



CONTENTS

Agenda item 25:

- (a) Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (*continued*);
- (b) Marine pollution and other hazardous and harmful effects which might arise from the exploration and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction: report of the Secretary-General (*continued*);
- (c) Views of Member States on the desirability of convening at an early date a conference on the law of the sea: report of the Secretary-General (*continued*);
- (d) Question of the breadth of the territorial sea and related matters (*continued*) 1

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

In the absence of the Chairman, Mr. Farah (Somalia), Vice-Chairman, took the Chair.

AGENDA ITEM 25

- (a) Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (*continued*) (A/8021, A/C.1/L.536, L.542 to 544);
- (b) Marine pollution and other hazardous and harmful effects which might arise from the exploration and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction: report of the Secretary-General (*continued*) (A/7924, A/C.1/L.536);
- (c) Views of Member States on the desirability of convening at an early date a conference on the law of the sea: report of the Secretary-General (*continued*) (A/7925 and Add.1-3, A/C.1/L.536 and 539);
- (d) Question of the breadth of the territorial sea and related matters (*continued*) (A/8047 and Add.1, Add.2/Rev.1, Add.3-4, A/C.1/L.536)

1. Mr. AKE (Ivory Coast) (*interpretation from French*): My Government attaches great importance to the peaceful

uses of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction.

2. The geographic location of my country, in view of the length of its coastline and the tremendous economic possibilities which the exploration and exploitation of that area can offer to mankind, especially the developing countries, explain the interest of my delegation in this matter and we hope that an acceptable solution will be found, in the interest of the whole international community.

3. In this connexion, I should like to express to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, and especially to its Chairman, the satisfaction of my delegation at the remarkable work done during the last three years, despite the complexity of the various problems and interests.

4. Thus, the desire to reach general agreement has made it possible to pinpoint some important principles which could serve as a basis for a declaration of principles governing the sea-bed and the ocean floor likely to be adopted by the General Assembly. Among them are, first, the existence of an area of the sea-bed and the ocean floor beyond the limits of national jurisdiction; secondly, the immunity of that area from appropriation by any State; thirdly, the reservation for peaceful purposes of the sea-bed and the ocean floor; fourthly, the conception of the sea-bed and the ocean floor, as well as the resources of that area, as the common heritage of mankind; fifthly, the exploration of the area and the exploitation of its resources for the benefit of mankind as a whole; sixthly, the conformity of activities relating to the exploration of the area and the exploitation of the resources with the purposes and principles of the United Nations Charter; and, seventhly, the establishment of an equitable international régime which would be applied to the area and its resources.

5. Unfortunately, serious divergences became apparent among the members of the Special Committee last June at Geneva which made it impossible for the Committee to agree on a draft declaration. Happily, the appeal made at that time by Mr. Paul Engo of Cameroon drew a response. Today we are seized with a draft declaration—the result of persevering work on the part of the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, Ambassador Amerasinghe of Ceylon—which is contained in document A/C.1/L.542.

6. In this connexion, my delegation would like to express its deep gratitude to the Chairman of the Committee and all those who helped to make this agreement possible.

