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Chairman: Mr. Otto R. BORCH (Denmark).

AGENDA ITEM 40 (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/9021, A/C.1/1035, A/C.1/L.646)**

1. The CHAIRMAN: The representative of Venezuela has asked to be allowed to make a short statement and, with the concurrence of those members who are listed to speak, I shall call on him.

2. Mr. DIAZ GONZALEZ (Venezuela) (*interpretation from Spanish*): Last week, after a series of talks with a number of groups, we endeavoured to make known the instructions received from my Government officially to offer the city of Caracas as the site for the first substantive session of the Third United Nations Conference on the Law of the Sea in 1974.

3. As members of the Committee will recall, in its resolution 3029 A (XXVII) of 18 December 1972, the General Assembly decided to convene the second session of the Conference, for the purpose of dealing with substantive work, at Santiago, Chile, for a period of eight weeks in April and May 1974 and such subsequent sessions, if necessary, as may be decided by the Conference and approved by the General Assembly, bearing in mind that the Government of Austria has offered Vienna as a site for the Conference for the succeeding year.

4. Members of the Committee will also recall that those Assembly decisions were adopted on the understanding that the general consensus was that the first session of the Conference should be held in a developing country. Latin America won the honour of having one of its countries

selected as the site for holding that Conference. For reasons that are obvious to all, that session can now no longer be held at Santiago, Chile. However, we felt—and I am now speaking with the full support of the group of Latin American States—that the Conference should still be held in a developing country and that Latin America should retain the privilege granted it for one of its countries to be host of that Conference when it is held. We are all also aware of the fact that at the beginning of our session and, in fact, until last Friday there were only two possibilities open, both beset by problems and both tenuous. The Government of Venezuela decided, therefore, officially to offer Caracas as the site for that Conference.

5. I shall not dwell on this matter any further but wish merely to commend Venezuela's offer to members of the Committee and hope that this Committee will support the offer of Caracas as the site for the Conference in 1974, it being understood that, in its resolution 3029 A (XXVII), the General Assembly has already agreed that the second substantive session should take place in the city of Vienna.

6. The CHAIRMAN: While it is, of course, for the Committee to give consideration to the offer that has been made for the Conference to be held in Caracas, Venezuela, I feel certain that we are all grateful for the very gracious invitation issued by the Government of Venezuela and that this offer will be helpful in overcoming the difficulties in which the Committee has found itself with regard to a site for the Conference next year. I recommend the offer for speedy consideration by the members of the Committee in order that a reply may soon be forthcoming.

7. Mr. BOATEN (Ghana): Although this is the first occasion that my delegation has taken the floor since you assumed the chairmanship of this Committee, Sir, in recognition of your expressed desire to waive your privilege of receiving compliments from delegations, I merely wish to associate myself with the compliments and tributes which my colleagues who have spoken before me have paid to you. At this stage I realize that it would be superfluous to say any more than they have already said.

8. The views of my delegation on the issue before us were expressed during the twenty-seventh session of the General Assembly, both in this Committee and in our general statement. In our general statement at this session, the Commissioner for Foreign Affairs of Ghana reiterated the importance that my Government attaches to the deliberations on the sea-bed and the ocean floor beyond the limits of national jurisdiction. It is not my intention, therefore, to repeat what should be already known. I shall respect your suggestion and address myself to the informal draft resolution, which the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond

the Limits of National Jurisdiction has very wisely submitted for the consideration of this Committee.

9. The informal draft resolution provides a useful basis for our discussion in this Committee. It avoids substantive questions and deals with procedural matters, which my delegation believes should be the main preoccupation of this Committee at this stage.

10. The resolution raises a number of questions which this Committee is expected to resolve. In the view of my delegation these are:

11. First, whether the work so far done by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction constitutes adequate preparatory work and justifies the convening of the Third United Nations Conference on the Law of the Sea; secondly, the nature of the mandate of the Conference on the Law of the Sea, if it should be decided to convene it; thirdly, the number of conferences to be scheduled for 1974; fourthly, participation in the conference; fifthly, rules of procedure for the conference, including procedure for taking decisions; and sixthly, dissolution of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

12. The twenty-seventh session of the General Assembly adopted three resolutions on the question of the sea-bed: resolutions 3029 A, B and C (XXVII). Resolution 3029 A (XXVII), while affirming the mandate of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, envisaged in its paragraph 3 the convening "of the Third United Nations Conference on the Law of the Sea in New York for a period of approximately two weeks in November and December 1973, for the purpose of dealing with organizational matters, including the election of officers...". In its paragraph 4, the resolution envisaged "the second session of the Conference, for the purpose of dealing with substantive work..." which was to be held at Santiago in April and May of next year.

13. All that the informal draft resolution submitted by Mr. Amerasinghe, the Chairman of the sea-bed Committee, seeks to do is to put into operation the programme envisaged by the twenty-seventh session of the General Assembly in respect to the Conference on the Law of the Sea. Paragraph 5 of resolution 3029 A (XXVII) envisaged a review by the General Assembly of the work of the sea-bed Committee "and, if necessary, to take measures to facilitate completion of the substantive work for the Conference and any other action it may deem appropriate". That paragraph mandates this Committee to make recommendations to the General Assembly on the adequacy or otherwise of the preparatory work so far done by the sea-bed Committee and to recommend measures it deems necessary for the Conference. The question at issue now is whether this Committee considers that adequate preparatory work has been done to ensure a successful Conference on the Law of the Sea.

