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

AGENDA ITEM 25

- (a) Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean floor beyond the Limits of National Jurisdiction (A/8021, A/C.1/L.536);
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1. The CHAIRMAN (*interpretation from Spanish*): I call first of all on the Secretary-General.

2. The SECRETARY-GENERAL: I need hardly tell members of this Committee that matters relating to the sea and the sea-bed are being widely discussed these days. This year the General Assembly has decided to allocate to this, its principal political Committee, no less than four sub-

items relating to these areas. The First Committee has already, under another item, dealt with a further question basic to consideration of any questions related to the ocean and the ocean floor. I refer, of course, to the report of the Conference of the Committee on Disarmament which submitted to the Assembly a revised draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof.¹

3. Only a few days ago the First Committee, by an overwhelming majority, adopted a draft resolution which commends the Treaty and requests depository Governments to open it for signature and ratification. This has been justly recognized as an important achievement of the twenty-fifth session of the General Assembly. It is hardly necessary to stress how urgent it is to prevent a nuclear arms race on the sea-bed and the ocean floor and thus to reduce international tension and strengthen international peace and friendly relations among States. It is also important that the Treaty is regarded as constituting a step towards the exclusion of the area from the arms race.

4. We cannot overlook the prospects for the exploration and development of mining of undersea minerals and of oil, which give rise to the hopes that production in areas beyond national jurisdiction will be commercially viable within a matter of years rather than decades. There is concern that in the absence of international agreements, national Governments may encounter difficulties and may feel compelled to interpret their national jurisdictions or national interests in such an extensive fashion that international co-operation could be severely compromised. It is not necessary to dwell on other possible consequences. The appropriate processes of multilateral diplomacy to secure the interests of all take much longer than unilateral action by any Government or organization.

5. I have spoken of the sea-bed, for it is in that area that recent developments in technology and science have drawn the problem most forcibly to general attention, and careful preliminary work has already been done by the sea-bed Committee. But the problem ranges more widely. The dangers of pollution are now recognized on a world-wide scale and I need not underline them here except to welcome the co-operation of our family of United Nations agencies in dealing with this vast and important problem. In the legal field, also, there are problems of adjusting the international interest to national interests, so that the rule of law and not of expediency nor of the stronger over the weaker may prevail. It is important that in adjusting the rule of law to the utilization of the sea-bed and the ocean

¹ Official Records of the Disarmament Commission, Supplement for 1970, document DC/233.

floor the international community should take into consideration the common interest of mankind in the progress of the exploration and the use of the sea-bed and ocean floor for the benefit of all nations, taking into account the special interests and needs of the developing countries. The international interest is the interest of all of us.

6. I would be the last person to minimize the necessity for careful preparatory work, so that the agreed measures adopted are really effective. It all takes time. But if we are to prevent the seas around us and their soil from becoming a factor which divides, and which may generate new international frictions, rather than a factor that unites, then we must put in train now a course of action that will lead us to our desired goal. Let me take this opportunity of expressing my very best wishes to the members of this Committee for success in their endeavours in this very important field.

7. The CHAIRMAN (*interpretation from Spanish*): I thank the Secretary-General for his statement and for the words with which he concluded, expressing hopes for success in our consideration of these matters.

8. I now call on the representative of Malta, Rapporteur of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, to present the report of that Committee.

9. Mr. VELLA (Malta): It is my duty and pleasure to present the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction which is contained in General Assembly document A/8021.

10. Mainly for the benefit of those members of this Committee who are not members of the sea-bed Committee, I think it is only proper that I should make some explanatory remarks in connexion with the report, although by and large it speaks for itself.

11. During the current year, the Committee held an organizational meeting in New York on 26 February, and two sessions, one in the spring in New York, from 2 to 26 March, the other in the summer in Geneva, from 3 to 28 August. Apart from the members of the Committee, representatives of a number of Member States attended as observers and a number of specialized agencies sent representatives. The lists of those Member States and specialized agencies appear in paragraphs 4 and 7 of the report.

12. The report is made up of a short introduction and four parts. The first part deals with the organization of the Committee during 1970; the second, with the activities of the Committee; the third is specifically devoted to the consideration of the Secretary-General's report on international machinery pursuant to General Assembly resolution 2574 C (XXIV). The fourth part consists of a conclusion which tries to give, in general terms and in a succinct manner, a description of the nature of the problem and the development of its study in the Committee.

13. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National

Jurisdiction is two years old and it was, therefore, considered appropriate that in this year's report reference be made to past activities of the Committee, not by reviewing them in detail, but only by putting in the right perspective and context this year's activities as they resulted from past ones. It is hoped that this would assist in the proper understanding of the problems before us.

14. In resolution 2574 (XXIV) the General Assembly made, in particular, three requests to the Committee. First, it requested the Committee to expedite its work of preparing a comprehensive and balanced statement of principles and to submit a draft declaration to the General Assembly at the present session. Secondly, it requested the Committee to formulate recommendations regarding the economic and technical conditions and the rules for the exploitation of the resources of the area in the context of the régime to be set up. The third task laid upon the Committee was in connexion with the request made to the Secretary-General, under resolution 2574 C (XXIV), to prepare a further study on the various types of international machinery, particularly a study covering in depth the status, structure, functions and powers of an international machinery, having jurisdiction over the peaceful uses of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, including the power to regulate, co-ordinate, supervise and control all activities relating to the exploration and exploitation of their resources for the benefit of mankind as a whole irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries, whether land-locked or coastal. This report was to be submitted to the Committee at one of its sessions in 1970.

15. One might say that during the year under review one of the Committee's main concerns centred round the preparation of a declaration of principles, and every effort was made to allocate to the Legal Sub-Committee as much as possible of the time available so as to enable it to meet formally and informally. A detailed account of these meetings will be found in that Sub-Committee's report, which is reproduced as annex I to the Committee's report.

16. The Economic and Technical Sub-Committee dealt principally with the second request of the General Assembly, namely, the formulation of recommendations regarding the economic conditions and the rules for the exploitation of the resources of the sea-bed and subsoil thereof beyond the limits of national jurisdiction, in the context of the régime to be set up. Again, for a detailed knowledge of the work of the Sub-Committee one must go to its report, which is included in the Committee's report as annex II. However, it is of interest to note that while the Sub-Committee found that the subject under consideration was complex in its totality, it felt that an encouraging start had been made. During this year's sessions, in which particular interest was focused on the preparation of a declaration of principles, the Sub-Committee has not found it possible to present a balanced and coherent set of recommendations. Nevertheless, it stressed the need to provide training in sea-bed operations for nationals in developing countries, the importance of ensuring the widespread dissemination and availability to all States of the results of scientific research and exploration, as well as the need for agreed definitions of the economic and technical terminology used.

17. As regards the third task of the Committee—international machinery—a full debate took place in the Committee and part III of the report is devoted completely to the subject. During the debate members expressed their views on the various types of international machinery contemplated in the study by the Secretary-General. These types cover a spectrum ranging from the simplest form of organization, dealing with the exchange of information and preparation of studies, to one having comprehensive powers. While there seemed to be widespread conviction that what is needed is more than simply machinery of a rudimentary character, various ideas and opinions were stated in connexion with the degree of comprehensiveness in the powers that such machinery should enjoy. The report of the Secretary-General is included as annex III to the Committee's report. References were made in this and other contexts to the working papers introduced by the United States, the United Kingdom and France. These working papers are included in the report as annexes V, VI and VII respectively.

18. The Committee also held a general discussion on the question of methods and criteria for the sharing of any benefits to be derived from the exploration and exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction. The basis for this discussion was a preliminary note by the Secretariat on the subject which is reproduced as annex IV to the report. The Committee decided to request the Secretary-General to prepare a more comprehensive study on possible methods and criteria for the sharing by the international community of proceeds and other benefits derived from the exploitation of the resources of the area.

19. During the Committee's session at Geneva, an incident took place which caught international attention and which is intimately connected with the concerns and deliberations of the Committee. Last August, the United States Government decided to dump a quantity of nerve gas in the Atlantic Ocean. The Committee adopted, without objection, a statement expressing its concern at the practice of using the sea-bed and the ocean floor for the purpose of dumping toxic, radio-active and other noxious materials [*A/8021, para. 25*]. It addressed a general appeal to all Governments to refrain from resorting to the above-mentioned actions which might cause serious damage to the marine environment. The Committee also noted the assurances given by the delegation of the United States that effective precautions had been taken by its Government to mitigate any harmful consequences arising from its action in August and that such action would not be taken again.

20. A number of speakers took part in the discussion on the report entitled "Marine pollution and other hazardous and harmful effects which might arise from the exploration and exploitation of the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction," which was prepared by the Secretary-General in accordance with resolution 2467 B (XXIII), and which is before the General Assembly at its current session in document A/7924.

