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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 (*continued*) (A/8021; A/C.1/L.536/Rev.1, 542, 543/Rev.1 and Corr.1, 544, 545/Rev.1, 551, 553 and 554);
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- (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/Rev.1, 539, 545/Rev.1, 551, 553 and 554);
- (d) Question of the breadth of the territorial sea and related matters (*continued*) (A/8047 and Add.1, Add.2/Rev.1, Add.3 and 4, A/C.1/L.536/Rev.1, 545/Rev.1, 551, 553 and 554)

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1. The CHAIRMAN (*interpretation from Spanish*): Before calling on the first speaker, I should like to advise the Committee that the following new documents on this item have been distributed. First, there is a revised text of draft resolution A/C.1/L.543 which has appeared as A/C.1/L.543/Rev.1 and Corr.1.

2. Secondly, the Committee has before it in document A/C.1/L.553 amendments proposed by Norway to the draft resolution contained in document A/C.1/L.545/Rev.1.

3. The Committee also has before it in document A/C.1/L.554 draft amendments submitted by Australia, Japan, the Netherlands, New Zealand and the United Kingdom to the revised draft resolution contained in document A/C.1/L.545/Rev.1.

4. Lastly, I wish to remind members of the Committee that, in accordance with the decision taken yesterday morning [1794th meeting], the deadline for submitting amendments to draft resolutions in connexion with agenda item 25 is 2 o'clock this afternoon.

5. I shall now first call on the representative of New Zealand who has asked for the floor to introduce the draft amendments contained in document A/C.1/L.554.

6. Mr. SMALL (New Zealand): The New Zealand delegation has the honour to present in document A/C.1/L.554, which appears today, a number of amendments to draft resolution A/C.1/L.545/Rev.1. We do so on behalf of the following sponsors: Australia, Japan, Netherlands, New Zealand and the United Kingdom.

7. At the outset I should like to mention the background to this development. Let us face it: there is a problem in the First Committee debate so far. Although it is well known to everyone that a range of varying viewpoints exists, which have been actively canvassed in the corridors, only very few of these have been brought to the light of day.

8. Attention has been concentrated on two of these proposals in particular. At one end, as it were, we have the original United States text in document A/C.1/L.536. At the other end, we have the text contained in document A/C.1/L.545/Rev.1 under the sponsorship of several countries. With regard to the latter document, the impression has been given in the last two days of discussion in this Committee that it represents a very generally maintained and approved position. In fact, we know—and I can say this quite frankly—it is the expression of a very specific point of view.

9. For the last week, therefore, the sponsors of the amendments I now put before you have been sitting in

discussions with a group of some 20 to 25 representatives from every continent and nearly all geographical groups. Those delegations have not been able to subscribe to all the elements contained in document A/C.1/L.545 even as revised. On the other hand, they have not felt that their viewpoint was reflected in the original draft resolution presented by the United States of America. We have been encouraged, therefore, to bring forward the text which has emerged from these informal talks. It is presented in the name of five delegations, but we believe that, given its origin in a group of wider scope and considering the consultations we have had, it has substantial backing. As members will recognize, most of the ideas in the amendments have appeared in the informal Working Paper No. 1, which was circulated some days ago.

10. The amendments are presented not as a "be-all and end-all": this is a set of amendments designed to clarify the issues; in the sponsors' view it would substantially improve the text so as to bring in elements—and encourage the more willing support of countries—without which the project leading to conference decisions in 1973 would be much impaired. I should add that we have thought it would be the most profitable and helpful course to express our views in a quite detailed form rather than to continue making general statements of view in debate.

11. On certain points the sponsors of draft resolution A/C.1/L.545/Rev.1 and those of the present amendments are in agreement. We are at one in looking to 1973 as the date of the conference. We also agree that it should be prepared by one committee which would be an enlargement of the sea-bed Committee. In addition, we agree with the broad lines of the procedural scheme towards such a conference as outlined in the draft resolution.

12. Where we differ principally is on the balance that should be given to the agenda of the conference and the balance that correspondingly should be given to the mandate of the preparatory body. It follows that our most important amendments in document A/C.1/L.554 are those which we propose to the paragraphs which deal with those aspects, operative paragraphs 2 and 5 of the draft which we should like to amend.

13. On behalf of the sponsors, I should now like to describe our amendments as briefly as possible. To save time, in doing so I shall not refer to the one or two preambular amendments, the intention of which should be clear from the general pattern of our amendments to operative provisions. As to our main amendments, if I may be allowed to turn to operative paragraph 2 of draft resolution A/C.1/L.545/Rev.1, the first point that the sponsors are concerned with—to put it plainly—is the woolliness with which that document surrounds the date of the conference. We much prefer to delete the words "if possible" which appear after the year "1973". We believe that there is a substantial majority in this room which looks to 1973 as the definite date. The words "if possible" give too great an impression of a "best endeavours" intention. It is rather like saying to someone "we must have lunch sometime", but it is implicit that one never wants to see him again. Certainly we have a stronger intention than that. If the fear is that the preparatory work may not be consolidated in time for a conference in 1973 then it

would, of course, be a matter for the General Assembly which could always reconsider the schedule. But it seems to us essential to give ourselves and our Governments the spur of, and the energy to work towards, a definite target year without equivocation. Therefore, in the new paragraph 2 suggested in the amendment, the words "if possible" would be deleted.

14. The next thing that strikes us about operative paragraph 2 of the draft resolution is the fact that it seems to run very much counter to the proposition which is given some permanence as a matter of principle in the fourth paragraph of the preamble of that draft resolution. That paragraph says that "the problems of ocean space are closely interrelated and need to be considered as a whole"; however, what operative paragraph 2 does in its present form is to give a certain priority to the régime. Furthermore, if this paragraph is read in conjunction with operative paragraph 5, and particularly 5 (b), it really relegates all non-régime issues, including, to our surprise, the delineation of the sea-bed area, to a second order of importance.

15. I believe that on this issue the sponsors of the amendments would like me to make it absolutely clear that they do not desire to have other matters advanced in priority to the sea-bed régime. The amendment sponsors, in fact, include some of the most eager of the advocates—this is certainly the case for New Zealand—of the urgent establishment of an equitable and operative sea-bed régime. All we seek, by means of the new paragraph 2 proposed in the amendment that we have tabled is to ensure that all these matters, including the régime, are carried forward concurrently. We think that it is only in this way that we are likely to end up with what we must surely all aim for, namely, a broadly acceptable settlement of the outstanding issues of the law of the sea; for surely no State should be expected to commit itself for the settlement of one particular part of the general area of sea-bed problems, whether it be régime or boundary, without being able to see what are the main elements of the rest of the law of the sea package.

16. If we do wish to get such a general settlement, the sponsors—although their substantial interests may differ quite considerably—believe that the range of tasks for the conference must include specifically the question of the breadth of the territorial sea, the directly related matters of international straits and the interests of coastal States in regard to fisheries in adjacent areas of the high seas. As everyone knows, these have been the subject of very wide consultations for well over a year. They should be brought to light. We do this in subparagraph (b) of our amendments.

17. Another matter to which we specifically draw attention, in subparagraph (c) of the amendments, is the question of marine pollution. This question is now the centre of so much attention everywhere that we need hardly give an apology for wishing to see a slightly more extended reference to it than is now given in operative paragraph 2 of the draft resolution. The law of the sea conference and its preparatory body would, of course, have the task of dealing with matters of sea-bed pollution under the topics of régime and machinery, but the sponsors feel that it is useful for the conference also to be directed to consider other aspects of the pollution problems such as

they may prove to be in the light of the results attained by the various conferences. As we know, these are now to be held, on environment and related matters, in 1972-1973. Accordingly, we do this in subparagraph (c) of the amendments.