14. Having regard to the various alternative drafts and formulations of articles appearing in the three volumes of the Committee's report and the divergent views reflected in

that report [A/9021], my delegation agrees with the view already expressed by a number of delegations that although the preparatory work cannot be said to be complete, the sea-bed Committee has gone as far as it is possible for a body of that nature to go. The fact that no agreements have been reached in certain areas is no reflection on the work of the sea-bed Committee. On the contrary, the Committee has brought to its task a great deal of resourcefulness and hard work. It is the view of my delegation that, given that situation, further preparatory work by the Committee would prove frustrating and counter-productive. The value of the Committee's work, in our view, is that it has indicated clearly areas of agreement and those of divergence on which further negotiations should be concentrated. This should set the appropriate stage for a successful Conference on the Law of the Sea.

15. In the view of my delegation there is another factor that should influence our decision. The Secretary-General's report, embodied in the report of the Committee to the twenty-seventh session of the General Assembly on the possible economic implications of mineral production from the international sea-bed<sup>1</sup> area indicates not only that the technology for exploitation of the sea-bed has reached a high stage of development but also that considerable sums of money have already been sunk into the development of that technology by private investors. Surely these investors would wish not only to recover their capital sunk into the venture but also to obtain returns on their investment in the shortest possible time. That has implications which could lead to anarchy in the exploitation of the sea-bed and frustrate our objective—namely, that the resources of the sea-bed should be exploited for the benefit of all mankind—if we do not act urgently.

16. For those reasons my delegation subscribes to the view that the Conference on the Law of the Sea should be convened as scheduled. In this regard my delegation has no objection to the convening of the procedural conference, envisaged in paragraph 2 of the informal draft resolution, in New York in November and December this year. Paragraphs 4 and 5 envisage the convening of two sessions in 1974, the first in March and April and the second in June, July and August. Having regard to the cost involved to delegations, particularly of the developing countries, my delegation would prefer one conference of a longer duration for 1974. We would have no objection to the 10-weeks' duration suggested in various statements in this Committee.

17. With regard to the mandate for the Conference on the Law of the Sea, it is the hope of my delegation that what is envisaged by paragraph 3 of the informal draft is not the production of a multitude of conventions on the law of the sea. In the view of my delegation the Conference should aim at producing one composite convention covering all aspects of the area of the sea.

18. Regarding participation in the Conference, my delegation believes that the greater the universality of adherence to international conventions and treaties the greater the force and validity they possess. With that consideration in mind, and having regard to the principle that the area of the sea beyond the limits of national jurisdiction is the

<sup>1</sup> *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21, annex II, sect. 2.*

common heritage of mankind as a whole, my delegation would urge that participation in the Conference should reflect the international community as a whole.

19. I shall now address myself briefly to the procedure of decision-making in the Conference. My delegation appreciates the desire of a number of delegations to see decisions adopted in the Conference by consensus. We also appreciate that consensus does not mean unanimity. Past experience has shown, however, that attempts at reaching decisions by consensus often lead to a veto by the minority. It is the view of my delegation that, while all efforts should be made to reach decisions by consensus, provision should be made for reaching decisions on issues where a consensus cannot be obtained. In this regard my delegation would support a two-thirds majority. In favouring that procedure, my delegation takes cognizance of rule 85 of the rules of procedure of the General Assembly, which requires decisions on important questions to be taken by a two-thirds majority. In the view of my delegation, the adoption of such a decision-taking procedure would ensure adequate general agreement on decisions taken at the Conference. While my delegation has no objection to the Secretary-General's producing draft rules of procedure for the Conference, in terms of paragraph 10 of the informal draft resolution, it is our view that the paragraph should be amended to enjoin upon the Secretary-General to pay due regard to views expressed by delegations on the matter.

20. In conclusion, my delegation would like to explain that if we have given our support to the convening of the Conference on the Law of the Sea, it is not because we do not realize that some preparatory work for the Conference remains to be done. We do realize that there is preparatory work yet to be done, but we believe that the proper forum for doing whatever remains is the Conference itself and not the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

21. Regarding the offer of Caracas as the site for the Conference in 1974, my delegation will express its views on this matter at a later stage.

22. Mr. BAVAND (Iran): My delegation attaches special importance to the Third United Nations Conference on the Law of the Sea. The subject is at one and the same time of a legal, an economic and a political nature and, with the protection of the environment, is one of the most promising tasks that the United Nations has recently undertaken. Indeed, on the success of the Conference will depend not only the future of the oceans but also the future of mankind, as it continues to be overwhelmed by problems of food, energy, hard minerals and pollution. If ocean space has been regarded as an area capable of meeting the needs of mankind, then it is necessary to create the over-all conditions in which the objective could be attained for the greater benefit of all.

23. As we stand at the threshold of the Conference, the first question that has been raised is whether the preparatory work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has been sufficiently adequate for the holding of the Conference, or whether the Conference should be postponed because of lack of sufficient prepara-

tion. A retrospective view of the work of the Committee in the last three years leads us to believe that the preparatory work of the Committee on the substance of the Conference has been enough to justify the holding of the Conference. Although the Committee has not been able to produce a consolidated text or treaty articles, it has produced alternative texts that have made the position of all delegations much clearer than they were before. One must bear in mind that the Committee, by its very nature, could not codify and develop international law in the same way as a tightly-knit expert group like the International Law Commission, nor was it a plenipotentiary conference. The trend of its work was more towards the progressive development of the law rather than towards codification. Nevertheless, during the last three years the Committee succeeded in achieving a certain degree of consensus on the underlying legal structure of new concepts of the economic zone and the common heritage of mankind.