21. Once again this year the report of the Committee, in the absence of concrete recommendations, is limited to covering as far as possible the different shades of opinion

made evident during the discussions and the extent of increase in agreement. The fact that last August the Committee ended its session without finding it possible to recommend to the General Assembly a balanced set of principles in accordance with resolution 2574 B (XXIV) is certainly not due to lack of effort in the Committee. Both in New York and in Geneva, during formal and informal meetings, attempts were made again and again to attain the desired goal, but again and again the Committee was faced with obstacles that until then were considered to be unsurmountable. At times, agreement seemed to be almost within reach, only to elude our grasp at the last moment. Indeed, under those circumstances, it was remarkable that the members of the Committee retained their optimism, a fact which I am sure everybody concedes to be a credit to all the members of the Committee.

22. As a matter of courtesy, it is customary to pay tribute to the officers of committees. However, in difficult circumstances this tribute is no longer simply a perfunctory courteous gesture; it becomes an obligation. The sea-bed Committee was in such circumstances in the course of this year and it is, therefore, only proper to pay tribute where it is due. Once again the Chairman of the Committee, Mr. Amerasinghe, ably assisted by four Vice-Chairmen, the representatives of Chile, Norway, Poland, and the United Republic of Tanzania, inspired the Committee with his leadership. In fact, as a true leader he would not be discouraged by the inability to reach agreement on the principles in Geneva. He carried on the work here and I am sure the Committee will be eager to hear from him an account of his activities during the past weeks. I would express hope that all delegations will rally round him for a successful outcome of our work.

23. Since the Legal Sub-Committee had to carry the heaviest burden during the last two sessions, I cannot but express admiration to its Chairman, Mr. Galindo Pohl, to its Vice-Chairman, Mr. Yankov, and to its Rapporteur, Mr. Badawi. Considering the limited time available to the Economic and Technical Sub-Committee one must pay a tribute to its hard-working Chairman, Mr. Denorme, ably assisted by Mr. Teja in March, and Mr. Ranganathan in August, and to its Rapporteur, Mr. Prohaska, for a promising start on a difficult, but hopefully, rewarding task. Lastly, and it is only so as a matter of precedence and certainly not of degree, may I pay tribute to the many members from different sections of the Secretariat for the excellent service they have given to the Committee?

24. As Rapporteur of the sea-bed Committee my task is limited to reporting the activities of that Committee. However, I hope that members will bear with me if I digress for a moment from my appointed duty for just one small final remark. The sea-bed Committee was charged with one of the most onerous tasks ever entrusted by the General Assembly to an intergovernmental body. It is understandable that difficulties should strew its way; it is understandable that obstacles, arising from the clash of opposing viewpoints, should rear their heads. What is needed is a reconciliation of those viewpoints and this can be achieved only by compromise and still more compromise. I know that this is easier said than done. However, even at the risk of being classified as an idealist, I harbour a strong belief that if the problems relating to the sea-bed

were to be viewed, not as if they existed in a vacuum but in a context fraught with potential catastrophic upheavals of world order, the nations of the world would come to realize that timely compromises would be a cheap price to pay for generations of peaceful existence.

25. The CHAIRMAN (*interpretation from Spanish*): I now call upon the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, the representative of Ceylon, Mr. Amerasinghe.

26. Mr. AMERASINGHE (Ceylon) This afternoon we have had the honor of being addressed by the Secretary-General. It is a measure of the vital importance of this item that he has spared a few moments from his strenuous schedule of commitments to be with us today. It is also perhaps the most appropriate time for me, as Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, to express my appreciation of the co-operation that has always been extended to the Committee by other members of the United Nations family, and in particular by the United Nations Educational, Scientific and Cultural Organization and its subsidiary body, the Intergovernmental Oceanographic Commission.

27. The Rapporteur of the Committee has just presented to the First Committee the report of the functioning of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction during 1970. Mr. Vella of Malta deserves our warmest congratulations for having produced a most interesting and useful report from material that did not reveal signs of conspicuous success in regard to the most urgent task that the General Assembly had entrusted to us, that of preparing a comprehensive and balanced statement of principles.