18. For the same reason we have provided a preambular insertion mentioning in general terms the Stockholm Conference on the Human Environment and other similar activities. Our amendment to operative paragraph 2 would, at the same time as adding the specific conference matters, delete others which are at present specified in the draft resolution. In the view of the sponsors, these are either not problems demanding urgent solutions, or are not matters which at this point of time would be appropriately dealt with at this particular conference on the law of the sea. If, however, the preparatory work reveals that this view is erroneous, then we have provided in our amendments ample means for adding such matters on to the agenda of the conference and of the preparatory body, and we have done so by a new subparagraph (d) of operative paragraph 2. This would enable the conference to handle such other specific matters as the General Assembly may decide upon. The important thing, in other words, in the opinion of the sponsors, is to focus the preparatory body in 1971 on the critical issues.

19. With the foregoing explanation of our amendments to operative paragraph 2 of the draft resolution it may help the First Committee if I read out the following text which shows how paragraph 2 would read with the amendments I have described written into it:

“2. *Decides* to convene early in 1973 a conference on the law of the sea for the purpose of concluding one or more international conventions:

“(a) which would establish an equitable international régime, including an international machinery, for the area and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction and a precise definition of the area;”.

Then we follow this by three subparagraphs which, again, are covered by the opening part of the new paragraph 2 which, the Committee will remember, decides to convene a conference for the purpose of concluding one or more international conventions. We then go on to say:

“(b) With respect to the breadth of the territorial sea and the directly related matters of international straits and the interests of coastal States in regard to fisheries in adjacent areas of the high seas;

“(c) With respect to questions of marine pollution other than those covered under subparagraph (a) above in the light of the work undertaken and the results achieved by the relevant international organizations and conferences;

“(d) With respect to such other specific matters as the General Assembly may decide upon.”

That is operative paragraph 2.

20. I shall now pass to operative paragraph 3 of the draft resolution. Here we propose a simple amendment designed

to take account of the fact, which nobody doubts, that the mandate of the enlarged sea-bed Committee will be altered—in the main it will be expanded—by the action taken at the present session of the Assembly. Thus, with that in mind, our amendment to paragraph 3 would make it read in the sense of reaffirming the mandate of the sea-bed Committee as modified by the present draft resolution. That seems to us a sensible formula to use.

21. Next, paragraph 4 of the draft resolution deals with the composition of the sea-bed Committee. On this the sponsors of the amendments have reflected what we again believe is an important trend of opinion, which is not shown in the draft resolution. That is to say, we feel that the enlargement of the sea-bed Committee by 29 members may not accord a place to all those States whose material interests demand that they be represented. I am sure that a number of speakers will touch on this issue. Taking into account this factor, therefore, and the necessity to produce a figure which would conveniently allow an equitable geographical distribution, we have built in a figure of 39 in place of 29 in operative paragraph 4.

22. The figure 39 remains bracketed in our amendment because the sponsors recognize that this is a matter which really must be brought to a head between now and the end of the Assembly and, we hope, the adoption of a good resolution. I would add that our amendment does what the draft resolution does not do, that is, it provides a method of selecting the additional members. This is a mechanical task in the terms in which it is put down. As is often done in these cases, we have entrusted the duty to the President of the General Assembly after he has had appropriate consultations with regional groups.

23. We have then suggested a number of changes which would make operative paragraph 5 of the draft resolution read as follows:

“*Instructs further* the Committee in the capacity of preparatory body for the Conference on the Law of the Sea to hold two meetings in Geneva in March/April and July/August 1971 in order to prepare as expeditiously as possible:

“(a) the draft of a treaty or treaties on the matters referred to in paragraph 2, subparagraph (a) above, on the basis of the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction adopted by the General Assembly on . . .”

We will then insert a date and the text continues:

“(b) the draft of a treaty or treaties on the matters referred to in paragraph 2, subparagraph (b) above;

“(c) at its discretion, proposals for further specific matters for inclusion in the agenda of the conference for submission to the General Assembly at its twenty-sixth session.”

24. As can be understood from our earlier remarks, in this redraft of paragraph 5 what we have done reflects the sponsors' views on the question of the balance of the

conference's agenda and of the preparatory work. In essence, therefore, the amendments proposed to operative paragraph 5 are consequential precisely upon changes in operative paragraph 2.

25. In this part of the amendments we make it explicit that the preparatory body has the full power to make any proposals concerning placing additional specific items on the conference agenda to the General Assembly at its next session.

26. Turning now to paragraph 6 of the draft resolution, the amendment would make this paragraph read as follows:

*"Instructs further the Committee to establish such subsidiary organs as it deems necessary to ensure rapid progress on all the questions enumerated in paragraph 5 above, bearing in mind the scientific, economic, legal and technical aspects of the issues involved."*

27. This amendment is mainly designed to instruct the preparatory body to establish subsidiary organs rather than merely to authorize it to do so. It would also place emphasis on the need for rapid progress. It also refers back to the new paragraph 5 and consequently we bring in again the idea of a balanced treatment of all the questions at issue.

28. With regard to operative paragraph 7 of the draft resolution it seemed self-evident to the sponsors that the preparatory committee must report back to the next General Assembly session. This is now provided for in so many words in the amendment.

29. With the foregoing review of the amendments so far, we are left with the amendment which would insert three additional paragraphs after the present paragraph 8. These new paragraphs are of a procedural and, we hope, non-controversial character. The first of them decides to place on the provisional agenda of the next session of the General Assembly an item on the law of the sea conference. The second is a paragraph of a type which has come to be fairly standard in cases where an important treaty conference is being prepared. It requests the Secretary-General to present to the twenty-sixth session of the General Assembly his recommendations on methods of work and procedures and related administrative questions. The third paragraph takes account of the need to establish more precisely the dates, duration and venue of the conference by having the General Assembly declare its intention of determining these and similar issues at its twenty-sixth session, in the light of the progress which we hope will certainly be made by that date. Under this paragraph the General Assembly would also make arrangements for further preparatory work on the substance. For example, if a further question or a further instalment of preparatory work is required on the subjects enumerated, or if the Assembly decides to include further topics on the agenda of the conference, the paragraph would then enable the necessary preparatory work on these issues to be set in hand well in advance of the conference with some guidance from the Assembly itself.

30. That concludes my review of the amendments. I am very sorry that, on a Saturday morning when I am sure we are all anxious to be elsewhere, I have produced these

amendments and given this explanation. I commend them to the Committee and I thank you very much for your patience.

31. Mr. GALINDO POHL (El Salvador) (*interpretation from Spanish*): Allow me to refer first, Mr. Chairman, to draft resolution A/C.1/L.543/Rev.1 and Corr.1, which El Salvador sponsors and through which it expresses its solidarity with those States which might suffer an economic decline as a result of the use of the resources of the sea-bed.

32. It is well known that many developing countries obtain their foreign exchange from the export of raw materials and use that foreign exchange to finance their internal development. A disorderly impact on the supply of certain raw materials might have a most adverse effect on world market conditions and aggravate the trend towards deterioration of the terms of trade between raw materials and industrial products.

33. In the last few years a start has been made towards rationalizing the world market. While this has not resulted in a reversal of the trend towards deterioration in the terms of trade, it has permitted the economies of developing countries to adjust to the presence of new factors and absorb economic impacts by instituting diversification programmes. Even though the instruments which express that interesting form of international co-operation have been insufficient for the attainment of their objectives, they are of the utmost importance and represent a trend which should be preserved, since it responds to a process of rationalization in international relations.

34. Large-scale exploitation of the resources of the sea-bed will have to be co-ordinated with the present production of raw materials, mainly mineral production, so that the availability of these resources may grow without causing dislocations for countries which are today the main suppliers.

35. The feeling of solidarity which is evinced in the international community must prevail at all times and particularly in this instance, because the sea must not be used to break some countries economically while adding to the wealth of others, but so as to try to eliminate the development gap and to complete the sources of available resources. We must place on a new basis the great world-wide development programme, as a conscious and reasonable goal of the international community. But the achievement of that major objective must not be at the expense of the countries which supply raw materials; it must be reached in co-operation with them and through world trade agreements.