7. That document, like any compromise, is not wholly satisfactory but at present it constitutes, according to the Chairman of the Committee, "the highest degree of agreement attainable at the present time".
8. Therefore, my delegation considers that the draft declaration has at least the advantage of containing the minimum number of points of agreement likely to be reached at this stage, it being understood that efforts will have to be made to arrive at a text that will be more fully worked out and go deeper. Further, it contains the essential principles likely to serve as a basis for an international régime. It is in the light of those considerations that my delegation has decided to be a sponsor of draft declaration A/C.1/L.544. We hope that no attempt will be made to amend that draft as we are convinced that the members of our Committee will all evince a spirit of co-operation to enable the draft to be generally supported.
9. Concerning the international régime to be set up my delegation considers that that régime should be set up as soon as possible with a view to fostering international co-operation in the field of the exploration and exploitation of the area and of its resources for the economic development of the developing countries. It goes without saying that that régime and machinery will have to be guided by the purposes and principles of the Charter and will also have to be established through a generally acceptable international treaty.
10. After these general observations I should like to deal briefly and in a preliminary fashion with the questions of the breadth of the territorial sea, marine pollution and the convening of a conference on the law of the sea.
11. On the matter of the breadth of the territorial sea, we know that the Conferences on the Law of the Sea, held in Geneva in 1958 and 1960, unfortunately did not lead to an agreement acceptable to all. Thus, in the absence of such an agreement, every country unilaterally determines the breadth of its territorial sea, taking into account above all its own interests. Such an approach was especially understandable for the young developing countries, since the great maritime Powers were then engaged in a frantic and abusive exploitation of the resources of their coasts.
12. However, taking into account the evolution of international relations and especially of international co-operation, it is highly desirable that an agreement be reached as soon as possible on this matter in order to put an end to the existing anarchy. Of course, to reach such an agreement, States will have to be realistic and co-operative. It would then be possible to determine a just and reasonable limit for the breadth of the territorial sea. We hope that with the establishment of an equitable international régime it will be easy to reach an agreement in order to safeguard the interests of the whole international community.
13. With regard to marine pollution my delegation has already had an opportunity of expressing its viewpoint on this matter. However, I should like to remind the Committee that the Ivory Coast is in favour of convening a new international conference on this problem in the coming years. Thus, the delegation of the Ivory Coast, at the last General Assembly of the Inter-Governmental Maritime Consultative Organization, held in London in October 1969, supported a proposal calling for the convening of such a conference in 1973.
14. Indeed, the present conventions on pollution are ineffective because they do not impose sufficient constraint. In the view of my Government the setting up of an international control system—to be completed if necessary by regional surveillance centres—would be the primary condition for a new treaty to be valid in practice. Further, a new treaty should concern itself with all forms of pollution and not only of pollution through hydrocarbons.
15. Finally, in the matter of convening a conference on the law of the sea, my Government considers that it would be appropriate to call such a conference, which should be of a general nature and thus deal with all matters related to the law of the sea. The observations of my Government are contained in document A/7925/Add.3.
16. The Ivory Coast is especially in favour of the convening of such a conference on the law of the sea at an early date since it was not able to participate in the 1958 and 1960 Geneva Conferences. The purpose of this conference will not be to reopen all the rules of law already adopted but, on the contrary, to clarify the rules in order to adapt them, because the Conventions worked out in Geneva in 1958 do not clearly set forth or sufficiently reflect the realities of the present situation in view especially of the technological progress since then.
17. This being so, it will be necessary to prepare this conference very carefully in order for it to have some chance of success. There are two possibilities open to us: either to create an *ad hoc* committee, which would be entrusted solely with the task of preparing the conference or to expand the present sea-bed Committee. My delegation, while recognizing the respective merits of the two formulas, thinks that if we wish effectiveness and a better co-ordination among the various bodies entrusted with the preparation of the conference, it would be preferable to choose the second formula, it being understood that the increase in the membership of the Committee will be made on the basis of equitable geographic distribution of all the regions represented in the General Assembly. In this connexion the expanded Legal Sub-Committee could be entrusted with the task of preparing the conference.
18. It is in the light of all those considerations that my delegation will vote on the various drafts.
19. Mr. TSURUOKA (Japan): This session of the General Assembly is the fourth to deal with questions now listed under the present item since the delegation of Malta introduced the item on the peaceful uses of the sea-bed and ocean floor for the consideration of the Assembly at its twenty-second session. It is worth noting, however, that this year the item at present under consideration has been expanded and constitutes a conglomerate of various aspects of the law of the sea in its broader framework. Thus, agenda item 25, which as a whole does not possess a single title, is composed of such diverse questions as the following:
- (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 national jurisdiction;

(b) Marine pollution and other hazardous 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;

(c) Views of Member States on the desirability of convening at an early date a conference on the law of the sea;

(d) Question of the breadth of the territorial sea and related matters.

20. These questions, listed as the subitems of item 25, are all of cardinal importance to the international community as a whole and of vital interest to every State Member of the United Nations individually. Japan, as an island country surrounded by the sea and as one of the main maritime countries whose national life depends on various activities related to the sea, including sea trade and maritime transport, attaches the greatest importance to those problems.

21. I wish first to take up subitem (a), the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, and express the basic attitude of my delegation on this all important question. Last year, at the twenty-fourth session of the General Assembly, my delegation expressed its regret that the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction had not succeeded in its attempt to formulate a set of general legal principles to regulate activities in the sea-bed and the ocean floor beyond the limits of national jurisdiction [1678th meeting]. Since then the sea-bed Committee has held two sessions, in New York and Geneva, in the course of this year. At these two sessions, at which many of us worked in an assiduous and constructive manner, considerable progress was made. Nevertheless, the outcome of those two sessions was unfortunately not enough to achieve the desired goal. Further intensive negotiations followed which were carried out, as is widely known to the members of this Committee, up to the very last moment during the present session of the General Assembly. Thanks to all these efforts, in which our Chairman of the sea-bed Committee as well as the Chairmen of its two Sub-Committees played a most constructive role, a final outcome has now emerged in the form of the draft declaration of principles contained in document A/C.1/L.542. My delegation wishes to take this opportunity of paying very warm and respectful tribute to all those who have made this possible through constructive contributions to the work of the Committee and, in particular, to our esteemed Chairman of the sea-bed Committee, Ambassador Amerasinghe of Ceylon, without whose patient and tactful negotiations we would not have had this draft declaration before us now.

22. It hardly needs emphasizing at this juncture that the adoption of a satisfactory declaration of principles regulating the activities in the sea-bed and ocean floor will have an epoch-making significance in various respects for our future activities with regard to the deep sea-bed area. As represen-

tatives have been emphasizing in the past few days during the present debate, a satisfactory declaration of principles will mark a decisive turning point in our joint effort for the orderly development of the deep sea-bed area in the interests of the whole of mankind, and will thus have a tremendously beneficial effect for all the members of the international community, whether developed or developing, land-locked or coastal.