28. As Chairman of that Committee, I should like to express my sincere thanks to all those who have contributed so valuably to our deliberations both in New York and in Geneva. Chief among these, I should like to mention the Chairmen of the two Sub-Committees, Mr. Galindo Pohl of El Salvador, Chairman of the Legal Sub-Committee, and Mr. Roger Denorme, of Belgium, Chairman of the Economic and Technical Sub-Committee, whose greater and wider responsibilities prevent him from being with us today. The Rapporteurs of the two Sub-Committees, Mr. Badawi of the United Arab Republic, Rapporteur of the Legal Sub-Committee, and Mr. Prohaska of Austria, Rapporteur of the Economic and Technical Sub-Committee, have displayed their usual zeal, conscientiousness and energy in the services they have rendered. The Vice-Chairmen of the Main Committee and of the two Sub-Committees maintained the high standards of teamwork that have characterized the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and have now become a part of its traditions, and to them we owe a special word of thanks.

29. Finally, I must include in these acknowledgements the Under-Secretary-General, Mr. Kutakov, and our devoted Secretary, Mr. David Hall, and all members of the Secretariat who have been associated with us, for their unfailing co-operation and assistance.

30. I have referred to the lack of conspicuous success in regard to the main task that has been entrusted to us, namely, that of preparing a comprehensive and balanced statement of principles. Among all those who have laboured patiently and with dogged persistence to secure agreement on a set of principles, special mention must be made of Mr. Galindo Pohl, the Chairman of the Legal Sub-Committee, the Vice-Chairman, Mr. Yankov of Bulgaria, and the Rapporteur, Mr. Badawi.

31. At the end of 1969, we had a synthesis of principles² which disclosed the area of agreement that had been reached up to then, as well as the numerous and sharp divergencies that existed between the positions of various delegations and groups and which prevented final success in regard to the preparation of a draft declaration for presentation to the General Assembly. Throughout 1970, and in particular at the summer session, efforts were pursued, under the able direction of Mr. Galindo Pohl and Mr. Yankov, who, undaunted by all the obstacles encountered, persevered in their task. Yet, at the end of that session there was no agreement on a draft declaration of principles.

32. As the report of the Legal Sub-Committee shows, Mr. Galindo Pohl had, through his informal consultations, succeeded in enlarging the areas of agreement, and there were many who felt that there was a clear advantage in preserving the extent of agreement achieved on certain texts, however tentative that agreement was. At the close of the Geneva session, as the report indicates, many delegations felt that a large measure of success had in fact been achieved in Geneva, and there appeared to me to be a widespread desire that one final effort should be made, through renewed consultations among members of the Committee, at preparing an acceptable text before the item came up for consideration at the twenty-fifth session of the General Assembly.

33. A definite decision on whether such consultations should be continued in New York was not, however, taken in Geneva. For this reason, as I have already explained to the members of the sea-bed Committee in an informal meeting, I was reluctant to renew the process of consultation without obtaining at least the informal approval of the members of the Committee.

34. The first step I took was to seek the counsel of the Chairman of the Legal Sub-Committee, Mr. Galindo Pohl, who had worked indefatigably in Geneva and earlier to bring about agreement on a draft declaration, and without whose efforts—and, I should add here, those of his Vice-Chairman, Mr. Yankov—there could have been no prospect of success at the twenty-fifth session. Mr. Galindo Pohl readily supported the idea of a new initiative of this kind. The idea was also welcomed by all groups and, fortified by the assurances of support and co-operation extended to me from all sides, assurances which I am glad to say have been fully honoured by all members of the Committee, I undertook the intensive round of consultations which brought us to the present stage of our work.

² Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 22, part two, paras. 83-97.

35. Over the last two months, I personally, or members of the staff of my Mission, have made every effort to ascertain the views of the members of the Committee on the elements that should go into a declaration of principles, as well as to keep them informed of developments. We met them individually or in groups, according to their convenience.

36. I should like to assure all delegations here, as I have already assured the members of the Committee on the sea-bed, that in these informal consultations conducted by me or on my behalf every single proposal made by delegations, every single objection raised by them, every single idea communicated to me or to members of my staff, was fully canvassed, received the fullest consideration and was communicated to and discussed in great detail with groups of delegations and individual delegations, members of the sea-bed Committee, which appeared to have different views. No effort was spared to determine areas of agreement, however narrow, which could be fitted into a draft declaration.

37. The result of our consultations was first transmitted to the members of the sea-bed Committee by me in a note dated 5 November 1970. In the resumed consultations that followed, three points became clear: first, that the draft did in fact reflect, though not ideally, the views of a very large number of members of the Committee and could be said to represent the highest degree of agreement attainable at the present time; second, that the wide support for the draft could be ensured only through acceptance of the text as a compromise, with all its attendant inadequacies—warts and all, so to say—lest any attempt at further refinement could have the effect of disturbing the delicate balance of the entire draft; third, that despite the very wide support that the draft appeared to command, there were some delegations which still maintained their objections to it and could not, therefore, support it in its present form. That was their privilege.