24. First, there has emerged a growing consensus that under the existing technological, ecological and economic conditions, it is necessary that the jurisdiction of coastal States over the resources of their adjacent seas should be reasonably extended; in other words, the coastal States should have the right to exercise a certain jurisdiction over the living and non-renewable resources of their adjacent seas, and they should also have certain rights in the question of pollution. What has been short of consensus is the precise limit of such extension, as well as the nature of the economic régime to be applied in the extended waters, to the effect of whether the rights of States over the resources of their adjacent waters should be exclusive or preferential.

25. Secondly, with regard to the question of the sea-bed beyond the limits of national jurisdiction, there has emerged also an unequivocal consensus for the establishment of an international régime and machinery which have the character of "the common heritage of mankind". What has been left unsettled is a single cardinal question, namely, who may exploit the area, individual States or an international authority. Here too there exists strong grounds for accommodation between the two extreme views.

26. In the light of the above-mentioned facts, we believe that the Committee has partially completed its task, and there is no reason to believe that it can make more progress beyond the existing consensus on the underlying legal structure of the common heritage of mankind and the economic zone. At the Committee level, no delegation has been ready, or will be ready, for final negotiations. Such a stage will not come until the Conference itself begins.

27. Having this view in mind, my delegation would like to make a brief comment on a few important points of the informal draft resolution submitted by the Chairman of the sea-bed Committee.

28. The first question is whether the Conference should consist of two substantive sessions or of one. My delegation has a flexible view on this matter. Of course, primarily we are in favour of two substantive sessions, because this is more appropriate to a slow and piecemeal process of accommodation. However, if the Committee prefers a single session, it is important that it should be of sufficient length

to permit meaningful negotiation. We share the view that at least 10 weeks would be required for substantive work.

29. With regard to the question of invitation, we continue to believe that the Conference should be world-wide in scope. It is essential that all States participate if the foundations are to be laid for a just, universal and stable order that would guarantee that the seas will be used for the benefit of all mankind. It is self-evident that the Vienna formula does not solve the problem in its entirety. Therefore, it is necessary that a formula much wider in scope should be arranged. The arrangement suggested in operative paragraph 7 of the informal draft resolution is a logical one and has our full support.

30. Another question that would call for a statesmanlike approach and mutual understanding is the decision-making process. Here we have to avoid a policy of confrontation and instantaneous recourse to voting as a means of achieving results. It is our earnest hope that the Conference, on substantive issues, will proceed by consensus as much as possible. However, we do not believe that a single country should be allowed to exercise a veto on the decisions of the Conference as a whole. Therefore, in order to avoid such difficulties, it is necessary that an alternate means for taking decisions should be envisaged. In that connexion, my delegation welcomes the suggestion of the Chairman of the sea-bed Committee concerning the possibility of a gentlemen's agreement on how negotiations should be conducted with the utmost effort to reach general agreement without resorting to a vote. It is our earnest hope that we shall be able to develop a new system that will be generally accepted. My delegation will examine sympathetically any formula of this nature that serves this very important purpose.

31. If the Conference is to be successful, there should be the necessary political will on the part of the Governments, and that would require not only trade-offs but also an element of sacrifice from each delegation's most desired position. It is only through such a spirit of co-operation and conciliation that the Conference will be able to accomplish the mammoth task entrusted to it.

32. Mr. JAZIĆ (Yugoslavia): Mr. Chairman, may I, at the very beginning, congratulate you on your election as Chairman of the First Committee. I am certain that your well-known abilities will contribute to the successful work of our Committee.

33. At the same time, I am gratified to address my delegation's cordial congratulations to the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction, the Permanent Representative of Sri Lanka, Mr. Amerasinghe, for the personal efforts exerted by him on the work of the Committee and for bringing to an end the voluminous preparations for the forthcoming Third United Nations Conference on the Law of the Sea.

34. Yugoslavia attaches particular importance to this Conference. In its capacity as a member of the sea-bed Committee, my delegation has set forth on several occasions its positions on the most important questions in the field of the law of the sea and has taken an active part in

the work of the Committee. We feel that the Conference, in formulating new legal rules, should provide answers to a number of significant questions on the law of the sea which are of vital interest to a large number of countries, especially developing countries. Although it is clear to everyone that preparations for such a complex Conference could not be fully completed, we consider that the degree of preparation already attained is satisfactory, thus making it possible to convene the Conference.

35. Within this context, I should merely like to refer to some matters regarding procedure, and primarily to the questions relating to the date and venue of the Conference, to the method of decision-taking, and to participation of States in the work of the Conference. The proposal contained in the informal draft resolution to the effect that the Conference should be held in two phases—the first phase during the twenty-eighth session of the General Assembly of the United Nations in New York, and the second phase in the spring—is acceptable to my delegation. Of course, it is indispensable to determine the exact date for the beginning of the first phase and its duration, so that delegations may prepare themselves in time. As matters stand now, this phase would take place towards the end of the current session of the General Assembly. We are ready to endorse any solution that is acceptable to the majority of delegations. One should nevertheless bear in mind the necessity of securing the required facilities, so as to ensure normal work for all the participants in the Conference.