36. The little that has been achieved on that subject serves as an experience that can teach us much. The time has come to carry out technical studies on the impact which that new source of raw materials would have on price levels and therefore on the economy of certain countries, and to examine the rational choices open to the international community that will reconcile interests in the very attractive and imminent opportunity to exploit the sea-bed. The need for a technical analysis to guide the political will of States has become urgent, particularly given the degree of agreement which can be discerned in the draft declaration

of legal principles to govern the sea-bed, and in view of the fact that in 1971 a start is to be made on the study of a universal treaty on a régime for the sea-bed. For the latter some documents have already been prepared, the most complete of which is the draft treaty which the delegation of the United States submitted in August at Geneva [A/8021, annex V].

37. The draft declaration of principles which is being considered by this Committee [A/C.1/L.544] categorically states in the sixth preambular paragraph:

“that the development and use of the area and its resources shall be undertaken in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by fluctuation of prices of raw materials resulting from such activities”.

38. In the régime to be established, provision must be made for the exploitation of the sea-bed to be rational, both from the technical point of view and from the point of view of the dangers of contamination and their impact on world trade.

39. Our draft resolution is modest in its terms, because it asks for something which in the opinion of my delegation cannot be refused, that is to say, certain studies on a generally recognized problem, which is of concern to a number of countries. If that draft resolution were to be adopted, a relatively small additional sum would be required out of the United Nations budget, but its impact would be enormous because of the manifold interests at stake. El Salvador, aware of the solidarity which should prevail in international relations, supports those purposes and the means designed to achieve them, although we would not immediately be affected by a growth in the supply of certain raw materials on the world market, since we ourselves do not export them. On the contrary, our potential position is that of competitor with those countries, if we exploit the new deposits of manganese nodules, copper and other minerals which have been discovered on our continental shelf. But solidarity and the interests of the members of the international community are indivisible; accordingly we support that draft resolution and we express our agreement with all the measures designed to rationalize the use of the resources of the sea and to give international support to the economies of those countries whose export earnings may be reduced in value and in volume as a result of the imminent use of the resources of the sea-bed.

40. On the other hand, the First Committee is studying several draft resolutions and amendments in regard to the convening of a third conference on the law of the sea. The four subitems of item 25 of the agenda are all related to that conference and therefore refer essentially to a single subject. In the reply given to the Secretary-General [A/7925] my Government clearly stated that we agree with the convening of a third conference on the law of the sea, provided that it is properly prepared in advance, so as to avoid a repetition of the failure of the 1960 United Nations Conference on the Law of the Sea. A study of the issues should be carried forward to the point where draft conventions will be drawn up. As for the issues themselves, we believe that account should be taken not only of

matters that are of interest to the maritime Powers—that is to say, fisheries, the territorial sea and international straits—but also of interest to the developing countries, whether coastal or land-locked.

41. The problems of the international community which arise out of the absence of specific standards on a broad range of maritime questions, and the notorious obsolescence of other standards which have been surpassed by new events and circumstances, render such a conference necessary. The Government of El Salvador has a genuine interest in solving that type of problems in a world-wide conference, and for that reason we are in favour of the adoption by the General Assembly at its present session of a definite resolution regarding the procedure and mandate for a committee to prepare a third conference on the law of the sea.

42. It may have been thought that our insistence on adequate preparation for the conference is intended to delay that conference. I emphatically declare that my Government has no such intention and that, on the contrary, it is prepared to co-operate in speeding up the procedures and the studies that will allow us to have grounds to hope for success. The developing countries, which have adopted a definite policy in regard to the law of the sea, are politically and legally prepared to go immediately to the conference table to defend the positions which they deem to be just and in accord with the present development of the international community. Those countries, among them El Salvador, are not going to improvise their doctrine or their arguments. Accordingly, any day would be suitable for them to meet in a reasonable spirit, with a compilation of data, use of techniques and a sense of the new times in order, to examine the rules that would complete and readjust international law in our time. I said international law in our time—not the international law of the days of the bow and arrow, nor that of the recent colonialist past.

43. Exactly 20 years ago El Salvador defined its maritime policy in certain matters concerning it directly and immediately. The General Assembly has several choices as regards the matters that might be covered by a draft resolution adequately dealing with the convening of that conference. One possibility was a purely procedural resolution which would leave it to the twenty-sixth session to define a specific mandate for the substance of the matters. My delegation believes it is possible and necessary to go much further than merely a procedural solution and make the activities beyond 1971 really fundamental. To that end the Committee to be established could have clear-cut and broad terms of reference for the preparation of the third conference in so far as the procedure, organization, agenda and draft convention are concerned. Of course, the preparatory committee would need not less than two years to fulfil that mandate. I say not less than two years on the assumption that Governments would devote much effort to it and that, after the pertinent studies were prepared, they would have the political will to reach an agreement.

44. Options are also open regarding the timing of the conference. Opinions fluctuate, or have fluctuated, between the omission of any reference to the date of the conference and stating a specific year, subject to progress in the

preparations. My delegation is in favour of the latter alternative, which is the most reasonable, since it would indicate a desirable time for the conference to be held. But that would be conditional upon the stage of preparation and the maturity of prior work. The too-hasty convening of the conference would be the most direct route to failure and the international community would immediately be overwhelmed with frustration, with the consequent anarchy as regards solutions. Such a failure would inevitably lead to a growing variety of unilateral decisions.

45. It would be useful to review the causes of the failure of the 1960 United Nations Conference on the Law of the Sea which was convened immediately after the 1958 Conference with a feeling of impatience and without having achieved the maturity necessary for success. Of course, it may be argued that even were a definite date to be set it could be changed in the event that difficulties in preparations proved to be substantial. That is the position announced yesterday by the representative of the United States, Mr. Stevenson [1794th meeting]. This morning we have taken cognizance of the revision [A/C.1/L.536/Rev.1] of the previous text submitted by the United States, which represents a considerable improvement in the North American position in regard to the draft resolution we support. However, there is still some distance between the two, because the United States proposal specifically indicates a date and, in a separate paragraph, refers to the possibility of changing the date in the event that at its twenty-sixth session the General Assembly should deem it appropriate to do so.

46. The draft favoured by my delegation says in a single paragraph that the setting of 1973 as the year of the conference is conditional upon progress in preparations. Nevertheless, the distance between the two draft resolutions has been considerably reduced, and I believe we are about to arrive at a compromise. My delegation believes that what is more important than setting a year is the agreement of all present that the convening of the conference is to depend upon effective preparation, and that, when such preparation is concluded, we would start on the executive phase, namely, the conference itself. By that I mean that my delegation has come to maintain the view that if before 1973 the preparation is adequate and if propitious political will exists, we could have the conference earlier.

47. My delegation does not believe it is appropriate to indicate a limited number of items at the present time. On the contrary, it believes that the preparatory committee's mandate should be broad and that the items mentioned in the draft resolution should merely be indicative, not priorities. The committee that prepares for the conference should receive suggestions from governments and draw up a balanced agenda containing those items of interest to the maritime Powers and also those of interest to developing countries. Naturally, once preparation was completed the conference would have to be convened with a limited agenda, since for each item there would be draft conventions and reports and examples that justify their contents. The discrepancies between those wishing to have a limited conference at the present time and those who speak of a broad conference has been reduced to the time and circumstances of such limitation of items. It would be

contrary to every rule of organization and rational procedure to introduce items at the last minute or to try to consider items on which no adequately prepared drafts were ready and which had not been seen or studied in the Foreign Ministries.