23. Needless to say, when one turns one's attention to the specific aspects of the draft declaration now before us [A/C.1/L.544] one cannot help being struck by the clear imprints of the compromise which made this document possible. As a compromise it is not a perfect document. It may not be a document which could survive the penetrating eyes of a scrutinizing critic. It may not be a document which could satisfy all the delegations. It may not even be a document which could satisfy any single delegation to the fullest extent. Indeed, I would be less than frank if I were to say that my delegation was entirely satisfied with all the concrete points contained in that document; far from it. My delegation has a number of points on which it wishes to express its critical views and to make its reservations known. I shall have more to say about these principles when we come to discuss their adoption.

24. Nevertheless, my delegation is fully conscious of the fact that the early adoption of a draft declaration of principles will be a definite step forward which will have a significant bearing on future development in the whole field of the law of the sea. It will set forth the basic guidelines for the conclusion of an international agreement which will regulate activities with respect to the deep sea-bed area. It will accelerate the process of international co-operation in the field of the peaceful uses of the sea-bed and, most important of all, it will, we hope, give the impetus which is so badly needed at this moment for our joint action towards the stabilization and orderly development of the public order of the sea as a whole. In the light of these considerations, my delegation will look with favour on the adoption of this document. The support given to this draft declaration by all the delegations in this Committee will no doubt enable us to proceed to a further stage where these general principles will have to be elaborated in greater detail and translated into the more specific rules of treaty language. My delegation earnestly hopes and trusts that this process of further elaboration will be carried out through procedures which will ensure that the concrete views of delegations on specific points will be reflected to the full in the text of the treaty.

25. Having expressed these views on a generally optimistic note, I hope it will not be totally out of harmony at this point to strike a note of caution. A new vista of the world is now opening before us with the prospect of exploration and exploitation of the mineral resources of the deep sea-bed and ocean floor. The unanimous adoption of a new set of principles to regulate such activities will augur well for our future in this respect. However, we must not forget that we are only at the threshold of this immense treasure house which is yet to be opened. This is particularly true with respect to the mineral resources of the sea-bed other than oil and natural gas. It should be borne in mind that the exploitation of the mineral resources of the deep sea-bed will involve an extremely difficult operation from the

technical point of view. It is also generally agreed that at the present stage of development it will be a considerable number of years before such exploitation will become commercially feasible, even on the assumption that there will be remarkable technological innovations. In the light of these factors it would seem extremely important that in our efforts to conclude an international agreement in this regard we must guard against the danger of the outcome of our work containing elements which might throw a wet blanket over the efforts for technological development in this field. Furthermore, we should see to it that we continue to provide all possible incentives for the continuation of the technological development which has made possible the present prospects for our future regarding the sea-bed.

26. Let me now turn to questions relating to subitems (c) and (d) of the present item, and offer some comments of my delegation on various aspects of the problems involved. It hardly needs emphasizing that the problems posed by these subitems are vast in scope and far-reaching in implications. Already the tone and character of the debate on these questions in this Committee have more than amply demonstrated this.

27. Japan, as a maritime nation whose life in various respects literally depends upon the seas surrounding it, has always shown the keenest interest in the maintenance of stability and orderly development in the juridical régime of the sea as an arena of human activities. The seas and the oceans, which occupy two thirds of the entire surface of the globe, have always offered inexhaustible opportunities for all kinds of human activities, and have thus contributed to the development of international co-operation. I wish to emphasize that all this has been made possible because, unlike the land mass which is now divided between sovereign nations with fixed boundaries, the sea has been kept free to all peoples for all kinds of constructive activities under a stable régime consecrated by the international law of the sea. It is important that it should remain so, if this common asset of mankind is to continue to serve the interest of humanity as a whole rather than that of a particular State or a group of States whose claim to exclusive domination over part of this *res communis* might jeopardize this situation.

28. It is no secret that in recent years the law of the sea has come to suffer considerably from challenges from some States tending in the direction of jeopardizing the status enjoyed by the régime of the sea over the years. This is particularly conspicuous in the régime of the high seas, where unilateral claims for extension of coastal jurisdiction in one form or another are creeping in. The attempt to reconcile this tendency by stabilizing in a definitive manner the boundary between the territorial sea and the high seas has unfortunately been unsuccessful so far, in spite of our common endeavour in Geneva in 1958 and 1960. If we do not fully realize the seriousness of the situation and leave this tendency to grow, it is seriously feared that we might end up by dividing a greater part, if not the whole, of the high seas between the interested coastal States, to the great detriment of the régime of the high seas, which is meant to serve the interests of the international community as a whole.

29. Faced with this situation, what is now urgently needed, in the view of my delegation, is to examine the question as to how best we can ensure stability and order in the régime of the sea, while taking full account of the need for its adaptation to various new developments in recent years, such as the legitimate interests of newly developing members of the international community, the impact of scientific discoveries concerning the oceans, and implications of technological evolution in the field of utilization of the sea and its resources. We can achieve such adaptation of the régime of the sea to new developments in a satisfactory manner only through multilateral agreement among the members of the international community.