36. As to the second phase, my delegation agrees with the suggestion that it should be held in 1974 and last approximately 10 weeks, with the provision that it should be held in a place that is acceptable to the largest number of delegations and which is, of course, in a position to ensure the conditions required for the successful work of the Conference.

37. As is known, my delegation gave whole-hearted support to the candidature of Chile and its capital, Santiago, as the venue of the second phase of the Conference. We intended thereby to give support to the Government of President Allende in its efforts and in its active backing of the Conference from the very outset of preparations for it, as well as to Chile's justified aspiration to make use of its natural resources, including the wealth of its coastal sea and sea-bed. We saw in this, at the same time, a tribute paid to Latin America for the efforts it has been exerting for the regulation of these questions and problems in the interest of progress and emancipation. It goes without saying that all the reasons that prompted us to propose Santiago as the venue of the second phase of the Conference disappeared after the violent overthrow of the constitutional Government of President Allende.

38. My delegation welcomes the proposal that the Third Conference on the Law of the Sea should be held in one of the developing countries. Consequently, we shall be pleased to support the candidature of Caracas as the venue of the Conference in 1974, if that is agreeable to the majority of developing countries. We of course bear in mind that the Government of Austria has also offered Vienna as the venue for one of the phases of the Conference.

39. The forthcoming Conference on the Law of the Sea is of great interest to all countries, both coastal and land-

locked. For this reason, in determining participation, it is imperative to proceed from the principle of full universality so that the Conference should be open to the participation of all States, and so that the decisions taken may really reflect the legitimate interests of States and of the collective legal consciousness of the international community as a whole. Only under these conditions can the Third United Nations Conference on the Law of the Sea be really a world conference.

40. It is obvious that the so-called "Vienna formula" is no longer sufficient, as it does not encompass all States; furthermore, the circumstances which brought about its application in the past have ceased to exist. Consequently, the General Assembly, in our opinion, should authorize the Secretary-General to invite to the Conference new States as well as those Governments which are not covered at present by this formula.

41. With regard to the rules of procedure and primarily the method of decision-taking, my delegation feels that maximum efforts should be made to reach the broadest possible agreement with respect to the most important issues, with a view to ensuring the universal application of the new rules to be adopted by the Conference. In this connexion, it would be desirable to achieve consensus whenever possible.

42. On the other hand, however, no one should have the right of veto at the Conference when the taking of decisions by a qualified majority, in the absence of a generally acceptable compromise, could not be avoided. It is not our wish to engage here in a detailed analysis of this question; we shall state our concrete views concerning this matter at the time of the elaboration of the rules of procedure.

43. In conclusion, we wish to support the proposals of representatives who have urged that an opportunity should be given to the countries that are not members of the sea-bed Committee or are newly-admitted States Members of the United Nations to state their positions and views on the basic questions which will be considered at the Third United Nations Conference on the Law of the Sea.

44. Mr. JANKOWITSCH (Austria): Mr. Chairman, let me first of all join previous speakers in expressing to you the sincere congratulations of my delegation upon your assumption of the chairmanship of the First Committee. I bear in mind, however, that I am addressing the Chairman of the former Special Committee on the Rationalization of the Procedures and Organization of the General Assembly, and these remarks of welcome, therefore, are short, in accordance with your own wish and the recommendations of this Committee.

45. The General Assembly this year is called upon to take a decision of considerable importance, not only for the immediate future but for the years to come, in finally deciding upon the convening of the Third United Nations Conference on the Law of the Sea.

46. I think that probably all of us are aware that the preparations for the Conference have not yet reached an optimal stage, as has been emphasized in all previous interventions; but, in our opinion, they nevertheless warrant the convening of the Conference.

47. I wish to reiterate here what I had to say in the First Committee last year and what also seems to reflect a widespread feeling among delegations—namely, that it is time to enter into a negotiation process in order to increase the possibilities of reaching agreement on the numerous important issues facing the international community with regard to the law of the sea.

48. The forum so far at our disposal—the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, which has rendered great and important services in this respect—has now, in our view, to be changed to the new and greater forum of the United Nations Conference—the full Conference on the Law of the Sea.

49. Speaking of the sea-bed Committee, I feel it my duty to pay special tribute to its Chairman, Mr. Amerasinghe, for the skill and dedication with which he has performed this most difficult and challenging task for so many years. This expression of appreciation is directed also to the Rapporteur of that Committee, the other members of the Bureau and the Secretariat.

50. Turning to the questions confronting us at the moment, I wish to state briefly the position of my delegation as far as the most important aspects are concerned. As for the inauguration of the Conference, we favour one session, to be convened possibly in early December, preferably after the Main Committees of the General Assembly have concluded their work. Should it turn out to be the wish of the majority to start the procedural phase of the Conference at an earlier moment, we would have no objection to following that wish.

51. As far as next year—1974—is concerned, we feel that a considerable majority of delegations are in favour of the single session for the Conference on the Law of the Sea. We might have been able to agree also to convene two shorter negotiating sessions, but would, however, have no difficulty in subscribing to the views of the majority of this Committee in this respect.