48. There is also a choice between an *ad hoc* committee and an enlarged mandate for the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. Both possibilities have their merits, but my delegation prefers the second, which is apparently winning near-unanimous support in this Committee. The problems of co-ordination between two committees, however well managed, would be reduced or avoided if all studies were entrusted to the Committee on the sea-bed, duly enlarged. Such an enlarged committee would need at least two sub-committees in 1971: one to study the régime of the sea-bed and another to prepare the conference in general. The latter could perhaps deal with all these matters in 1971, but later the establishment of another working group or other sub-committees to deal with the study of specific items might prove to be necessary, not only for a thorough study of the items but also to accelerate the preparation of the conference.

49. The enlarged committee would need a number of members in accord with its mandate, which would also enable it to work expeditiously. The name of the Committee on the sea-bed is too lengthy to be burdened with the addition of the third conference on the law of the sea. Perhaps the time has come to shorten it, because the boundaries and conditions of the mandate, which were so controversial, are already within the general domain, and therefore it might not be necessary to include them in the name given to the committee. The enlarged committee might be called the committee on the sea-bed and the third conference on the law of the sea. My delegation would not be happy with the deletion of the word "sea-bed", because that word represents years of labour and effort, and besides, it would indicate continuity between what has been done and the projection into the future—the third conference on the law of the sea.

50. Another choice refers to the number of members of the enlarged committee. The Committee on the sea-bed has 42 members, but, because of the interest it has aroused, the need has been felt to increase its membership. That need could not be postponed if the mandate of the Committee were enlarged, and therefore a substantial increase in membership seems advisable. The preparation for the conference would thus have the co-operation of numerous delegations which would represent the gamut of theories, opinions and interest which confront each other. If the Committee, when substantially enlarged, were to agree on the major items of the conference on the law of the sea as regards both procedure and substance, that would be an unequivocal sign that conditions were ripe for success.

51. My delegation would have no difficulty in accepting the last proposal made this morning for an increase of up to 29 members, if that were to facilitate an equitable geographic distribution and make it possible to satisfy the aspirations of a number of countries.

52. The third conference on the law of the sea might have to examine many very delicate matters and we might



consider dividing it into stages, as long as unity were maintained in dealing with all matters. My delegation would not be in favour of holding several separate conferences, because then the difficult problem of priorities would arise, and there would be less room for the accommodation of interests and for conciliations and compromises which might be necessary in the over-all consideration of all matters pending in maritime law. The question of priorities is, as my delegation sees it, more important than the question of the date, and for this reason we believe that it is not appropriate to enter into that thorny subject yet and that, if possible, all items, when included as being worth considering and studying, will then receive sufficient attention. A compartmentalized treatment of subjects might lead to the settlement of certain specific issues which are of interest to certain countries while other subjects which are of interest to the developing countries might be left to the Greek Kalends. A global treatment is in this case the only equitable one, and this would be fair to the positions of all countries. It is timely to recall what occurred with the problems of outer space. Everything was going on smoothly when it was a question of the rescue of astronauts, and difficulties began to appear and there were interminable discussions when it came to the determination of liability, which is of direct interest to countries which do not participate in space exploration. That experience is sufficiently significant for us not to wish to have repetition of it in matters of far greater importance for the developing countries, as matters pertaining to the sea are.

53. The question arises of whether the third conference will be able to re-examine those matters which were included in the Geneva Conventions of 1958. A re-examination of those Conventions is of concern only to the States that are parties to them. My country is not a party to any, and therefore we have no interest, nor any right, to request revision. Nevertheless, we believe that, by leaving intact the value of those Conventions for States which have ratified them, the matters which were the subject of agreement therein cannot be excluded from the third conference on the law of the sea. As a matter of fact, one of these agreements refers to the territorial sea and the adjacent zone, and this is one of the questions which the major maritime Powers are interested in examining, and this appears in the agenda. The limits of the sea-bed under national jurisdiction are also in these Conventions, but since these are imprecise, because they move forward with the advance of technology, possibly they should be made more accurate. The consideration of those matters, of course, could not be done within the framework of the aforementioned Conventions, because these Conventions are of concern only to States parties. A revision might be carried out in accordance with the procedures provided for therein, but some of the subjects which appear in the Conventions might be the subjects of new agreements within the international community. In particular, my Government is interested in an examination of the rights of coastal States over waters adjacent to the coast.

54. Freedom of exploitation of the live resources of the sea is, at this time, practically freedom to kill off all the living resources of the sea, and has aroused a justified protectionist and conservationist movement among the coastal States. In the days of Grotius, complete freedom to extract and make use of the living resources of the sea was

reasonable, because the resources were limitless in comparison with the means to make use of them. On that basis, total freedom of fishing was proclaimed. But that basis no longer exists, because modern techniques may make a reality of the depletion of the living species and are bringing about irreversible imbalances in marine ecology. While having gone beyond that stage, inertia has kept the standards unchanged, crystallized by the confrontation of interests. Those standards have lost their rationale. The Convention on Fishing and Conservation of the Living Resources of the High Seas, which was signed in Geneva on 29 April 1958, is insufficient as a conservationist measure. New standards for protection are needed; we also need the protective presence of coastal States when faced with exploitation resulting in the depletion of all the living resources which sacrifices the permanent and long-term interests of the international community to short-term interests.

55. El Salvador is vitally interested in the sea because, given our population and territorial conditions, the sea is the reserve for the survival of our population. Our specific interest as a coastal State is therefore conditioned by specific circumstances. And I can say without exaggeration that on the success or failure of our maritime policy, and in particular of our ability to exploit the resources of the sea, will depend in large measure the future of our inhabitants.

56. My Government recognizes the general interest in defining international straits, even though this concerns principally the great maritime Powers. Nevertheless, we consider that this important subject in the debates of the First Committee has incorrectly been linked to the question of the breadth of the territorial sea, in as much as it has been argued that the territorial sea should be three miles because a greater breadth would create problems for passage through international straits. The territorial sea and passage through straits are two different matters, even though they may have to be co-ordinated and brought together under regulations. But the case of the straits produces no argument in favour or against the breadth of the territorial sea. Each subject can have its standards so long as they are brought together and harmonized appropriately.

57. The breadth of the territorial sea must be reasonable in relation to the population, geographical and political conditions of countries. The outmoded theory that it should be defined by the range of coastal batteries and that it has a security aspect has been superseded in modern times because today the territorial sea has no military significance; its significance is manifestly economic, and this has been recognized by the International Court of Justice in one of its judgements.

58. It is the hope of my Government that at the third conference on the law of the sea appropriate consideration will be given to the problem of plurality in standards, whereby international law may be accommodated to the specific circumstances of each region. Plurality of standards is not to be sought in the specific rules of each country, but in rules on a regional level—authorized by an international consensus were that to be possible.

59. My delegation hopes that as regards the third conference on the law of the sea, a draft resolution may be

negotiated which will be the subject of a consensus and that the sponsors of the various draft resolutions and amendments will be able to submit to us, if possible, a consolidated text before we proceed to the vote. For the time being, and while we await such arrangements, my delegation wishes to indicate its preference for the draft resolution contained in document A/C.1/L.545/Rev.1, which brings together a number of choices that, in our opinion, are reasonable. It is not an extremist text; it is a compromise text which has been negotiated in the course of informal talks. That draft resolution tries, in so far as possible, to meet the position of many States, and perhaps with minor adjustments might also meet that of those States which have set forth their positions in draft amendments this morning.

60. Mr. KIBRETH (Ethiopia): I should like to express the views of the delegation of Ethiopia on some of the draft resolutions that are before us. I am sure we are fortunate to have had two draft resolutions—A/C.1/L.536/Rev.1 and 539—at the very outset of the debate on the item now being discussed. In making those draft resolutions available to the Committee, the sponsors have helped it to focus its attention on the essential elements of the procedure involved in the convening of a conference on the law of the sea. Draft resolutions A/C.1/L.536/Rev.1 and 539 differ, of course, on some fundamental points as they set the problem of the sea in somewhat opposed conceptual frameworks. Throughout the debate, however, we have felt that a certain convergence of views has been developing on important issues.

