Chairman of the First Committee in consultation with regional groups”.

In short, we take into account the fact that China would automatically be a member, and also that three other members are to be appointed by the Chairman of the First Committee in consultation with regional groups.

111. And here is where I need your guidance, Mr. Chairman. Am I correct in thinking that ours really would be the first amendment to be put to the vote?

112. The CHAIRMAN (*interpretation from French*): Before giving the clarification sought by the representative of Zambia, I should like to inform the Committee that the representative of Cameroon, having submitted his amendment orally, advised the officers of the Committee that it was not his intention to refer to China—that he simply wanted to leave it to the Chairman to announce it. Therefore, the amendment of Zambia will not modify the Cameroon subamendment because the latter is not going to be circulated exactly as it was presented orally. The Zambian proposal will constitute another subamendment.

113. The representative of Cameroon did not want to refer to China because up to now the practice has been not to mention by name members who were to be included in the Committee, but to allow agreement to be reached among the various groups themselves.

114. I give the floor to Zambia on a point of order.

115. Mr. KRISHNADASAN (Zambia): A point of clarification: does what you have said, Mr. Chairman, mean that

the amendment presented by the representative of Cameroon no longer exists? Is it one member—namely China—or nothing at all? If it is, our proposal loses its point.

116. The CHAIRMAN (*interpretation from French*): I shall read out the subamendment, which is now being distributed [A/C.1/L.602]: “Replace the words ‘four members’ by the words ‘one member’”.

117. Mr. KRISHNADASAN (Zambia): It is my understanding that if we do not maintain our subamendment to the Swedish proposal that will mean that a vote will be taken on the Cameroon subamendment first. If that is so, we should like our proposal to remain before the Committee.

118. The CHAIRMAN (*interpretation from French*): Let us consider that matter when the time comes and when consultations begin. Let us leave things as they are.

119. Other representatives wish to make further statements. If those statements are going to make the Committee’s work easier then by all means they should be made as soon as possible, because that will also help us in the consultations that are to ensue. But if delegations feel that the consultations should be held first in order to clarify the situation I am quite prepared to adjourn the meeting so as to provide an opportunity for consultations to proceed.

120. Mr. BIGOMBE (Uganda): I wish to speak in support of the Zambian subamendment. I think there is a very clear case for extra representation of land-locked countries on the African continent. We have only one land-locked country on the Committee, and as things stand few countries on the Committee would be willing to leave it in favour of the land-locked countries. At least two of the delegations that took the floor this morning made out a case for their national interests being at stake, and they were land-locked countries. So it is my understanding that were the Committee to be enlarged by four more countries at least two to them would be land-locked countries.

121. Mr. IGUCHI (Japan): The Japanese delegation would like to draw the attention of members of the Committee to the suggestion made by the Japanese representative who spoke this morning, and, based on that suggestion, we should like to propose an amendment to paragraph 3 of draft resolution A/C.1/L.586/Rev.1.

122. We should like to suggest that two sessions at Geneva would not be appropriate in view of the financial difficulties which the United Nations is at present trying to solve. Therefore, we should like to propose the following amendment to the final operative paragraph. First, to insert the words “in New York and” before the words “at Geneva”, and also to add the word “respectively” after “1972”. If these amendments are adopted, the paragraph would then read as follows:

“Requests the Committee, in the discharge of its mandate in accordance with resolution 2750 C (XXV), to

hold two sessions in New York and at Geneva during March and August 1972 respectively.” [A/C.1/L.603.]

123. We hope that this proposal will be accepted by the First Committee. I believe that the delegations of Nepal, India and some others support this amendment.

124. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): I should like to support the suggestion that we now adjourn in order to have time to consider the amendments, subamendments and counter-subamendments which have been submitted concerning the number of members and the place of the sessions.

125. The CHAIRMAN (*interpretation from French*): First of all, I should like to offer the following clarifications, before a decision is taken. The Committee has before it first an amendment to increase the number of members of the Committee. Two subamendments have been submitted in connexion with that amendment, but there is a contradiction between them. That situation has to be clarified.

126. Then there are amendments concerning the place where the two sessions are to be held. First there is the initial proposal contained in the draft resolution that the two sessions should be held in Geneva. Then there is the amendment of Afghanistan and other countries proposing that the sessions should be held in New York, for financial reasons. Finally, there is the amendment of Japan proposing that one session should be held in New York and one session in Geneva.

127. Since the suggestion has been made by the delegation of Sweden and supported by the delegation of Peru that we adjourn this meeting in order to allow time for consultations on these matters, and if no more delegations wish to speak to clarify the situation, doubtless the best course would be to follow that suggestion so that a solution may quickly be found.

128. Mr. REBAGLIATTI (Argentina) (*interpretation from Spanish*): I should like to support what was just said by the representative of Peru. We believe it would be useful to have consultations among the sponsors of the various amendments and draft resolution. Perhaps in that way we could avoid having a lengthy debate.

129. Mr. KRISHNADASAN (Zambia): I merely wish to thank the Chairman for clarifying the situation and to state that there is nothing before the Committee from Zambia at the moment.

130. Mr. HARMON (Liberia): I should like to know how much time we shall allow for the consultations. I think we should have some time-limit on them.

131. The CHAIRMAN (*interpretation from French*): Our time is running short. I believe that we should allow until 10.30 a.m. tomorrow for the consultations.

*The meeting rose at 5.20 p.m.*