

United Nations  
**GENERAL  
ASSEMBLY**

TWENTY-EIGHTH SESSION

Official Records



**FIRST COMMITTEE, 1930th  
MEETING**

Friday, 19 October 1973,  
at 10.30 a.m.

NEW YORK

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

AGENDA ITEM 40 (continued)

**Reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and use of their resources in the interests of mankind, and convening of a conference on the law of the sea: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/9021, A/C.1/1035, A/C.1/L.646)**

1. Mr. SPÁČIL (Czechoslovakia) (*interpretation from Russian*): I would like to associate myself with the other speakers in this Committee and congratulate our distinguished Chairman and the other officers of the Committee upon their election to their responsible posts in our Committee.

2. Czechoslovakia is not a maritime Power, although, as we know, more than 20 ships are sailing under the Czechoslovak flag on the seas and oceans of the world. We like other States nevertheless have an interest in ensuring that questions of the law of the sea, in all their complexity, should be codified and regulated as soon as possible. In this regard we have in mind that in this complex and difficult work we should make it our purpose once and for all, in a comprehensive way, to resolve key questions which at the present time, in connexion with the development of international co-operation and international trade, are more topical than ever before. We realize, too, that the whole of this problem, among other things, covers a number of aspects connected with questions involving the creation of conditions which would be propitious to the strengthening of peace and security and the prevention of a situation which might threaten international security. Along with this, we should take into account another fact, namely that an approach to resolving the comprehensive problem of qualifying the law of the sea with individual States varies according to whether we are

talking about a coastal State, an island State, or a land-locked State; other factors are geographical location, level of industrial development and so on. We also consider it normal for each State to have the right to attempt to ensure that specific interests in this codification are taken into account.

3. All these universally acknowledged facts make it necessary to remind you that we might agree on one important conclusion to which we have come, that is to say that in spite of the tremendous efforts of members of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, in spite of the serious work of its Chairman, Mr. Amerasinghe, this Committee so far has not been able to perform the tasks which were assigned to it under General Assembly resolution 2750 (XXV).

4. Of course, we can express our satisfaction at the fact that, as a result of the Committee's work, we have been able to identify the positions of many interested States. We are pleased that light was shed on a number of concepts, and that there emerged alternatives to many proposals. But if we are to be absolutely frank in asking ourselves whether all this is enough to convene a plenipotentiary conference in order to prepare and adopt—and I stress this—adopt all the rules concerning the law of the sea in the form of a single, or rather, a number of international conventions, the answer to that question can only be negative. After all, we have to bear in mind the fact that on the major issues such as the breadth of the territorial sea, the passage of vessels through straits, the continental shelf, not only are there completely opposing points of view, but no way has been found for a possible compromise.

5. The Czechoslovak delegation therefore believes that the convening of a conference which would be unable to be successful in completing its work—that is to say, unable to attain the purpose which I have mentioned—would be premature and wrong. We believe that we have to continue further the preparatory work and attempt, in a preliminary fashion, to harmonize existing views on individual questions and primarily, still in a preparatory fashion, to indicate solutions to the major problems which, in the forthcoming rules, would be the most important factors, that is, in the fundamental questions that unfortunately Sub-Committee II was unable to deal with.

6. On the basis of this major general premise, I should now like to indicate certain aspects considered by us, bearing in mind in this regard the provisions of the draft resolution prepared by Mr. Amerasinghe.

7. First, as I have said already, the Czechoslovak delegation considers it necessary to continue preparatory consul-

tations and it has no objection to those consultations taking place in the forum of a conference in 1974, if this is the wish of the majority of States Members of the United Nations. However, the plenipotentiary conference, which would have the purpose of concluding the work and adopting the appropriate documents, we consider it appropriate to postpone, since the time is not yet ripe for convening it. We should like this to be reflected in the draft resolution, so that the outline of our work in substance would look something like this: first, if necessary—we are not sure about this but this is a provision of a resolution already adopted—we could think about having what is called an organizational conference within the framework of this General Assembly, as a first stage. Next, a preparatory conference in 1974; and only then would we think of a plenipotentiary conference after we have concluded the work of the preparatory conference.