61. I believe there is no longer full support for the position that in a stance of extreme advocacy we should argue for postponement of even preparatory work on many questions of the law of the sea until the outcome of an international agreement on the sea-bed régime. There is likewise no longer a vigorous espousal of a law of the sea conference to consider only a limited number of questions in isolation and independently of agreement on a sea-bed régime. I think that for all purposes we can now proceed on the conviction that all issues affecting the ocean space are closely linked and must be solved comprehensively. I believe that our efforts are now being deployed to resolve outstanding issues of the law of the sea on such a comprehensive basis.

62. However, despite signs of growing agreement certain questions remain unsolved. It seems that there is still some lingering doubt on the question of the priority of topics, and the question of the scope of topics appears still to be unclear and looms large.

63. With regard to the question of priority, whether work on the sea-bed régime, including the machinery, should have priority over the definition of the area of the sea-bed, my delegation considers that work on both the régime and the definition of the area can be carried out simultaneously in a co-ordinated manner. But here I feel I must underline that early agreement on the sea-bed régime, including its international machinery, would facilitate the solution of the many and varied issues of the law of the sea. Agreement on the type of sea-bed régime to be established would certainly be a key factor in reaching agreement on other issues. At least one type of sea-bed régime would certainly

offer an intellectual perspective from which one could take a hard look at all the problems of the sea. At present no one type of agreed régime gives us the benefit of that perspective; at best we can only operate from our own individual projections of the type of sea-bed régime we want to see established.

64. The concept of the sea-bed régime and the international machinery so far given expression in the draft declaration on principles of the sea-bed régime [A/C.1/L.544] constitutes an important term of reference for shaping our initial approach to many of the issues of the law of the sea. In the final phase of the work of the preparatory committee we shall certainly have an opportunity to examine the totality of the draft resolutions in the light of what then would be, we hope, a draft agreement on a sea-bed régime.

65. On the question of the scope of topics for the conference, the view of my delegation is that the preparatory committee should be given all possible latitude to work out a list of such topics. However, if such a broad mandate were given to the preparatory committee it seems to us that it would be only fair and logical, in any resolution that we may adopt, to mention issues to which certain States attach great importance. In this connexion my delegation wishes to see mentioned explicitly the question of international straits. The question of international straits was one on which the delegation of Ethiopia took some initiative at the 1960 Conference on the Law of the Sea.

66. I would now like to make some brief remarks about draft resolutions A/C.1/L.536 and 545/Rev.1.

67. As regards the first draft resolution my delegation considers that the suggestion for a two-stage conference on the lines of the Vienna Conference on the Law of Treaties particularly has considerable merit. My delegation would have no objection if that idea were incorporated in the compromise final draft resolution that we hope may be negotiated. At the same time we wish to express the hope that if this suggestion does not find a place in such a draft the preparatory committee will give it the consideration it deserves. In our view the draft resolution has certain serious shortcomings. It does not set the conference on the law of the sea in what we believe to be a proper framework, in that it does not give expression to the concept that the many issues of the law of the sea are interrelated and have to be comprehensively resolved. In that respect the point of departure is limited in the face of the burgeoning problems of ocean space. However, my delegation is happy to note that the United States has submitted a revised text of this draft resolution [A/C.1/L.536/Rev.1] which may help to dissipate some of our preoccupations in this regard.

68. I would now like to refer to draft resolution A/C.1/L.545/Rev.1. In the view of my delegation that draft resolution has much to commend it and we hope that it will serve as the basis for working towards a draft acceptable to the overwhelming majority of the Committee.

69. We have certainly many amendments before us now and we hope that they will be taken into account. My delegation has just had put before it an amendment by



Malta [A/C.1/L.555], to which we want to give some serious consideration.

70. My delegation does not wish to make any remarks on draft resolution A/C.1/L.539, since many of its attractive features have been incorporated in draft resolution A/C.1/L.545/Rev.1 and, from what we heard from the sponsors yesterday, it seems to be in a state of suspended animation.

71. We reserve our delegation's right to speak again on the various amendments.

72. Mr. PINTO (Ceylon): My delegation would like to indicate its general support for draft resolution A/C.1/L.545/Rev.1. This document has been closely negotiated over a long period among a substantial number of countries and it is compatible with the views previously expressed by my Government.

73. While my delegation is aware that this draft resolution already includes elements designed to meet the views of a large number of States, if there are countries or groups of countries which feel that their views are not adequately protected or reflected in its provisions my delegation would have no objection whatever to considering any modifications that might make that draft acceptable to them—provided, however, that no basic principle or basic direction of the draft resolution was interfered with in the result.

74. I do not propose to deal in any detail with the provisions of the draft resolution. However, we would wish to say a word with regard to the question of the date of the conference. We believe that the words "early in 1973, if possible," reflect the realities of our situation, in which little or no preparatory work has yet been undertaken on an international basis.

75. Of course, we believe that we shall be able to adopt at this session a declaration of the principles governing the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction. That will be an important, even essential, first step. But we have yet to begin to elaborate a régime for the sea-bed based on these principles. In our view we are far from the stage of preparations reached, for instance, in connexion with the first Conference on the Law of the Sea when the General Assembly, by its resolution 1105 (XI), adopted on 21 February 1957, requested the Secretary-General to convoke a conference on the law of the sea early in March 1958. The corresponding convocation stage, so to speak, of the Assembly's deliberations was reached in that case only a year prior to the actual date, and then only after years of painstaking work within the International Law Commission. The words "if possible" that now qualify the date seem merely to caution us that the very complex preparatory work must have been substantially completed if we are to proceed to the conference and, consequently, to warn us of the need to undertake that work and carry it out as expeditiously as possible.

76. Finally, we feel that there is not a great deal of difference between specifying a date for the conference in absolute terms and doing so in qualified terms. However absolute might be the date fixed, the General Assembly would still be at liberty to change its mind and postpone

the conference. We believe that the way to ensure that a conference takes place on time and leads to success is not so much to fix dates as to proceed with all deliberate speed with the necessary preparatory work and, secondly and very importantly, manifest the political will necessary for constructive work through negotiation and compromise.

77. Having said that, I should like to make it clear that my delegation would not be opposed to the deletion of the words "if possible", provided another form could be found which reflected the true position in acknowledging the difficulty of predicting with certainty today our degree of preparedness for a conference in 1973.

78. I should like at this time to invite the attention of the Committee to operative paragraph 12 of the draft resolution contained in document A/C.1/L.545/Rev.1. In the course of our discussion of the major political aspects of this item, let us not forget the very considerable technical and scientific preparations by Member States that will be essential to ensure the success of the conference.

79. In that preparation the specialized agencies of the United Nations should stand ready to assist Member States by providing the necessary technical expertise, and that is what operative paragraph 12 seeks to ensure. In this connexion we welcome the statement made recently in this Committee by the representative of the Food and Agriculture Organization of the United Nations (FAO) regarding the assistance that that organization might be able to provide [*1779th meeting*].

80. Having expressed in general terms our support for the draft resolution we should like to state that we have indicated to the sponsors certain changes which could, in our view, improve the draft resolution and make it more widely acceptable. We trust that the sponsors will give them favourable consideration.

81. Apart from those changes, which relate to certain detailed formulations of operative paragraphs 2 and 5 (a), we should like to make two suggestions to the sponsors. We do not make these suggestions as formal proposals. We believe they are not controversial. If there is any opposition to them, we would not press them, although we feel that they are important.

82. The first is the addition in operative paragraph 12 of the draft resolution, after "the Food and Agriculture Organization of the United Nations" of the words "and its Committee on Fisheries". This intergovernmental Committee, which has been created within FAO, is equipped to provide a very useful range of expertise within its field and is mentioned specifically in General Assembly resolutions 2413 (XXIII) and 2414 (XXIII), among others, in the same manner as is the Intergovernmental Oceanographic Commission in the draft resolution.