38. In a last round of consultations, a provision which had been omitted from the earlier draft of 5 November, for lack of adequate agreement, appeared, on re-negotiation, to receive sufficient support to justify its inclusion in the draft. I refer to the principle now incorporated as sub-paragraph (a) of paragraph 13 of the draft declaration, sent with my letter to you, Mr. Chairman, and reproduced in document A/C.1/L.542 of today's date. This sub-paragraph seeks to preserve the status of the waters and air space superjacent to the sea-bed beyond national jurisdiction.

39. In other respects, the substance of the draft of 5 November remains unaltered. My repeated efforts to secure further changes that might have attracted the support of those who had hitherto wavered and maintained certain fundamental objections were, to my great regret, not successful. An informal closed meeting of the sea-bed Committee was convened on 23 November to enable me to report to the Committee on the results of my informal and, I would venture to suggest, exhaustive, consultations. The final result is before the Committee in the text that has been communicated in document A/C.1/L.542.

40. At this stage, I should like to make it clear to the members of the First Committee, as I have already done to

members of the sea-bed Committee, that this is not the draft of the Chairman of the sea-bed Committee in the sense of it having been prepared and originated by him. Nor is it a draft attributable to the delegation of Ceylon, or, for that matter, to any particular delegation or group of delegations. There is no single author of this draft. It is the product of a common endeavour and a common desire and it belongs to those many delegations which, in the full knowledge that it did not satisfy individual delegations in all respects, have nevertheless in a spirit of compromise and mutual accommodation indicated their readiness to support it without material change. My sole function in this endeavour has been to carry forward the excellent work done by Mr. Galindo Pohl and to attempt with whatever resources I had at my disposal, working within the severe limitations of time and opportunity imposed on all of us by the heavy agenda of the twenty-fifth session, to play the role of an honest broker between those who held different views on matters of substance.

41. Once again, I must thank all the members of the sea-bed Committee for their patience, tolerance and goodwill, their continuing willingness to explore all avenues that could lead to agreement and, above all, for that spirit of compromise and mutual accommodation which prevailed even among those who held views that were fundamentally at variance with one another.

42. Success in a gigantic enterprise of this sort calls for the display of a spirit of prudent compromise. We have recently shown this spirit in our consideration of the draft treaty on the demilitarization of the sea-bed beyond national jurisdiction, which was by no means a perfect document but which nevertheless was accepted by this Committee as the best that could be obtained in the circumstances. It is that same spirit we require in our approach to the fundamental question of a draft declaration on the principles on the sea-bed beyond national jurisdiction. I warmly commend it to the members of this Committee for treatment and consideration in that spirit.

43. I shall confine myself on this occasion to the draft declaration, and I would suggest, with all respect to you, Mr. Chairman, that this aspect of the item be given priority by the First Committee at this stage. I shall refer to the other aspects of the question on a subsequent occasion.

44. The CHAIRMAN (*interpretation from Spanish*): Before calling on the next speaker on my list, the representative of Uruguay, I should like to make some comments concerning the organization of our work on this subject.

45. First of all, I would like to remind the Committee that according to the provisional agenda and programme of work [A/C.1/1006] adopted by the Committee at its 1728th meeting, we had planned to spend 11 working days on this subject. If we bear in mind the fact that this week we have scheduled this meeting, one tomorrow morning, two on Friday and possibly nine meetings next week, this will total 13 meetings, that is, seven working days, to be devoted to the different sub-items on the question of the sea-bed. There would, of course, be time left to consider the draft resolutions that have either been submitted already or which may be submitted in the course of the

debate. The idea would be to conclude consideration of this item by the middle of the week beginning 7 December, that is to say, to finish about 8 or 9 December. This would still leave us Thursday, 10 December, and Friday, 11 December, to consider agenda item 26, concerning the peaceful uses of outer space.

46. I would now like to hear the views of the Committee on the procedure that we should follow in considering this question, and might I suggest that the general debate focus on all four sub-items of item 25. Obviously so far as sub-item (a) is concerned, we would take full account of document A/C.1/L.542 which was submitted to us by the representative of Ceylon, the Chairman of the sea-bed Committee and for which he has requested priority. Does any representative wish to make any comments on the procedure we should follow in considering this item?

47. Mr. PHILIPS (United States of America): In considering the time available to this Committee to complete our work on the sea-bed question, I wonder whether we have, in fact, allowed ourselves sufficient time. This is an extremely important item, as both the Rapporteur and Chairman have indicated.