30. A good example should be set in this context by the adoption of a declaration of legal principles to regulate activities relating to the deep sea-bed area, an initiative which will save the deep sea-bed area from plunder and division by unilateral claims of national sovereign States. Surely, there is no reason why we should be content to leave this situation concerning the law of the sea to deteriorate into complete disorder and anarchy with little concern and less sense of urgency.

31. When one examines the replies from Governments to the questionnaire sent out by the Secretary-General, in accordance with operative paragraph 1 of General Assembly resolution 2574 A (XXIV), contained in document A/7925 and Add.1-3, one is struck by the fact that practically all the Governments which have sent in replies would seem to recognize the need for convening at an early date a conference on the law of the sea of one type or another. Needless to say, their views vary when one goes to such specifics as the date of such a conference, the scope of the problems that it should deal with, or the procedures for its preparation. Nevertheless, once we are agreed that there are problems which need our urgent attention and treatment in the present situation of the law of the sea we should, and indeed we can, base ourselves on this common recognition as our starting point and proceed with a concrete plan accordingly.

32. At this point, I should like to dwell upon some concrete aspects of this question of an international conference on the law of the sea and to indicate some of the basic considerations which guide my delegation in this regard. I shall begin by saying that my delegation has always felt that a practical and flexible approach is needed to tackle a problem of this magnitude and complexity.

33. First, a practical approach to the problem is required in order to avoid confusion and to proceed with our work expeditiously. That is particularly true, in the view of my delegation, with respect to our consideration of the scope of the problems to be dealt with by the conference. In 1958, an epoch-making Conference on the Law of the Sea was held in Geneva. On the basis of draft articles prepared by the International Law Commission after almost 10 years of hard work, the Conference succeeded in adopting four conventions. Much of what was done at the Geneva Conference remains valid, in the view of my delegation, being in essence a codification of what had been regarded as established rules of customary international law. It would be unwise and unrealistic from a practical point of view to try to reopen those questions which were already settled in

Geneva, unless there is good reason to believe that the evolution in the international community in the intervening period of 12 years has made a particular rule obsolete or inappropriate for general acceptance.

34. It seems also unwise to divert too much of our energy to problems which are at present being considered or are going to be dealt with elsewhere. Thus, although it has some sympathy with the motive behind the view which favours including in the agenda of the conference the examination of the prevention of pollution, my delegation has some doubt as to the advisability of that inclusion in view of possible redundancy and complications with activities currently undertaken by other international organizations and United Nations bodies in this field. As far as my delegation is concerned, the principal questions of the law of the sea which remain so far unsettled and which need our urgent treatment and final settlement are two: one is the question of the breadth of the territorial sea and such directly related matters as the question of international straits and of fisheries by coastal States on the high seas; the other is the question of the international régime to regulate activities for exploration and exploitation of the resources of the deep sea-bed, with its clearly defined boundary. None the less, my delegation is of the view that here flexibility may also be required if we are to achieve a successful result. It will not be right to try to foreclose the possibility of giving serious consideration to any concrete question which delegations might wish to examine in the present context. My delegation will be glad to consider any such concrete suggestions.

35. Secondly, a practical approach would also seem to be required with regard to the time schedule for the conference. In the view of my delegation the matter is sufficiently important and urgent as to require a decision concerning a time schedule for the conference at the present session of the Assembly. If we all agree, as I believe we do, that the need for convening a conference on the law of the sea is sufficiently urgent, then it is clearly not enough to stop at that and to take the position that it should be held some day after careful and systematic preparation. What is needed is a concrete time schedule according to which we can unite our efforts towards the conference. This does not mean, of course, that we should make haste at the risk of insufficient preparation and at the cost of a successful conference, which will of course only be possible after careful preparation. Here again, we shall have to be flexible enough in our time schedule to allow the possibility of adapting our plan to the development of our work.

36. Thirdly, it is on the procedures and organization of work for the preparation of the conference that the consideration of a practical approach and realism is required most. Our primary consideration in this respect should be to find the best working methods to achieve our goal under given conditions. It is the considered view of my delegation that here we have to satisfy two different and seemingly conflicting elements. On the one hand, questions such as the extent of the territorial sea, international straits and fisheries by coastal States on the high seas, which are so closely integrated as to form an organic whole, should be considered as such by one body, while the important question of the establishment of an international régime for the exploration and exploitation of the resources of the

deep sea-bed would in itself require full treatment by another body. On the other hand, it is only too clear that in the final analysis both of these two groups of problems are also closely interrelated and that therefore the highest degree of co-ordination between them will be needed.

37. The procedures to be established for the preparation of the conference will have to be at least capable of satisfying these two elements. Having said that, my delegation takes a flexible position with respect to the concrete procedures to implement this point, and is open to any suggestion which will succeed in meeting these two essential requirements. If the idea of two separate committees working parallel to each other with ample opportunity for co-operation is generally favoured, my delegation can support it. If, on the other hand, the idea of one committee working on different problems in sub-committee stages with the possibility of close co-ordination at the main committee level is felt more favourable for political or other expediencies, my delegation will certainly not exclude such an idea.