83. The second suggestion we wish to make is that the operative part of the draft resolution might contain a paragraph urging States to staff their delegations with appropriate experts. That is nothing new or original; it appears in several similar resolutions convening major international conferences. This type of general reminder to governments of the technical bias of a conference has, we believe, been useful in the past.

84. We do not wish at this time to comment on the other draft resolutions at present before us. However, my delegation is inclined to view with favour draft resolution A/C.1/L.551, calling for certain studies connected with the problems of land-locked States. However, we would find it difficult to give our full support to that draft resolution if the words “particularly those which are land-locked” of the final preambular paragraph were retained. Those words appear to us to tip the balance of an otherwise valuable idea in a direction not hitherto contemplated in any of our discussions. We do not wish to elaborate on this point but we would urge the sponsors to consider whether those words could not be removed or replaced by others less likely to provoke controversy.

85. We have been unable to study with the care they deserve the texts most recently presented to us in documents A/C.1/L.553 and 554, containing amendments to document A/C.1/L.545/Rev.1. At first glance, what appeals to us is the fact that both texts are submitted to us in the form of amendments to draft resolution A/C.1/L.545/Rev.1 for which we have expressed our general support. Also, on first reading there appears to be much in each of them which is consistent with the basic approach in the draft resolution and which should be subject to serious consideration. We view the appearance of those drafts, which show clearly the elements of controversy on which compromise must be sought, as indicating a return to a mood of optimism that augurs well for the negotiations taking place, negotiations that have as their objective the preparation of a text that would receive as wide acceptance as possible.

86. Mr. JAMIESON (United Kingdom): I should like to address myself to draft resolution A/C.1/L.545/Rev.1 and to the amendments which have been circulated in document A/C.1/L.554, of which my delegation is one of the sponsors.

87. I realize that efforts have been made by the sponsors of the draft resolution to meet other points of view. I was also greatly encouraged by the approach evidenced in his intervention yesterday afternoon by the representative of Peru [1794th meeting]—a very beautiful and delightful country in which I had the pleasure of serving for four very happy years and whose very close interest in, and indeed in some measure economic dependence upon, the resources of the sea I myself know at first hand.

88. I believe that we are moving towards a consensus and I should like to explain why I believe that our amendments can help us on our way. I shall confine myself to one aspect—that of the mandate both for the conference and for the preparatory committee, and more particularly to this vexed question of priorities at both stages.

89. This is not an issue which divides developing and developed countries. It is not a case of the group of 77 developing countries versus the rest. Indeed, I do not believe that there is any fundamental division at all. Of course, delegations have differing points of view; but this is not because they are developing or developed—indeed there are differences of opinion within these two main groups—it is because they represent sovereign and equal States. I believe that our fundamental interest is a common one.

90. The question is: do we want a conference? I am sure that the unanimous answer is “yes”, and although I am not, in this intervention, addressing myself to the question of the date, I think that the overwhelming majority of this Committee wants the conference to take place at a genuinely early date. Then, we have a key question: do we or do we not want a sea-bed régime? Again I am certain that the unanimous answer is “yes”, because we can all benefit from it. And, if that is the case, there are certain consequences.

91. First, although I accept that we are unlikely to obtain a more precise definition of the boundary of the continental shelf than that which is contained in the 1958 Convention,<sup>1</sup> unless we know what sort of sea-bed régime we are going to have, equally it must be absolutely clear to every one of us in this room that we are not going to be able to negotiate a sea-bed régime without at the same time deciding the limits of the area to which it is to apply. That is a fundamental point which, if we really want a sea-bed régime, we must all bear in mind. It therefore means that the régime and the limits of the area must be considered in a parallel manner—not with one being given priority over the other.

92. The second consequence is this: it is difficult to envisage how it is possible to define the limits of the sea-bed area without at the same time having agreement on the maximum permissible breadth of the territorial sea. That subject too, therefore, has to be considered parallel with the sea-bed régime and the limits of the sea-bed area, if we really want to have a sea-bed régime. Moreover, there are certain other matters closely related to the breadth of the territorial sea which have to be considered at the same time, either because of the effect of increasing that breadth beyond what has previously been regarded as the norm, or, so to speak, as a *quid pro quo* for States which, as a result of our conference, accept an internationally agreed breadth of the territorial sea that is somewhat less than they themselves would have desired.

93. It therefore follows, clearly, that we are not going to obtain a sea-bed régime, which, as I say, we hope will be of benefit for us all, unless there is a successful conference on at least the above-mentioned items—and I shall come back to the words “at least” in a moment. It also follows, as has been pointed out by many speakers, including the representative of Cameroon [1784th meeting] and, in his intervention yesterday, the representative of Malta [1794th meeting], that there can be no question of priorities between these subjects I have mentioned.

94. It is on those grounds that we believe that draft resolution A/C.1/L.545/Rev.1 is capable of improvement. Operative paragraph 2 does not fully bring out the necessity for parallel treatment of the sea-bed régime and the limits of the sea-bed area. Operative paragraph 5 (a) makes no mention at all of definition of sea-bed limits; and if we consider that in the light of the reaffirmation of the mandate of the sea-bed Committee in operative paragraph 3 and, to be absolutely frank, in the light of the disagreements which have occurred in that Committee as to its competence to discuss questions of limits, I am less satisfied

<sup>1</sup> Convention on the Continental Shelf (United Nations, *Treaty Series*, vol. 499 (1964), No. 7302).

than I think the representative of India was in his statement yesterday [*ibid.*], that one may take it for granted that paragraph 5 (a) automatically includes the question of sea-bed limits. From that point of view, I would say straight away that the amendments circulated this morning by the delegation of Malta [A/C.1/L.555] represent a vast improvement. But, there is a further point: the question of the territorial sea and the other closely related questions which, as I have said, have to be considered in parallel with that of the sea-bed and its limits if we are to achieve a sea-bed régime, are relegated to paragraph 5 (b) for preliminary discussion as to whether they should figure in the agenda of the conference before any consideration is given to the drafting of the treaty articles. It is in that respect that the amendments circulated by the delegation of Malta do not seem to us quite to meet the bill. It is a primary aim of the amendments we have co-sponsored to overcome this difficulty of priorities and to ensure that these matters be dealt with in a parallel manner. I must stress that there is no intention on our part of trying to substitute one set of priorities for another.

95. As I said in my first intervention in the general debate on this theme [1775th meeting], we did have the view—not for doctrinal purposes, but as a matter of practicality—that the fixing of the maximum breadth of the territorial sea and the questions closely related to that should be dealt with in priority, as I say, as a matter of practical convenience. We have made a major concession on that point. All we ask is that there should be an equal concession in the other direction; that we should not have the priorities in the reverse order, but that these groups of subjects should be dealt with strictly in a parallel manner.

96. Finally, as I said earlier, the conference must reach decisions at least on the matters I have mentioned. As I said in a previous intervention [1785th meeting], we ourselves in my delegation believe that these matters are sufficient to occupy the conference if it is to be successful, if we are to attain agreement on a sea-bed régime and indeed if we are to be consistent with the desire expressed by, I think, almost every delegation in this room that we should have a genuinely early conference and get the preparatory work ready in time. We do not think it is right to overload the agenda, but as I also said, we do not want to be dogmatic about this. However, above all, we wonder whether it is right to commit ourselves at this stage to such a broad-ranging agenda as is mentioned in paragraph 2 of document A/C.1/L.545/Rev.1. I think in fact that the approach of my delegation is not dissimilar from that of the representative of Peru yesterday and that of the representative of El Salvador this morning. As I understand it, those two representatives were suggesting that the full listing in the second half of operative paragraph 2 was not a final agenda and that a final agenda would only be decided upon in the light of further consideration, in accordance with paragraph 5 (b) of that draft. If that is the case—and we believe that to be the right approach—would it not be wiser not to attempt to list the mandate of the conference in a somewhat imprecise manner, a method which would hardly meet the view of the representative of Ecuador yesterday [1794th meeting] that there must be precision in the mandate? Would it not be wiser to follow the wording in subparagraph (d) of the suggested paragraph 2 in the amendments contained in document A/C.1/L.554? Would

it not be wiser in our common interest of having a successful conference and arriving at a sea-bed régime, to say instead: "With respect to other such specific matters as the General Assembly may decide upon" and draw up our precise mandate at the next session of the General Assembly, in the light of discussion in the preparatory committee which is envisaged in our own amendments as well as in draft resolution A/C.1/L.545/Rev.1? In suggesting that I am in no way attempting to prejudge the place which any additional specific items should enjoy in the list of priorities at the conference.