48. Some important decisions will have to be made, and hopefully they will be made. I wonder if the Chairman would give us his own views regarding the possibility of lightening the burden of this Committee by transferring the remaining item concerning outer space to the Special Political Committee. This has been discussed informally by many of us here and I wonder if the Chairman has had an opportunity of discussing this possibility with the President of the General Assembly. I say this merely by way of suggestion, because I feel that we shall need all the time we can possibly make available in order to give adequate attention to this most important item on our agenda. Although I am not making a formal proposal at this time, I would request the Chairman to be good enough to give us some indication as to what discussions he may have had on this subject.

49. The CHAIRMAN (*interpretation from Spanish*): To reply to the question of the United States representative, I would inform him and the other members of the Committee that both in the General Committee and in private conversations held with the President of the General Assembly and with the Chairman of the Special Political Committee, we have weighed the possibility of making the necessary arrangements to allocate the item on the peaceful uses of outer space to the Special Political Committee. But as I see matters at present, I do believe that we will have sufficient time to consider agenda items 25 and 26.

50. As I said a few moments ago, and bearing in mind last year's experience and the progress achieved on this subject, I think we might finish the general debate on item 25 by Friday, 4 December, that is, by the end of next week. There are 13 meetings scheduled, and from information given to me by the Secretariat, last year the Committee allocated 10 meetings to the general debate, so that this year we will have three more meetings than last year for the general debate on the sea-bed question.

51. Then during the week beginning 7 December we could concentrate our attention on the draft resolutions which

have already been submitted or which will be submitted on the sub-items. The 7th, 8th, and 9th would be devoted to them, in the hope that we could finish with item 25, on Wednesday, 9 December. We could then allocate the two meetings on the 10th and the two on the 11th to item 26, the last item on our agenda. Thus we should finish our work on 11 December, in accordance with the tentative time-table which the Committee adopted at the 1728th meeting. That would enable the General Assembly to conclude its work on 15 December, the target date.

52. I should also like to inform the Committee that, although there is good will on the part of the Chairman of the Special Political Committee, the situation has changed to some extent because the Special Political Committee has been given a new item for consideration, which it began today. The Chairman of the Special Political Committee is still not sure how much time will be required for consideration of that additional item.

53. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translated from Russian*): Mr. Chairman, we have listened attentively to your statement concerning the organization of the work of the First Committee and we wonder when you propose to conclude consideration of the question of the strengthening of international security. We shall obviously need to devote one or two more meetings to the adoption of a resolution on that question. You have drawn up a very detailed schedule for the work of this Committee—and we are extremely grateful to you for doing so—but we should like to know when you intend to conclude consideration of the question of the strengthening of international security.

54. The CHAIRMAN (*interpretation from Spanish*): The representative of the Soviet Union is possibly aware of the current situation, but I will take advantage of this opportunity to inform members of the Committee that a small drafting committee, composed of representatives of the sponsors of the different draft resolutions submitted on the question of the strengthening of international security, has been meeting regularly for a number of days, and is holding a meeting even this afternoon. The information that I have received from that working group, which has been in constant contact with me, is that satisfactory progress is being made.

55. Next Monday, 30 November, the drafting group will probably be in a position to submit the results of its work. In view of the progress achieved, I hope that in the course of next week the work done by the drafting group will be the subject of broad consultations and negotiations and that by the end of next week we shall have a clear idea of the type of support that a draft resolution of that nature can muster.

56. On that point I wish to say that if, as I hope, a broad consensus is achieved on the draft it would not take too long for the Committee to approve it. However, if necessary, we could meet on Saturday, 12 December, or even Monday, 14 December, to do that. Of course I do not overlook the possibility of holding night meetings for that purpose.

57. I do not know whether I am being overly-optimistic but I feel from the reports I have received that the progress

is such that large-scale support can be expected in the Committee for the draft that is being prepared. Therefore the time to be devoted to its discussion and approval can be quite limited.