52. As to the venue of the Conference, permit me to state the following: it will be recalled by the members of the First Committee that the Austrian Government extended an invitation, two years ago, to host the United Nations Conference on the Law of the Sea. When the Government of Chile last year invited the Conference to come to Santiago in 1974, my Government gladly declared its willingness to support that invitation, on the understanding that the venue of the Conference in 1975 would be Vienna, should the participants decide to hold a further session or sessions. That invitation is still valid.

53. We have heard the statement of the representative of Chile at the 1927th meeting in which he informed us that his Government would not be in a position to fulfil its invitation to the Conference as pronounced last year. Under these circumstances, several delegations have approached my delegation, inquiring about the possibility of holding the Conference in Vienna next year. Following its tradition of offering Vienna as the site for important United Nations conferences, the Austrian Government would of course be prepared to provide the necessary facilities for a conference

in 1974 for a 10-week session during the period between 4 June and 10 September 1974.

54. This morning we also heard with great interest the statement made by the representative of Venezuela in which he offered his beautiful capital of Caracas as the site for the first substantive session of the United Nations Conference on the Law of the Sea. Austria has welcomed the idea of holding one of the substantive phases of the Conference in one of the nations of the developing world, and particularly in Latin America, a continent whose contributions to the development of international law and to the development of the law of the sea has been outstanding as has been pointed out here.

55. It is thus that we welcome the offer of the Government of Venezuela. As in a previous stage of our deliberations with Chile, Austria would be happy to join forces with Venezuela in order to provide hospitality for the various phases of the Third United Nations Conference on the Law of the Sea. May I remind you in this context that, in view of its earlier invitation to provide facilities for the Conference in 1975 if a further session should be decided upon, my Government has already made arrangements to provide for a 10- to 12-week session in Vienna, in either the spring or summer of 1975.

56. It is for the Committee now to decide on these various invitations. We feel, however, that it might be appropriate to reflect the invitation of my Government for 1975 in the resolution that we are going to adopt this year. The formula adopted by this Committee in 1972 might be a helpful guide in that respect. It is now the Committee's task to come to a decision on all these matters, and, as in previous phases of our deliberations, my delegation will gladly join in this common effort.

57. The CHAIRMAN: I am sure that I reflect the views of the Committee when I express our appreciation for the renewed offer of the Austrian Government to host the Conference on the Law of the Sea. I am sure we are all happy to hear that there will not be any competition for the hosting of the Conference in 1974.

58. Mr. LING (China) (*translation from Chinese*): Since its formation the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has worked for six years and made positive efforts in preparing a new Conference on the Law of the Sea. Looking back at the history over the past six years, one can see clearly that the whole preparatory work of the Conference on the Law of the Sea has been fraught with acute and complicated struggles. The numerous small and medium-sized countries strongly demand the formulation of a fair and reasonable new law of the sea that protects the legitimate rights of the small and medium-sized countries. The super-Powers, however, oppose any proposal for substantive change in the old law of the sea. We are happy to see that a very good situation now prevails in the struggle of the numerous small and medium-sized countries against maritime hegemony. They have strengthened their unity in the course of their struggle. Although the one or two super-Powers will carry on sabotage and obstruction by every possible means, we believe that, so long as the small and medium-sized countries strengthen their unity and

persevere in struggles, they will certainly win new victories in their struggle against maritime hegemony and for the formulation of a fair and reasonable new law of the sea.

59. For the consideration of the Committee, the Chinese delegation would like to make a few points on some questions related to the Third United Nations Conference on the Law of the Sea.

60. First, the forthcoming Conference will take place at a time when the world situation has witnessed important changes. An outstanding characteristic of this change is the rise of the third world and its increasing role in international affairs. Therefore, we maintain that in all respects, for example, the composition of the Bureau, the formulation of the rules of procedure, the scope of invitation and the substantive discussions and so on, this Conference should reflect the change in the world situation, so that the principles of equality of all countries, big or small, and respect for each other's sovereignty, can be put into effect.

61. Here we cannot but point out that during our discussions last week a super-Power, under the smoke-screen of practising "consensus", asserted that the rules of a new law of the sea would have international observance only if they were supported by all countries and that the holding of the Conference on the Law of the Sea should also depend on the aforementioned conditions. The intent of these remarks is all too obvious: that is, as long as this super-Power alone does not agree, the Conference cannot be held and the new law of the sea cannot be established. Is this not typical hegemonism? As is well known to all, it is necessary now to formulate a new law of the sea, precisely because the old law of the sea protects the interests of the imperialist Powers, while subjecting the numerous small and medium-sized countries to plunder and humiliation. If the new law of the sea should be the same as the old, what is the need for the drafting of a new law of the sea? Would not the six-year work of the sea-bed Committee have been in vain? The representative of a developing country has put it rightly: that is, an attempt at the "establishment of the veto" at the Conference by big Powers, which consider that "their economic interests and political ambitions must prevail over the fate of the rest of the nations of the world". Obviously, if those views of that super-Power were accepted, it would be impossible to work out a fair and reasonable new law of the sea. In our opinion, consultations are desirable; but there certainly should be some method of voting in formulating a new law of the sea. The Chinese delegation firmly opposes the attempt by a certain super-Power to impose on the Conference the so-called principle of "consensus" which is tantamount to a veto.

62. Secondly, taking into consideration the views of the great majority of small and medium-sized countries, we are in favour of holding the organizational meeting of the Conference on the Law of the Sea this winter and a session of the Conference next year. As for the venue of the latter, we are in favour of holding the Conference in one of the developing countries.