8. Secondly, the Czechoslovak delegation would insist that the plenipotentiary conference, when it is convened, should be as broad as possible; that is to say, that all States of the world could take part in it. To exclude any State from the régime of the seas which, as we would hope, would represent a completely new chapter in the development not only of maritime but of international law as a whole, would be an unpardonable absurdity.

9. Thirdly, at the same time, we think that the most logical method of enabling the plenipotentiary representatives of all countries of the world to take decisions at the Conference, would be the method of consensus. I really do not think that we can assume that such important questions as, for example, the breadth of territorial waters or the continental shelf, can be imposed on the participants of the conference. Without their consent, any rule would remain just a piece of paper. So surely it would be better to provide for this and adopt the method of consensus, that is, the preliminary consent of the participants of the conference that would ensure that the rules adopted would actually be put into effect. This of course would extend the period of the negotiations, but it would ensure that they would be fully successful.

10. In what form the principle of consensus would be integrated into the rules of procedure of the conference does not matter very much. But what is important is that it should be there. On this score, various views are being put forward here. There is one view with regard to the so-called understanding or gentlemen's agreement. There is a general view—or some doubt, at least—that the consensus method would have to be applied and will be applied, but if this is the case then this fact should be reflected in the resolution which, on this item, will be adopted by our Committee.

11. Fourthly and last, the Czechoslovak delegation would like to express the hope that, in the course of preparatory consultations, together with other important matters, sufficient attention will be paid to questions concerning the interests of land-locked States. Being one of those States, Czechoslovakia, with other States, presented a working paper at the sixth meeting of the Committee containing proposals with regard to the rights of those States in relation to coastal States in matters relating to access to the sea, participation in the exploitation of marine resources and so on. We hope that this proposal of ours will be

correctly understood by everyone and will be duly reflected in the final documents of the Conference.

12. Mr. BOJLOV (Bulgaria) (*interpretation from Russian*): First of all the Bulgarian delegation would like to congratulate the Chairman and other officers of the Committee on their election to the important and responsible posts in the First Committee of the General Assembly. We are sure that under their effective and competent leadership the Committee will achieve considerable results in solving the important problems that face it at this session.

13. The time has come when the General Assembly should take stock of the several years' work of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction, in order to resolve finally the question of creating the necessary conditions for the convening and successful holding of a conference on the law of the sea. In this regard the Bulgarian delegation would like to make a brief analysis and give a general appraisal of the results of its work and stress also the fundamental conclusions that in our view flow from an objective and impartial analysis of the Committee's report [A/9021].

14. As we know, under resolution 3029 A (XXVII) the General Assembly decided to convene an organizational session of the Conference on the Law of the Sea in November and December 1973 and hold a second session of the Conference in April and May 1974. In this regard the General Assembly obliged the Committee to conclude its preparatory work and present to the twenty-eighth session a report containing recommendations. Finally, the General Assembly decided "... to review at its twenty-eighth session the progress of the preparatory work of the Committee and, if necessary, to take measures to facilitate completion of the substantive work for the Conference and any other action it may deem appropriate."

15. Accordingly, a decision to convene the Conference on the dates scheduled was allowed to depend on the results of the preparatory work of the Committee. Unfortunately, it would be rather difficult to use the Committee's report as guidance to further action because what is lacking in it is the most important and most necessary thing, that is, recommendations to the General Assembly. Indeed, the section of the report that is entitled "Recommendations" contains three proposals, which show that the members of the Committee were unable to overcome differences in connexion with the appraisal of the results of its own work or to prepare any recommendations whatsoever in connexion with the convening of a conference on the law of the sea. In other words, the conclusions with regard to the advisability of convening a conference in accordance with the time-table laid down in last year's General Assembly resolution should be undertaken on the basis of an analysis and a comparison of the results of the Committee's work with its term of reference. It is only an approach of this kind that can lead us to an objective answer to the two fundamental questions: first, has the Committee done the job that it was supposed to have done under the General Assembly resolution? Secondly, has the necessary political and juridical basis been laid down for the convening and holding of a successful conference on the law of the sea?