97. I commend these amendments to the consideration of the Committee. I believe that we are on the way to a consensus, but let us remember that we are not just wanting to reach agreement on a text; let us remember what our fundamental objective is in that text. It is to ensure an early conference and a successful conference, which, among other things, will help us to arrive at an internationally agreed régime for the sea-bed.

98. Mr. STATHATOS (Greece): My delegation has asked for the floor in order to comment very briefly on a specific aspect of the question before us, namely, the creation and composition of the preparatory body of the conference.

99. The delegation of Greece, together with a large number of other delegations, feels strongly that the resolution which is finally adopted must provide for the broadest possible membership of the committee which will be entrusted with the preparation of the conference. All Member States which are willing to contribute to the preparation of this conference must be given the possibility of doing so. I have in mind particularly the small and developing countries which, all through their history, have depended on the sea for the survival and welfare of their peoples. It would be unfair and unjust if such countries were precluded from contributing to the preparation of the conference; and this is what may happen if we insist on limiting with undue rigidity the membership of the preparatory body.

100. The sponsors of draft resolution A/C.1/L.545/Rev.1 are asking the Assembly to agree that the sea-bed Committee be entrusted with the preparation of the conference which, naturally, does not fall within its mandate, but at the same time they fail to provide for a satisfactory enlargement of its membership. We trust that the sponsors of that draft resolution—and, for that matter, the sponsors of all the draft resolutions—will give due consideration to this problem in order to avoid any discriminatory arrangements.

101. In this context, I should like to add that we noted with satisfaction that in the amendments presented this morning by the delegation of New Zealand [A/C.1/L.554] provisions were made for the increase in the membership of the preparatory committee by 39 members. My delegation wishes also to comment very briefly on another aspect of this problem which is closely interrelated with that of the membership of the preparatory committee, namely, the principle of rotation in the sea-bed Committee. I would remind representatives that when, in 1968, the First Committee decided to set up the sea-bed Committee, the Chairman said, *inter alia*, that in the light of the extensive

consultations held with representatives of regional groups and of Member States—I quote from the report of the First Committee to the General Assembly dated 20 December 1968—“In recognition of the considerable interest of Member States in participating in the work of the Committee, an understanding has been reached that its composition shall be subject to rotation.”<sup>2</sup> Therefore, we should like to see a reaffirmation of this principle of rotation in the various draft resolutions presented to us. Perhaps I should add that my delegation may submit an amendment to this effect.

102. At the 1794th meeting the representative of Trinidad and Tobago said that the question of rotation did not arise any longer since under the terms of draft resolution A/C.1/L.545/Rev.1 the sea-bed Committee was sufficiently enlarged and, therefore, the desire of a number of States to participate in the preparatory work of the conference had been taken care of [1794th meeting]. We cannot agree with this statement for no other reason than that we consider unsatisfactory the enlargement envisaged in the draft resolution. Should the membership of the preparatory body be sufficiently enlarged, my delegation would have no difficulty in agreeing with the statement made yesterday by the representative of Trinidad and Tobago, and perhaps then the submission of an amendment would not be necessary.

103. In conclusion, I should like to say that in view of the many important amendments which have been presented to us at this late hour, and taking into consideration the fact that further consultations among the sponsors of the various draft resolutions should take place in order to reach a consensus, my delegation reserves the right to ask for the floor at a later stage in order to make known its views on the draft resolution which may emerge as a result of those consultations.

104. The CHAIRMAN (*interpretation from Spanish*): I call on the representative of Sweden to introduce the amendment contained in document A/C.1/L.557.

105. Mr. RYDBECK (Sweden): On behalf of the delegations of Ghana, Norway, Pakistan, Singapore and Sweden, I wish to introduce an amendment [A/C.1/L.557] to draft resolution A/C.1/L.545/Rev.1. It relates to the last, preambular paragraph of this draft resolution and is a matter of inserting at the end of that paragraph, after the words “National Jurisdiction”, the phrase “and using fully the opportunity provided by the United Nations Conference on the Human Environment, to be held in 1972, to further its work”.

106. We are aware of and we accept the fact that marine pollution will be an important item on the agenda of the conference on the law of the sea, but we would remind representatives that the General Assembly has convened for 1972 a United Nations Conference on the Human Environment, and it is obvious that one of the very important items on the agenda of that conference will relate to marine pollution. Our amendment is intended to guarantee that the proper co-ordination is assured between the two conferences.

107. The CHAIRMAN (*interpretation from Spanish*): I call on the representative of the United States to introduce the draft resolution contained in document A/C.1/L.536/Rev.1.

108. Mr. STEVENSON (United States of America): I believe that the Secretariat has distributed to all delegations our revised proposal contained in document A/C.1/L.536/Rev.1. As I indicated briefly at the last meeting, we are presenting this revision with two thoughts in mind: not only to bring our proposal up to date, by taking into account the many views that have been expressed in the course of this meeting and accommodating those views in our proposed draft resolution, but also to indicate the extent to which our delegation is prepared to accommodate others' views in arriving at a compromise solution which will be generally acceptable. This I believe to be more desirable, in view of the nature of the subject matter that we are dealing with, than a solution that is achieved by a simple majority vote.

109. The draft resolution before you is based on a number of the other proposals. The preamble, for example, takes account of practically all the points in the preamble of draft resolution A/C.1/L.545/Rev.1. It also takes account of the key language in the draft resolution proposed by Bolivia on behalf of the land-locked States in document A/C.1/L.551. This is in the penultimate preambular paragraph of our draft resolution. Operative paragraph 1, as I indicated yesterday, merely specifies the year 1973 without further limitation as to the time and we have included a new paragraph 2 which in effect authorizes the next session of the General Assembly to fix the precise date and other details taking into account the progress made by that time.

110. With respect to the preparatory work, we have, as I indicated, modified our draft resolution to follow the general pattern of other draft resolutions, providing for a single enlarged committee to take care of the preparatory work. In our draft resolution, as prepared by the Secretariat, there is a reference to enlarging the committee by 29 members. In point of fact we prefer to leave that figure blank and will so correct our amendment. We ourselves are not suggesting any specific number and we feel that the size of the committee should be determined in a manner which assures full participation and representation.

111. Finally, I should like to refer to the proposal, which we have urged on many occasions, for a preparatory session of the conference at which no decisions would be taken but at which States could identify the really hard issues and have the opportunity for consultations both within their own Governments and with others before being faced with the decision-making process. In view of the fact that a number of delegations have indicated that they were not prepared at this time to accept such a preparatory session, we have modified our proposal simply to suggest that the Secretary-General should canvass the membership to determine their views with respect to holding such a conference some time in the summer of 1972. This, of course, would give the opportunity to the next General Assembly, in the light of the views of States which will have an opportunity to consider this proposal, to decide whether or not, in the light of the progress made by the time of the next General Assembly, such a preparatory conference would be desirable.

<sup>2</sup> Official Records of the General Assembly, Twenty-third Session, Annexes, agenda item 26, document A/7477, para. 19.

112. I do not wish to go into any more detail concerning our revised draft resolution, but simply reiterate the interest of my delegation in achieving general agreement on the subject before us today.