63. Thirdly, with regard to the scope of invitation, we are of the opinion that in principle it should be as wide as possible. However, a concrete study should be made of certain special complicated cases so that a reasonable settlement can be sought.

64. The Chinese delegation solemnly states that the Conference must respect resolution 2758 (XXVI), adopted at the twenty-sixth session of the General Assembly, regarding the restoration of the lawful rights of the People's Republic of China and that the representatives of the Chiang Kai-shek clique should not be invited to attend the Conference on the Law of the Sea.

65. The Chinese delegation also holds that the Royal Government of the National Union of Cambodia, led by Prince Sihanouk, the sole lawful Government of Cambodia, should be invited to attend the Conference on the Law of the Sea, and that the traitorous Lon Nol clique has no qualification whatsoever to represent Cambodia. Besides, we firmly support the African countries' proposal to invite the representatives of the newly-independent Republic of Guinea-Bissau to attend the Conference.

66. Mr. MAHMUD (Ethiopia): My delegation associates itself with all the compliments paid by previous speakers to you, Mr. Chairman, and to your colleagues of the Bureau, for your qualities as experienced diplomats. Having had in particular the good fortune of working with you and observing from close range your eminent qualities as a patient and skilful negotiator, my delegation appreciates the fact that the guidance of this important Committee could not have been placed in better hands.

67. Strictly adhering to your injunction of only considering procedural matters, I should like to make a few observations as to how we see the prospect of the Third United Nations Conference on the Law of the Sea in 1974. There seems to be a general feeling in the Committee that the main issues with which the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and, before it, the *Ad Hoc* Committee, have been engaged in the last six years have broadly been identified and sufficiently ventilated to make the convening of a general conference next year worthwhile. My delegation generally shares this assessment because, by all evidence, the prospect of progress within the sea-bed Committee seems to be limited. But, at the same time, my delegation believes that we should not take our readiness for granted.

68. We should, on the contrary, recognize that there are serious, and in some cases irreconcilable differences amongst us, based on economic interest, technological advantages, geographical location and other considerations, that will test to the utmost our collective ingenuity, calling from all of us a greater statesmanship than we have been capable of in the last few years. We should be well advised therefore to address ourselves to how we can narrow those differences in the time between now and the substantive part of the Conference and later on within the Conference itself.

69. This brings up the question as to how best we can organize consultations among ourselves in the pre-Conference period—that is, before the substantive Conference—as well as how best we can organize the processes of negotiations within the Conference itself so that the Conference could lead to positive results.

70. My delegation believes that if the widest possible consultations are held in the pre-Conference period among

States Members of the United Nations, and if we also succeed to focus those consultations on the issues that may require accommodation at the Conference, we could create a good beginning for the Conference. We could also contribute greatly towards making the Conference a negotiating platform.

71. My delegation also believes that we would be well advised to concentrate our attention on the negotiation process at the Conference. This aspect, in the view of my delegation, should be as important as its substantive work.

72. The prospect of reasonable success will in a large measure depend on how far we can succeed in guiding the negotiations to focus on specific issues, by bringing together Member States which may have vital interests in one issue or another, to apply their energies earnestly and purposefully. Although we may all feel that we are vitally and equally interested in the whole range of issues before the Conference, it is clear that, because of a number of different and specific considerations, some States may attach greater importance to some issues than others. An accommodation worked out by a certain group of countries on issues which they believe can vitally affect them will have the prospect of obtaining the adherence or the acquiescence of the other participants.

73. Of crucial importance to the negotiating process is the method we adopt in arriving at decisions. In a Conference involving practically all the States of the world, dealing with a whole range of issues that affect the participants differently, it is obvious that there cannot be unanimity on every issue. While every effort should therefore be made to arrive at decisions through consensus, in the interest of our collective progress we should not tie ourselves to the requirement of a consensus on each and every issue, especially if consensus is interpreted to mean unanimity.

74. My delegation agrees that our objective throughout the Conference should be to work on the basis of a consensus. But whenever it is difficult to achieve that with respect to one issue or another, decisions should be made on the basis of a two-thirds majority, provided that each decision to resort to voting should be made on the basis of considerations that may only apply to the particular issue involved.

75. If I may now address myself to the informal draft proposal that has been circulated by the Chairman of the sea-bed Committee, I should like to say that we are in general agreement with most of its provisions. My delegation's preference with regard to the time of the Conference is any period after May. We also believe that a 10-week duration is adequate for the immediate purpose of the Conference.

76. Finally, I wish to avail myself of this opportunity to express the deep appreciation of my delegation to Mr. Amarasinghe of Sri Lanka and his colleagues, and all those in the Secretariat who have worked with him in the sea-bed Committee.

77. Mr. INGVARSSON (Iceland): Mr. Chairman, as this is the first time that I take part in the discussion of this Committee, allow me to congratulate you and the members

of the Bureau on your election. I have a long personal knowledge of your abilities and I have complete trust in your wise chairmanship.

78. I should like to explain very briefly the views of my delegation on the main items of the question of convening the Third United Nations Conference on the Law of the Sea.

79. My delegation, at the last session of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction this summer, stressed the importance of convening the Conference as early as possible in order to solve the urgent and serious problems created by lack of clarity in international ocean law. This was again emphasized by my Foreign Minister in his statement before the General Assembly on 1 October [2134th plenary meeting].