38. On all these three main aspects of the problem my delegation will be guided by the consideration of practical expediency and flexibility. We do so in the firm belief that the problems we are trying to tackle are so important in their impact upon the future of the international community and so urgent in the need for satisfactory solution that we cannot afford to be evasive or inflexible. As so many delegates have emphasized before me, time is not on our side. We must come to agreement on the maximum breadth of the territorial sea and on the sea-bed régime, if we desire to achieve international co-operation in our common objective—the establishment and maintenance of a stable and orderly régime of the sea for the benefit of all of mankind.

39. Mr. BADAWI (United Arab Republic): My delegation, like all the others, has been through the frustrating weeks of last August in Geneva and fully realizes that the emergence during this twenty-fifth session of the General Assembly of the draft of a balanced and comprehensive set of principles, as envisaged in General Assembly resolution 2574 B (XXIV), is by no means a small achievement. In this respect we would like to pay special tribute to those who have made this achievement possible—Ambassador Amerasinghe and members of his staff—for their patience, perseverance and dedication in this work.

40. All through the existence of the Committee, as in the *Ad Hoc* Committee and other standing committees, my delegation shared the belief of many that the elaboration of a set of principles to govern activities on the sea-bed was an essential first step towards the conclusion of a generally accepted international régime for this area. My delegation further believed that agreement on those principles was a great challenge to the strength of our adherence to the concept of international co-operation.

41. Because of the novelty of the question and due to the insufficiency of the available scientific and technological data, it was necessary to proceed carefully and without undue haste, but, as in the case of any human endeavour, there comes a time when fundamental decisions have to be taken—decisions based on the facts and realities of the

present but oriented towards the future. These decisions have to be taken in a spirit of compromise, which is the very fabric of international relations. I would not be too far from the truth if I stated that the situation today reflects the foregoing premise and it is precisely because the draft declaration constitutes that most desired compromise that the delegation of the United Arab Republic has lent it its full support. My delegation therefore sponsored draft declaration A/C.1/L.544 and will consequently vote in favour of it.

42. Many speakers have taken the floor before me to indicate that, although certain aspects of the text under consideration are either not entirely satisfactory or slightly ambiguous, they clearly believe that the text in its totality is generally acceptable. They have proceeded to underline those points of the draft declaration which in their view could be improved. I would have been tempted to do so myself had not most of my remarks, if not all of them, been more than adequately put forward and eloquently expressed by a number of developing countries. Yet, before concluding this chapter of my statement, I deem it of the utmost importance to draw the attention of members to the danger that the progress and success so far achieved by the adoption of the draft declaration of principles during this session might induce us to slow down our efforts or weaken our determination to proceed as expeditiously as possible with the great task ahead, that of elaborating the international régime for the sea-bed.

43. It should always be borne in mind that the success or failure of man and mankind as a whole will be judged by the capacity for keeping pace intelligently and constructively with the fast progress of science and technology. What gives my delegation hope is that the slow progress realized in the early days of any new endeavour is usually attributable to the difficulties pertaining to taking the first step. By unanimously adopting this draft declaration put before us we will have taken that first and most important step. We are certainly looking forward to further steps to be taken in the relatively near future.

44. After no little hesitation on the part of some, there has dawned an increasing realization that the various aspects of the ocean space, whether they relate to the sea-bed or to the traditional facets of the law of the sea, can hardly be studied or discussed in isolation. That an organic link exists between all these aspects is no more contested. It is with this premise in mind that we should proceed to the task of considering how best the international community may cope with the problems of ocean space.

45. My delegation will attempt to set forth its views in this regard. One of the main purposes and objectives of the two United Nations Conferences on the Law of the Sea, held in 1958 and 1960, was to contribute to the codification of international law and its progressive development. The Conferences were largely successful in achieving this aim under the circumstances prevailing at that time, but one has to recognize that our scientific knowledge of the ocean space was rather limited then. We have to recognize further that scientific developments and the rapidly expanding technological capabilities of the 1960s, together with the change of the structure of the international community during the same period, have created several problems and

posed several challenges which we shall have to face in the decade ahead.

46. On the one hand, we are faced with the problems related to the exploration of the sea-bed and the exploitation of its resources, as well as their peaceful uses, and the task of elaborating the international machinery that will regulate activities in this area. On the other hand, we all know that at the close of the two United Nations Conferences on the Law of the Sea several problems remained unsolved.

47. A third set of problems may, and if I may say so, almost certainly will, arise as the result of future progress in science and technology, that will have its impact on the existing provisions of the law of the sea.

48. All these problems will have to be considered and examined simultaneously and in conjunction with each other, but such a task can only be undertaken in the context of a comprehensive international conference without in any way threatening the stability that the rule of law assures to the international community.