58. Are there any other comments or statements?

59. Mr. JAMIESON (United Kingdom): Mr. Chairman, you did invite our comments on the suggestions you had made for the actual handling of this item, and I should like to comment on that. As I understand it, your suggestion is that we should conduct a general debate on these four subjects, grouping them together, until the end of next week and should then get down to a more detailed discussion of the draft resolutions. With that my delegation would entirely concur. The question then arises: should priority be given to the declaration of principles, separate from the other four subjects? With the greatest respect to the Chairman of the sea-bed Committee, who has worked extremely hard on these very important principles, I think it might be preferable and might make for more effective work if we regard this declaration of principles as part of the subject matter of sub-item (a) of item 25. Clearly they must be taken into account—and will be taken into account, I am quite certain—by any speakers in the general debate; but we should leave the question of their adoption and the passing of a formal resolution on them until we come to the detailed consideration of all draft resolutions—there are two at the moment and there may well be more—in the week beginning 7 December.

60. The CHAIRMAN (*interpretation from Spanish*): If there are no further comments on this procedural matter, I shall take it that the Committee agrees that we begin the general debate now on the four sub-items of item 25, and I am sure that the majority of the delegations participating in that debate will give all due attention to document A/C.1/L.542, to which the representative of Ceylon, the Chairman of the Committee on the sea-bed has referred.

61. If there are no objections, I shall take it that the Committee agrees to that procedure.

It was so decided.

62. We shall now begin the general debate, and I shall call first on the representative of Uruguay.

63. Mr. LEGNANI (Uruguay) (*interpretation from Spanish*): My delegation made known its views on the item concerning the sea-bed in this Committee during the twenty-fourth session of the General Assembly [1679th meeting]. At that time we spoke in favour of a basic declaration on the part of the General Assembly pursuant to which the sea-bed and the ocean floor and the subsoil thereof beyond the limits of present national jurisdiction constitute resources which are the heritage of the international community.

64. In explaining that view, we endorsed the view of other delegations that it was reasonable to admit that the practical application of the principle embodied in such a declaration could be achieved by harmonizing the important and respected interests of all nations without calling for sacrifice by any and to the obvious benefit of the entire international community.

65. It may be superfluous to stress the fact that the interests involved in questions bearing on the extensive area of the seas and the oceans are numerous, diverse and complex. There are the real national interests on the part of the great industrial or trade Powers. There are the interests of the coastal, developing or developed States. There are the interests of the land-locked countries that wish to have free access to the sea. There are the national or international interests of firms devoted to transport, maritime hunting or fishing and to the extraction of hydrocarbons and of mineral resources in general.

66. Although my delegation recognizes the reasonable and just aspiration of the land-locked countries to obtain recognition and enjoyment of their right to free access to the sea, my delegation will specifically refer in this statement to the interests of the developing coastal States; obviously, in so doing, I will unavoidably have to refer to the other interests I mentioned since ours are obviously interwoven with them.

67. It is axiomatic truth and one that needs no proof, that the close relationship between the sea and the human groupings and settlements established on their coasts existed from the very moment when human settlements first appeared. We can go further and state that that close relationship, resulting from the utilization of the waters, of maritime hunting and fishing, of navigation and of the possibilities offered by the sea for defence, preceded the human settlements that we refer to today and determined the location of those settlements in territories surrounded by or close to the sea zones. Those territories, with their respective air rights, constitute true geographical units.

68. The well-known Peruvian geographer, Martínez de Pinillos, in an article entitled "grounds supporting the Peruvian claim to property of the oceanic waters to 200 miles west of its coast" stated that, generally speaking, natural dynamics, permanently and harmoniously linked the three elements or masses, namely, continental, maritime and aerial. This relationship became intimate and unbroken when parts of the solid and liquid elements were adjacent to one another; and in accordance with scientific tenets that are shared generally, the three elements constituted a geographical unit in which the solid element conditioned, transformed and typified the liquid element through its own action and by transmitting its characteristics through the aerial, sub-marine and sub-soil masses. Thus, in the life of the relations among nations, which are regulated and ordered by law, we must naturally consider to be included, in the geographical reality of the coastal or riparian State, a wide adjacent maritime zone.

69. We cannot overlook, underestimate or curtail the just maritime interests of the coastal State, without overlooking, underestimating or curtailing at the same time the natural single geographical environment in which a politically organized human society exists and functions, and without also denying the use of the natural resources and natural environment which come from the marine zones, which, for reasons of propinquity or priority, belong to that unit, and which in an ever-increasing degree become the economic source of its progressive development.

70. The Montevideo Declaration on the law of the sea of 8 May 1970 and the Declaration of Latin American States

on the law of the sea adopted at Lima on 8 August 1970 [see A/AC.138/28] clearly and specifically define that link and its inevitable consequences—as I shall show in due course.