80. Earlier, we were of the opinion that it was advisable to convene two substantive sessions of the Conference in 1974, after an organizational meeting here in New York in November-December.

81. It now seems that the majority is aiming at only one substantive meeting in 1974, and my delegation can agree to that for the sake of achieving the greatest possible consensus on this important issue. But this session should in no way be a new preparatory meeting, but a substantive conference session where high-level political negotiations would take place. Although it is true, as has been pointed out in this debate, that no consolidated texts on the various items have been negotiated at the preparatory sessions, we do not think that the preparatory work has been inadequate. On the contrary, it will prove a sound basis for negotiating general agreements on the future law of the sea.

82. Let us therefore proceed without delay to the organizational session here in New York and then to a fruitful substantive session in the early summer.

83. With regard to the question of venue and time, we have an open mind so long as we proceed to a substantive session of the Conference itself.

84. Mr. MHLANGA (Zambia): In compliance with rule 112 of the rules of procedure of the General Assembly and your own admonition, Mr. Chairman, I shall reluctantly refrain from congratulating you and the other members of the Bureau on your well-deserved election.

85. As we now consider at this twenty-eighth session the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction [A/9021], my delegation believes that we are in essence expected to deal with procedural matters alone. This was brought out very clearly when the report was so well presented by the Chairman of that Committee, Mr. Amerasinghe, and its Rapporteur, Mr. Vella at the 1924th meeting. In so doing, however, we are aware of the fact that a great deal of what we shall decide upon at this session will have a great effect on the substantive work that has already been done by the Committee and, more important, on the work of the forthcoming Third United Nations Conference on the Law of the Sea, scheduled to be

held this year for dealing with organizational matters, and next year for dealing with substantive matters.

86. Before making comments on the questions that are currently being asked concerning this item, I should like on behalf of my delegation to express our gratitude for the work that had been done by the sea-bed Committee since it was enlarged in 1970 and instructed to prepare for the Third United Nations Conference on the Law of the Sea. For its success we owe our gratitude to its Chairman, Mr. Amerasinghe, whose efficiency, industry and guidance were a great inspiration to members of the Committee. Similarly, we wish to express our gratitude to other members of the Bureau of the sea-bed Committee, whose devotion has contributed a great deal to that success. The Secretariat also deserves special mention for its valuable assistance.

87. The questions being asked include the necessity for the General Assembly to determine whether or not we should convene the Third United Nations Conference on the Law of the Sea in November or December for dealing with organizational matters, and in 1974 for dealing with substantive matters.

88. In order to arrive at a fruitful decision, it is the view of my delegation that we should concern ourselves not only with the accomplishments of the Committee whose report we are now considering, but also with the perils that the international sea-bed area is at present being subjected to.

89. Concerning the achievements of the Committee, my delegation notes that there are still many matters on which the Committee was expected to have agreed on single texts but did not do so. The fact that little success has been achieved in that direction is not due to the requirement for consensus, as one delegation seemed to suggest. In our view, lack of success was due to the unwillingness of delegations to begin negotiations. It is probable that those delegations felt that negotiations were best conducted at the level of plenipotentiaries, and hence preferred to wait until the convening of the Conference itself. If this conclusion is accurate—and we believe it to be so—then it appears necessary to convene the Conference and create the necessary atmosphere for negotiations.

90. With regard to the perils to which the international sea-bed is being subjected, my delegation observes that the declared moratorium concerning the exploitation of the area is being violated. It appears, therefore, that if we are in any way to regulate effectively or control the exploitation of the area for the benefit of all mankind, we should establish the international régime and machinery reasonably early.

91. As a corollary, my delegation considers it fitting that we should seek to convene the Third United Nations Conference on the Law of the Sea as originally scheduled.

92. As regards the drafting of rules of procedure, my delegation favours the idea that this task should be entrusted to the Secretary-General. We see great merit in the views that have been expressed in favour of having rules that encourage consensus. We do so because of our firm belief that the provisions which will be contained in the

general convention to be adopted by the Conference should be generally and widely acceptable to States. Unless that is done, there is a strong possibility that inadequately negotiated provisions will be adopted which, as such, will have a diminished effect on the future international law of the sea.

93. We are aware of the fact that consensus has not yet been defined, and we are also aware of the need to include in the rules of procedure a specific numerical standard such as a three-quarters majority or a two-thirds majority. Here again thought might be given to whether the percentage should be of all members invited and registered, or simply members present and voting. As the results of the Conference are expected to be of global application, we would favour the percentage to be that of all members registered, whether or not they are present. As regards participation, we favour a formula which would allow the Secretary-General to invite all States to the Conference.

94. We have no strong objections to any of the formulas currently being contemplated. We would like to see, however, that the formula eventually adopted makes it quite clear that States such as the newly-independent State of Guinea-Bissau are invited. In addition to those considerations, we need to have regard to the question of credentials. For instance, the United Nations territory of Namibia should not be represented by the racist régime which illegally maintains its presence in that Territory. Here we gladly note that the United Nations Council for Namibia is the legitimate Government for that country.

95. Finally, I would like to mention what I need not mention, namely, the fact that the Conference should adopt a single convention and not several, a convention which should be general and binding on all States.

96. Mr. KEDADI (Tunisia) (*interpretation from French*): Mr. Chairman, on behalf of the delegation of Tunisia, may I offer you and the other members of the Bureau our congratulations on your election to preside over the First Committee. We are convinced that under your enlightened leadership and thanks to the assistance of the other members of the Bureau, our debates will take place in an orderly fashion and we express the hope that our Committee will achieve excellent results.