49. My delegation has studied in great detail the report of the Secretary-General concerning the views of Member States on the desirability of convening at an early date a conference on the law of the sea [A/7925 and Add.1-3]. Whatever the differing views as to its scope and extent, it was evident from the replies so far received that the holding of an international conference at an early date was desirable. Taking this as a starting point, my delegation deems it appropriate that this fact be reflected in any action which the General Assembly may take in the course of this session with regard to the conference. However, such a statement in itself is not sufficient. We believe that the General Assembly should have in view a specific date in the near future on which the conference should be held.

50. The determination of such a date, as all of us realize full well, is by no means an easy matter. The date should be realistic enough to allow the preparatory work to proceed smoothly and effectively, with a view to ensuring that the proposed conference has every possible chance of success. Yet the date should not be too far removed in the future, thereby running counter to the desire, clearly expressed in the Governments' replies, for the early convening of the conference. Under the present circumstances, my delegation considers that the spring of 1973 constitutes an adequate, feasible and realistic date. I shall shortly indicate the reasoning that has led my delegation to such a conclusion, but before doing so I wish briefly to explain the merits of having the General Assembly decide on a specific date. My delegation has been motivated by considerations of methodology and effectiveness. Unless those who are entrusted with the preparatory work of the conference are aware of a target date, the organization of their work and the setting up of a rational time-table for its progress and conclusion will be rendered difficult, if not impossible. A specific date which might be generally agreed upon would establish the necessary framework in which to arrange a schedule of their progress.

51. I earlier referred to the fact that the spring of 1973 represented the most appropriate time for the convening of

the conference. I can assure you, Mr. Chairman, and the members of the Committee, that this selection has not been made at random. It is the outcome of a careful juxtaposition of all the elements involved in the preparatory work.

52. The two main elements in this context are the careful and methodical identification of all the issues that would be considered by the conference, as well as the elaboration of the draft texts thereon. The second is the involvement of all Governments at all stages of the preparatory work, thus allowing them to contribute usefully and effectively to the progress of such work. Were we to give both those elements the importance they deserve, it would normally follow that we could not realistically expect the necessary conditions for a successful conference to be fulfilled before the spring of 1973.

53. The First Committee has before it two draft resolutions, one presented by the United States [A/C.1/L.536] and the other by Brazil and Trinidad and Tobago [A/C.1/L.539]. Those two draft resolutions differ in many respects, both conceptually and methodologically. One of the existing differences merits, in the mind of my delegation, specific mention.

54. I refer in particular to the agenda of the contemplated conference on the law of the sea. This divergence of views reflects the two different approaches that have so far been advocated in the course of the present debate. Those who prefer a limited conference to consider and dispose of the unresolved problems of the law of the sea inherited from the two previous Conferences deem it necessary that the resolution adopted by the General Assembly during this session should contain explicit reference to those outstanding problems. On the other hand, those who hold the view that all the problems of the ocean space are interrelated are themselves in the difficult position of undertaking here and now the task of identifying all the problems which should be resolved in any future conference. They advocate that the preparatory body would be better equipped to do that.

55. In view of the observations contained in the earlier part of my statement, my delegation would favour the latter approach. We very much fear that the predetermination of an agenda for the conference might be prejudicial to the success of the conference, a success which nobody wishes to jeopardize.

56. Before concluding, I should like to touch briefly upon the procedure for the preparatory work. It seems to my delegation that two approaches have been distinguished, and I shall refer to them briefly as the "one committee approach" and the "two committee approach".

57. Far be it from my delegation to express a preference for one at the expense of the other. If we opted for the one committee approach, we would ensure the necessary co-ordination between the work on both the questions which would be dealt with at the conference, namely, the international régime for the sea-bed and the more traditional aspects of the law of the sea, whereas the two committee approach would allow each to devote itself entirely to whatever mandate it might be given, thus proceeding expeditiously with the preparatory work. My

delegation, therefore, has an open mind about whatever procedure the General Assembly may see fit to adopt.

58. Finally, I reserve the right of my delegation to intervene again when the draft resolutions are being discussed.

59. Mr. JACKMAN (Barbados): This is the first time the Barbados delegation has spoken in the First Committee, and therefore we must not miss the opportunity of congratulating you, Sir, in your capacity as Vice-Chairman, Ambassador Aguilar in his capacity as Chairman, and Mr. Cernik, Rapporteur of the Committee. Having begun to speak late, we can congratulate you on your appointment and on your performance.

60. First of all, I have to say that my Government is extremely pleased by the progress which has been made since the twenty-second session of the General Assembly when the international community began to study the multifarious and complex problems of the sea-bed and the ocean floor outside national waters. The *Ad Hoc* Committee and, subsequently, the Committee on the sea-bed, within this comparatively short time, have succeeded in identifying for the international community at least some of the major problems in this area. One of the most hazardous professions I know of is found in the timber industry in western Nigeria. There are men whose job it is to go, alone and with only such supplies as they can carry on their backs, into the trackless tropical forest. After many days they return with detailed maps indicating the position of the trees which have the greatest economic value. They are called, logically enough, tree-finders. I should like to congratulate our Chief Tree-Finder, Ambassador Amerasinghe, and his fellow-finders on their skill and fortitude and on the maps they have brought back to us, so to speak, from the forests of the sea-bed.