16. Under resolution 2750 C (XXV), the General Assembly instructed the Committee “to prepare for the conference on the law of the sea draft treaty articles embodying the 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”.

17. In compliance with this mandate, the Committee did a good deal of work but was able to prepare only the text that illustrates the areas in which agreement was achieved but on which there were differences on the two major problems: the status, scope and fundamental provisions of an international régime and the status, scope and powers of international machinery.

18. It would of course be wrong to assert that the Committee made no progress at all in preparing an international régime and in the laying down of bases for a status of international machinery; nor can we fail to stress both the good technical legal work and the useful talks and consultations that members of the working group of Sub-Committee I carried out under the highly qualified and constructive leadership of Mr. Pinto.

19. At the same time, however, we could not get the impression even, much less the conviction, that the Committee had actually discharged its functions. The draft texts that have been prepared on the establishment of an international régime and the creation of an international machinery, on the whole, represent five or six alternative versions that reflect the positions of individual States on questions which should be the subject of an international legal regulation acceptable to all. The vital problems connected with the development of the legal content of the concept of the common heritage, with the definition of the scope of an international régime, with the establishment of the structure of international machinery and with the correlation of the powers and functions of its organs, and so on, continue to be the subject not only of legal and technical but also political controversy. That is why the texts illustrating the fields in which agreement has been achieved, or in which there are differences, are really an embryo of the draft articles of a treaty on the establishment of an international régime and the creation of international machinery for the sea-bed and the ocean floor beyond the limits of national jurisdiction, which the Committee had the task of presenting to the Conference on the Law of the Sea.

20. Further, the Committee was instructed to prepare draft articles on questions of maritime law, and it would be no exaggeration to state that the performance of this task has been the Achilles’ heel of the work of the Committee. Hundreds of alternative texts that the Committee presented for the consideration of the General Assembly represent an idiosyncratic mixture of legal provisions, extracts from political declarations, particular considerations and special wishes. However, what is lacking is the most essential thing: agreed draft articles—if only in outline—on questions of the law of the sea.

21. The major shortcoming in the preparatory work lies in the fact that the Committee was unable to elicit any compromise decisions on the key issues of the law of the

sea. Hundreds of conflicting alternative texts are all that the Committee’s report offers with regard to determining the breadth of territorial seas, the regulation of passage through international straits and the external boundaries of the continental shelf, fishing and so on. In other words, Sub-Committee II has been unable to lay down the bases upon which we should construct a system of new rules of the international law of the sea. Political and juridical difficulties encountered in its work by Sub-Committee II are well-known. However, we should stress that a number of unsuccessful procedural and organizational decisions have acted as a brake on its work.

22. For example, the terms of reference of Sub-Committee II were laid down as far back as 12 March 1971 in the course of the Committee’s first session, but it was only at the end of the Committee’s fourth session, with the adoption of a list of subjects and questions of the law of the sea, that it became clear that the Sub-Committee would have to prepare draft articles on 16 items containing 70 questions.

23. At the fifth session, there followed the creation of a working group, completely unprecedented in United Nations history, composed of all members of the Committee; and it was only on 16 July 1973, six weeks before the end of the sixth and last session of the Committee, that the plenary group began its substantive work—that is, actually proceeding to the preparation of draft articles on the whole vast volume of material that fell within the terms of reference of the Sub-Committee; and there was every reason to suppose that the preparatory work done by Sub-Committee II could have been more successful if that body had had more time to do its substantive work.

24. Furthermore, it is now quite clear that the Conference on the Law of the Sea should not permit the same organizational mistakes as did the Committee, which imposed upon a single organ the task of settling all the questions of the law of the sea.