97. As a member of the Committee on the Peaceful Uses of the Sea-Bed since 1970, Tunisia has participated in all meetings of the Committee and has always endeavoured to make its modest contribution enabling the Committee to fulfil its mandate, which was primarily the adequate preparation for a new conference on the law of the sea.

98. The present session of the General Assembly will be called upon to study the six-volume report of the Committee circulated as document A/9021 and assess the value of its work in order to decide upon the time and site of the Conference and all modalities dealing with it in order to ensure its complete success.

99. Without wanting to pronounce ourselves on the substance of the matters and subjects contained in the report of the Committee, my delegation nevertheless feels that substantial progress has been achieved in the consider-

ation of the many and complex problems of the new law of the sea to be established. Indeed, the work of the Committee has successfully brought out certain guidelines which the forthcoming Conference will have to study in order to define their content and ensure their implementation.

100. The same applies to the concept that the economic zone should be studied in close relationship with the limited scope of the territorial sea. The idea of an enterprise that would exploit the international zone directly under adequate international machinery has also been brought out. The need has also been felt to ensure greater equity in international relations through the establishment of reasonable regulations governing the problems raised by questions such as islands and particularly the ocean spaces around them.

101. The work of the Committee also has clarified further the relations that should exist among the different international agencies dealing with problems relating to the sea, and particularly to ensure harmonization of their decisions on analogous problems.

102. Furthermore, a number of concrete proposals and even draft articles on different questions were submitted by delegations, and unflagging efforts were made by all members of the Committee in order to cut down the number of differences and reduce the number of alternatives. It is therefore up to the Conference to continue these efforts in order to arrive at solutions acceptable to all members of the international community.

103. In order to achieve this objective, the General Assembly is to establish the modalities for the holding of the third Conference on the Law of the Sea, and the members of our Committee will have to ensure that these modalities are simple, logical and effective, in order to ensure the success of the Conference.

104. The Tunisian delegation is extremely grateful to the Chairman of the sea-bed Committee, Mr. Amerasinghe, for having informally submitted a draft resolution along these lines to the members of our Committee. However, unfortunately, that text has been revised a number of times, and for this reason it is very difficult for us to pronounce ourselves on its content until a final version has officially been submitted to our Committee. Until that time, we nevertheless want to give our views on the different points that we believe such a text should include.

105. First of all, the first session of the Conference, on organizational matters, ought to take place at the date set forth in resolution 3029 (XXVII), and the majority of delegations do in fact feel that the last week of November and the first week of December would be the appropriate time. I think it might be helpful if mention of this is made in the draft resolution so that Governments can prepare themselves for that session.

106. Secondly, and since the work of the Committee has brought out the need to deal with the problems of the law of the sea in an over-all fashion, it would be wise for the Conference to have as its mandate the adoption of a single convention which would include all aspects of the law of the sea.

107. With regard to the second session of the Conference, which will deal with substantive questions and last for about 10 weeks, the Tunisian delegation is very grateful for the very kind invitation of the Government of Venezuela, and we are convinced that all conditions for work will be available in Caracas and thus ensure that the Conference is fully successful.

108. With regard to the participants in the Conference, my delegation feels that all States of the world should be invited to it in order to make possible the achievement of universality, to which all international conventions must tend.

109. When speaking of the secretariat of the Conference, many delegations have expressed the hope that the Secretary-General will make available in advance some indications regarding the way in which he intends to set up an effective secretariat, taking into account the principle of equitable geographical distribution, as so many relevant General Assembly resolutions have recommended. Perhaps it might not be amiss to mention some of these resolutions in the preambular part of the draft resolution that is to be adopted by us. I was thinking particularly of resolutions 2480 (XXIII), 2539 (XXIV), and 2736 (XXV) which refer to the composition of the secretariat and the general provisions recommended by the Fifth Committee and approved by the twenty-sixth and twenty-seventh sessions of the General Assembly, dealing with the same question. If such a paragraph were to be included, I feel that the draft resolution should make no reference to new recruitments or to the utilization by the Secretary-General of staff already

in the secretariat. This is an embryonic secretariat that will first of all serve to prepare and service the Conference and that, in due course, will constitute the permanent secretariat of the international institution to be created. We also feel that it would be helpful, in the constitution of that secretariat, if the Secretary-General were to be guided by Article 101 of the Charter and the relevant resolutions adopted by the General Assembly.

110. Finally, I come to the last question, a controversial one, concerning the rules of procedure for the conference. My delegation feels that that task might well be entrusted to the competent Secretariat services, which, while taking into account the views of the Committee and of the General Assembly, should be in a position, before the first session of the Conference is held, to submit to us a draft rules of procedure on which we can pronounce ourselves. Be that as it may, my delegation would certainly not discard the need for a vote, even if only as a last resort. But, since the questions to be discussed will be of crucial importance to mankind as a whole, a two-thirds-majority vote should be required.

111. At the present stage of our debate, this is all that I wish to say; but my delegation, of course, reserves its right to speak again if it deems it necessary.

112. The CHAIRMAN: I thank the representative of Tunisia and the other speakers before him who have addressed kind remarks to the officers of the Committee.

*The meeting rose at 12.15 p.m.*