61. My delegation believes that the General Committee was correct when it resisted the attempt to have the important question of the breadth of the territorial sea treated in isolation from the general body of questions on the law of the sea of which the First Committee was already seized. The very title of the sea-bed item imposed upon the United Nations the need eventually to address itself once more to a study of the question of national jurisdiction. It seems clear that we have made enough progress since 1967 to justify a fairly confident attack on this delicate area of international relations. Indeed, our impression is that the work which has been carried out on the sea-bed question has been a valuable—perhaps an essential—training exercise for the international community; we have, in 1970, a far better appreciation of what our strengths and weaknesses are.

62. It is obvious that the international community is in the beginning stages of a revolution in relation to the entire body of international law covering the marine environment. Like all the best revolutions, this one is about justice. Not even the most purblind paternalist in the rich industrial nations of the world would deny that the law of the sea has evolved along lines which had very little to do with the concept of international democracy. I am not pointing the finger of blame; I am merely stating the facts. A number of the so-called "doctrines" which exist today are little more

than reflections of old power balances which are totally irrelevant to the realities of the seventh decade of the twentieth century. For countries like Barbados, which had no part in their creation, these one-sided accords are no more sacred than any other totems and relics of long-dead cults; they are interesting and instructive to contemplate, but quite devoid of contemporary utility.

63. For these reasons my Government is enthusiastically committed to participation in the efforts which the international community is now making to develop a body of law which represents the will of the large majority of nations, and which reflects the needs of our times. This is the context within which we view agenda item 25, a context of truly international accord, of a dynamic search for justice for all nations whether they be large or small, maritime or land-locked, insular or continental.

64. The draft declaration of principles contained in document A/C.1/L.544 does honour to the international community, and particular honour to the members of the sea-bed Committee. They may be said to have battled by the lakes in Geneva and in the corridors at Turtle Bay, and the result of their effort is, in the view of my delegation, a triumph of international conciliation.

65. My delegation has minutely compared the famous “L.2” [A/8021, annex I, appendix I]—and the impressive Norwegian draft contained in “L.4” [*ibid.*, appendix II]—with the text of the draft submitted to us. In all frankness, we much prefer “L.2”. We would have been far happier if it had been possible to achieve general agreement on the basis of that document. We are distressed at the excisions and the modifications, the shiftings back and forth between operative and preambular sections to which “L.2” has been subjected. The hybrid which has emerged at the end of this process of negotiation has been represented to us as a highly delicate plant which could not withstand even the slightest further alteration. I was somewhat relieved when, a few days ago, the representative of Trinidad and Tobago, a country which is a member of the Committee, excepted commas from this general prohibition.

66. There are, indeed, some points of style and punctuation which seem to my delegation to need at least some clarification—and I focus first on the comma. In paragraph 12, it is clear that the comma after the word “States” ought to be expunged.

67. Secondly, my delegation is somewhat unhappy about the word “shall” as it appears, twice, in the fourth preambular paragraph and, once, in the sixth paragraph. At first I wondered if the rather peculiar grammatical construction of the two sentences in question was the effect of some obscure bargain struck at Geneva; but looking at the French and Spanish versions of the text, where a simple future tense appears to be used, I am sure that this is simply a matter of laxity in drafting—not a cardinal sin in my book. May I recommend the substitution of “will” for “shall”?

68. Thirdly, we should like to see the definite article given its rightful place in paragraph 10(c) between the words “strengthen” and “research”.

69. My fourth minor point of drafting has to do with paragraph 15 where the word “measures” has somehow crept in, despite the fact that both the Charter and the Norwegian draft speak of “means”. My delegation can see no overwhelming justification for the change, and would prefer to have the language of the Charter preserved.

70. Turning now to more substantive aspects of the draft, I must confess that we have had great difficulty in understanding, in paragraph 9, the meaning of the phrase “expanding opportunities in the use thereof”. To be perfectly honest, the entire second sentence of this paragraph—and I am speaking, of course, of the English draft—could do with a bit of re-writing. I should like to offer a version that will not, I trust, interfere with the delicate diplomatic balance of the paragraph but which may provide, at least in the English version of this exceedingly important document, a less cumbersome linguistic legacy for posterity. The Barbados version of the second sentence of operative paragraph 9—which we present not as an amendment but rather as a technical emendation—would read as follows:

“The régime shall provide *inter alia* for the orderly and safe development as well as for the rational management of the area and its resources, and shall ensure that States share equitably in the benefits deriving therefrom, taking into particular consideration the interests and needs of the developing countries whether land-locked or coastal.”

71. My delegation has been unable to discover the provenance or justification of the phrase “expanding opportunities in the use thereof”; if it is agreed that States should share, in an equitable manner, in the benefits to be derived from the area and its resources, it would appear that expansion would depend upon the extent to which the benefits themselves expand. Nevertheless, in order to hedge all possible bets, I should like to offer the following additional formulation, more out of constraint than from conviction:

“The régime shall also afford States expanding opportunities in the use of the area and of its resources.”