71. For a long time in human history the rights of the riparian or coastal State over the natural resources made available to it by the sea were exercised without let or hindrance and became as one and coexisted with other maritime interests and rights, without any stumbling blocks and, I would say, without any legal channels or norms governing them in any binding fashion.

72. It is a fact that in the fifteenth and sixteenth centuries, after the most audacious and incredible navigational feats and primarily because of the political and trade interests of the great maritime Powers, narrow limits were proposed for the territorial sea, which went no further than the power of the weapons of the time—*Terrae potestas finitur ubi finitur armorum vis*. But the objectives on which that thesis was based—a thesis which, incidentally, was never approved or endorsed by a binding international norm, and which was a compromise between the open and absolute freedom of the seas and the exercise of sovereign rights over the adjacent waters—changed radically.

73. Furthermore, we must admit that in the light of non-recognition of the sovereignty and rights of the less-developed coastal States—non-recognition which at times has even been used to protect fishing abuses—well-known and authorized writers have repeatedly proclaimed the existence of those sovereignties and rights and both have been embodied in a number of international instruments.

74. The annals of the history of the American continent contain identical statements regarding the consideration of the sovereignty over the adjacent sea as indispensable to the security and protection of the legitimate interests of the riparian State. Resolution 7(a) of the Consultative Meeting of the Ministers of Foreign Affairs held in Panama in 1939 set a 300 maritime mile limit for the maritime security of the American nations. That zone was extended in article 4 of the Rio de Janeiro Treaty of Reciprocal Assistance in 1947.³ I think we ought to stress that, regarding the prohibition of nuclear weapons, the Treaty of Tlatelolco, of 14 February 1967,⁴ established an even wider zone in the just desire to preserve Latin America from the scourge of devastating war and “to put an end”—and I cite the preamble of the Treaty—“to the arms race” as a means for achieving general and complete disarmament.

75. May I say, incidentally, that the question of the denuclearization of the sea-bed within the limits of national jurisdiction of the Latin American States has been given technical solutions in the Treaty of Tlatelolco which, in the opinion of my delegation, have not been superseded by the proposals made by the Committee on Disarmament and should therefore be made generally applicable or, in any case, should be kept in full and unchanged force for Latin America.

76. But today, the exercise of sovereignty is not reduced to, nor exhausted by the performance, internally, of the primary functions of maintaining order and security among human societies and, externally, of defending the sacrosanct nature of national self-determination. In the course of this latest stage of human history through which we are now living—a stage of swift changes and transformations in all levels of community life, a stage of rising social aspirations and astonishing progress in science and technology—the functions involved in the sovereignty of peoples have expanded unceasingly, in step with those same changes and transformations. New substantive principles involved in the functions of sovereignty and relating to the law of the sea—principles which definitely involve new modalities or necessary adaptations of old concepts to new realities—have followed one after another in various international forums. I believe it will be interesting to recall specifically the formulations which I shall now list in succinct form.

77. First, we have the Santiago Declaration on the Maritime Zone of 18 August 1952, which proclaimed the right of a coastal State to set the breadth of its maritime jurisdiction in accordance with geographical, geological and biological considerations and the needs of its people.

78. Second, there is the Declaration of Mexico, adopted by the Inter-American Council of Jurists in 1956, which reiterated the rights of the coastal State and broadened them to include the natural resources of the sea.

79. Third, there is the Geneva Convention on the Continental Shelf,⁵ which came into force on 10 June 1964 and which, after establishing, in Article 2, that “The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources”, went on to reaffirm those rights of sovereignty, provided that they “are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or stake a claim to the continental shelf, without the express consent of the coastal State”, and, further, stressed the rights of the coastal State over the continental shelf by stating that they “do not depend on occupation, affective or notional or on any express proclamation”. Again I think it interesting to recall that the continental shelf, according to article 1 of that same Convention, includes “the sea-bed and subsoil of the sub-marine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas”. The delimitation of the continental shelf, therefore, obeys two different but complementary criteria: that of the 200-metre isobath, and the subsidiary criterion of the exploitation of natural resources. Uruguay has declared its sovereign rights over its continental shelf, for purposes of the exploration and development of its natural resources, in accordance with the provisions of the aforementioned Geneva Convention. Our country has likewise affirmed its rights over the continental slope, the outer border of the shelf, in line with the possibilities of exploiting the natural resources of that area.

³ United Nations, *Treaty Series*, vol. 21 (1948), No. 324a.

⁴ Treaty for the Prohibition of Nuclear Weapons in Latin America (United Nations, *Treaty Series*, vol. 634 (1968), No. 9068).

⁵ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.