113. The CHAIRMAN (*interpretation from Spanish*): In the general debate on these draft resolutions and amendments on agenda item 25 we still have eight speakers on the list. Because the hour is late and because of the desirability on the other hand that negotiations proceed during the weekend to reach the desired consensus—I believe it is desired by all delegations—it appears to me that the best solution for the Committee would be to suspend consideration of agenda item 25 now and specifically those draft resolutions and draft amendments which have been submitted in connexion with this item and to resume consideration of agenda item 32.

### AGENDA ITEM 32

**Consideration of measures for the strengthening of international security: report of the Secretary-General (*continued*)\* (A/7922 and Add.1-6, A/7926, A/C.1/1003, A/C.1/L.513-518)**

114. The CHAIRMAN (*interpretation from Spanish*): We now go on to agenda item 32, consideration of measures for the strengthening of international security. In this connexion I remind the Committee that at the end of the debate on this item, with the authorization of the Committee, I proceeded to have prolonged consultations with delegations which have submitted four draft resolutions in connexion with the item.

115. As a result of those consultations, an informal working group has been set up which has been meeting whenever necessary to guide the preparation of a text which might win majority, if not unanimous, support among members of the Committee.

116. I am very happy to announce today that, fortunately as a result of the tireless work done particularly by the members of the drafting committee which was set up for this purpose, consisting of two representatives of the sponsors of each of the four draft resolutions—Belgium, Brazil, Bulgaria, Ecuador, India, Italy, Poland and Yugoslavia—agreement has been reached on a text which will now be introduced by the representative of Brazil, whom I am very pleased to call.

117. Mr. ARAUJO CASTRO (Brazil): On behalf of the delegations of Belgium, Brazil, Bulgaria, Ecuador, India, Italy, Poland, Yugoslavia and Zambia, I wish formally to introduce a draft declaration on the strengthening of international security. This text appears in document A/C.1/L.558.

118. This draft declaration is the product of long and protracted discussions and negotiations among the nine delegations, in close and daily consultations with all regional groups and all Members of the United Nations. Of course, at this stage the draft declaration commits only its nine sponsors, who have elaborated it within the framework

of the drafting group instituted by you, Mr. Chairman. This draft represents a very delicate balance on the various problems of international peace and security. It is a product of negotiation and compromise. It is a proof that points of view can be reconciled. It is a proof that positions can be adjusted, and that diplomacy is still possible. It is a proof that the United Nations is alive and that diplomacy is alive also.

119. For all those reasons the nine delegations commend this draft for the unanimous approval of the General Assembly. Its approval would be proof that even if we cannot agree on everything we can still agree on peace and security, and, what is more, that we can agree on survival. The approval of this draft declaration, which would have historic significance, would be a fitting commemoration of the twenty-fifth anniversary of the United Nations. If approved, the draft declaration would be a reaffirmation of the purposes and principles of the Charter and, above all, it would be a reaffirmation of our desire for peace.

120. The CHAIRMAN (*interpretation from Spanish*): I now call on the representative of Thailand, who wishes to submit an amendment to the draft resolution.

121. Mr. PANYARACHUN (Thailand): I very much regret that I am compelled to speak so soon after the introduction of the draft declaration that has been presented to us by the representative of Brazil.

122. As the Committee may recall, when the draft resolutions contained in documents A/C.1/L.513 and 514 were introduced in the First Committee, my delegation, on 6 October [1729th meeting], offered some comments on them and also voiced its views regarding a certain concept we had in mind. As a result, we formally submitted our amendments [A/C.1/L.515 and 516] to those drafts. A few days later, two further draft resolutions were presented to the First Committee [A/C.1/L.517 and 518]. On 13 October [1739th meeting] my delegation made an intervention to the effect that, since the two new drafts did not include the concept it had in mind, it wished the amendments contained in documents A/C.1/L.515 and 516 to apply also to the draft resolutions contained in documents A/C.1/L.517 and 518 respectively.

123. At your suggestion, Mr. Chairman, as the Committee will also recall, a working group consisting of the sponsors of all four draft resolutions, together with the authors of the proposed amendments, Thailand and Pakistan, consulted one another on a compromise draft.

124. The consultations resulted in the establishment of a drafting committee consisting of two representatives from each group of sponsors. In this connexion I should like to pay a high tribute to the work done by the drafting committee and to its success in presenting a compromise draft. Unfortunately, either because of the shortage of time or for some other reason, the amendments proposed by my delegation were not taken into account in that compromise draft. At all the meetings of the working group that I attended, I attempted several times—unfortunately, in vain—to elicit some information on the status of my amendments. Unfortunately, such information was not forthcoming. At the last meeting we had, this morning, I

\* Resumed from the 1739th meeting.

also tried in vain. I was unfortunately prevented by the Acting Chairman of the group, the representative of Czechoslovakia, from taking the floor. I very much regret that incident, and I am prepared to forget it, but I feel constrained to register my protest at the way the meeting was conducted during the latter part of the morning.

125. For this reason, my delegation has no alternative but to move a formal amendment to the draft declaration that has been submitted to the Committee by the representative of Brazil. In my previous interventions I had occasion to deal in detail with the motivations that had led my delegation to submit its amendments. In view of the lateness of the hour, I have no wish to repeat them, but perhaps I may reserve my right to speak again on Monday or Tuesday, when we resume our discussion of this matter. For the time being I shall be content to introduce formally the amendment that my delegation has just submitted to the Secretariat for circulation.<sup>3</sup> The amendment is that the following new paragraph be inserted after operative paragraph 12. As may be remembered, operative paragraph 12 deals with the question of the Security Council. The new paragraph would come right after that paragraph and would read as follows:

*“Calls upon the Security Council and particularly the permanent members to exert both collective and individual efforts to discharge more effectively their primary responsibility for the maintenance of international peace and security, especially in areas where they are most critically affected.”*

126. This new amendment is based on the second part of the amendments that my delegation submitted earlier, with only one change of wording. The concept still remains the same, and I feel that it is a very important concept. Since we are dealing with a question of international peace and security, we believe that an omission of this particular concept would leave a very important gap in the draft declaration. As I said before, I should like to reserve my right to explain it in greater detail next week.

<sup>3</sup> Subsequently circulated as document A/C.1/L.559.

127. The CHAIRMAN (*interpretation from Spanish*): The hour is very late, and I believe we are all extremely tired after a week of very intense work. So I would now propose that we adjourn the meeting. However, not before making some suggestions in regard to the schedule of work of the Committee.

128. First, I would suggest that at the meeting scheduled for Monday morning, we resume the general debate on the draft resolutions and draft amendments in connexion with agenda item 25 relating to the questions of the sea, in the hope that at that meeting on Monday morning we shall be able to conclude consideration of these drafts satisfactorily. I would certainly wish to urge the sponsors of the draft resolutions and amendments on agenda item 25 to be present in the Committee room at 10 a.m. on Monday—before the meeting scheduled for that day—in order to hold an informal consultation and ascertain the status of negotiations and the possibility of arriving at a single text or a text which would at least have majority support in the Committee.

129. On Monday afternoon we would begin consideration of the draft declaration which was introduced this morning by the representative of Brazil, as well as consideration of the amendments submitted by the representative of Thailand and any other proposal which might be made in connexion with this agenda item.

130. It is also my hope that at the afternoon meeting or possibly at the night meeting we shall be able to conclude consideration of this item. Nevertheless, I believe I am now able to report that it is quite possible that, for reasons attributable not to this Committee but to the work of the General Assembly in general, the session might end not on the 15th but on the 16th, in which case it will be possible for us to have a meeting on Tuesday morning, the 15th. At any rate, I think we should make an effort to conclude our work as scheduled on Monday, but I repeat that it is almost certain that it will be possible for us to meet on Tuesday.

*The meeting rose at 2.10 p.m.*