72. These are the technical emendations which I suggest in order to improve the text and not to trouble the delicate infrastructure of negotiation upon which it rests. I am perfectly disposed to offer them in writing to the Secretariat if this is considered to be useful.

73. The Barbados delegation wishes to record its regret that the important concept which figured in “L.2” as the seventh principle has been down-graded to the status of preamble in the draft declaration submitted to us. The need for international vigilance over the impact of sea-bed development on the world raw materials market is self-evident. We understand that it was the subject of detailed negotiation, both in Geneva and subsequently, and it may be that we should be thankful that so much of the concept has in fact been salvaged. We are sad, also, to see subtracted from the competence of the régime to be established all responsibility for the governance of activities regarding conservation in the area. This too is doubtless part of the price we have to pay for the large measure of agreement which Ambassador Amerasinghe has reported to us on the draft declaration in its present form.

74. Nevertheless, when the repining is over, the fact is that countries like mine find much to rejoice at when we look at the draft declaration. First and foremost there is operative paragraph 1, which declares the area and its resources to be "the common heritage of mankind". As has been stated by more than one delegation speaking in this debate, this is a totally new concept in international law. It is a concept which has been criticized on the grounds of vagueness and juridical imprecision. It has even been categorized as a kind of ideological Trojan horse. The Barbados delegation declines the invitation to be terrified by these bugbear labels. On the contrary, we welcome the concept precisely because of its innovative character, precisely because we see in it encouraging evidence that the international community is moving towards definitions of international law which reflect contemporary realities, both economic and political. We feel additionally encouraged by the further refinements of the concept which are contained in the 14 other principles and particularly by paragraphs 2 and 3, which not only exclude the exercise of national sovereignty or of sovereign rights of any kind over the area, but subjugate the acquisition of all rights in the area to the authority of an international régime.

75. If we have fears, they are of the kind which were described in a slightly different context by my alphabetical neighbour, the permanent representative of Australia, speaking in this Committee, when he said:

"... few Governments have accurate knowledge of what the seas might hold for them and of how to take advantage of that knowledge. That is bound to induce in many Governments a natural caution in approaching the process of international bargaining for the realization of their interests in the seas, for the very reason that they find it hard to be sure precisely what their interests are."
[1782nd meeting, para. 149.]

76. That is a truth which cannot be repeated too often in the international discussion on the whole range of questions treated in agenda item 25. If it is true for a developed country like Australia, it is obviously even truer for an underdeveloped country like Barbados, which celebrated its fourth anniversary of independence exactly a week ago.

77. It has therefore been very reassuring to us to find that in the course of the three years which have passed since the sea-bed item was introduced into the General Assembly, a consensus of the developing countries has emerged on a number of basic points. Of those points the idea of a common heritage has always seemed to my Government to be cardinal. That this concept has survived intact the sometimes ruthless vicissitudes of international negotiation is for us a matter of considerable satisfaction.

78. My Government stated its views on the question of convening a conference on the law of the sea in its reply to the Secretary-General's questionnaire. That reply has been published in document A/7925/Add.1, albeit with a slight typographical error for, "régimes of the sea" should be "régimes of the high seas". Our view, as stated in that document, is quite simply that there should be convened "at an early date, a conference on the law of the sea to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and the conservation of the living resources of the high seas" with a view to arriving at a definition of the sea-bed area which is the subject of our discussions, in the light of the international régime to be established. It has become increasingly clear, as the international discussion on the area has progressed, that adequate international norms do not exist for determining the precise limits of the area, and the replies which have been made to the Secretary-General's inquiry [see A/7925 and Add.1-3] show a general conviction that a new international conference is needed, one which would cover the widest possible gamut of questions.

79. My Government has not adhered to the 1958 Geneva Conventions. Our study of those documents, as well as the sluggish rate at which they are being ratified, persuade us that the new conference will undoubtedly have to deal almost *ab initio* with more than just one or two selected questions. What is also obvious is that, as in 1960, the international community will be faced with exceedingly difficult and controversial problems. This makes it absolutely essential that the new conference be prepared with the very greatest of care. The importance of the conference will be transcendental for every Member of the Organization and, as other speakers have noted, the majority of the developing countries will be participating for the first time in this kind of international review. For us, therefore, to borrow from a judgement of the United States Supreme Court of some 16 years ago the watchwords must be "all deliberate speed", not haste.

80. We must also view with extreme caution proposals affecting the manner in which the conference is to be prepared, to make absolutely certain that our interests are protected at every stage of the proceedings. For that reason the Barbados delegation tends to support the idea of a separate preparatory committee to deal with the conference, leaving the sea-bed Committee free to deal with the equally urgent and complex business of elaborating the international régime for the area beyond national jurisdiction.

81. It is in that light that we shall be viewing the extremely interesting draft resolutions which have been put before the First Committee.

The meeting rose at 6.30 p.m.