25. The Committee was also instructed to prepare draft articles of a treaty on questions connected with preservation of the marine environment, including in particular scientific research and the prevention of pollution. Under the effective leadership of Mr. Vallarta and Mr. Olszowka, members of the two working groups of the Sub-Committee put in a tremendous amount of work and were able to prepare certain draft articles on questions connected with scientific research and pollution of the marine environment.

26. Unfortunately, however, the results are far from corresponding to the possibilities which existed for the preparation of alternative texts on a broad range of problems.

27. As was written by Mr. Vallarta, Chairman of working Group 2 in his note to the Chairman of Sub-Committee III:

“It will be evident that the Working Group and its informal consultations were unable, due to lack of time,”—and I stress: “due to lack of time”—“to consider in their entirety all the proposals submitted. Nor was it possible to review the texts prepared in the informal consultations during the March-April session and the current session.” [*Ibid.*, vol. I, p. 90.]



28. In the same spirit, Mr. Olszowka wrote to Mr. Van Der Essen:

“Because of lack of time,”—I stress: “Because of lack of time”—“it was not possible for the Working Group and its informal consultations to consider all the draft articles contained in the proposals submitted to Sub-Committee III.” [*Ibid.*, p. 102.]

29. The volume of work of the Committee makes it impossible to go into detail, but the fundamental facts which our delegation has found it necessary to stress in its brief survey of the results of the work of the Committee lead to the conclusion that in spite of the consistent constructive efforts of the Chairman, Mr. Amerasinghe, the Committee was not in a position to comply with its terms of reference. In substance, this conclusion is challenged by no one. Of course, this is not the time to answer questions as to why General Assembly resolutions have remained unimplemented, why one delegation preferred to use the Committee as a forum for political speculation, why other delegations considered it their duty to hold solely to extremist positions, or why the spirit of international co-operation did not prevail in the Committee; but it is really time now that we acknowledged that the preparatory work, which alone could have laid down the basis for successful work for the Conference on the Law of the Sea, has not been finished. Indeed, now is precisely the time to find the most appropriate and most effective ways of continuing the preparatory work. Since the majority seems to be inclined to convene a conference on the law of the sea in keeping with the time-table that appears in the unofficial draft resolution, the Bulgarian delegation will not object to that—however, only on the understanding that the first session of the Conference will be devoted to a continuation of the work begun on the basis of the consensus. It would be difficult to imagine that the Conference would begin its work from any other point of departure than from the point where the Committee's work was interrupted.

30. The Bulgarian delegation considers that the discussion of the Committee's report gives us good reason to draw some general conclusions. The Committee's work has shown undeniably that the entire international community has an interest in an equitable and durable international regulation of the peaceful use of the seas, oceans and their resources; this is an axiomatic truth, because two thirds of the surface of our planet is covered by water, because 95 per cent of the world's population lives in maritime countries and also because there is no State, regardless of its geographical location, that does not have an important political and economic interest in the use of the seas and oceans. Accordingly, the very essence of the Conference on the Law of the Sea requires that all States should be guaranteed the possibility of taking an equal part in its work.

31. Now that the United Nations is drawing close to the practical implementation of the principle of universality, we cannot and must not erect artificial obstacles to the participation of all States in international co-operation; we cannot and must not be shackled to discriminatory formulas of the cold war period, or other versions of it. Only a genuinely universal conference on the law of the sea

would be in keeping with the spirit of the easing of international tension.

32. It goes without saying that it is not only desirable but necessary for the convening of the Conference to be consummated by the preparation of universally acknowledged rules of international maritime law. The multi-variety, mutual interdependence and interaction of political and economic interests of States that are meshed together within the set of problems confronting the Conference, suggests that the establishment of rules of international maritime law by an arithmetical counting of votes cannot ensure that they will be either signed or ratified, let alone observed. The work of the Conference on the basis of consensus may well be difficult, but that is the only reliable way of arriving at the preparation of a universally acknowledged maritime law. As has quite rightly been stressed, it would be a mistake to understand or represent consensus as the right of veto. These misgivings should be dispelled and refuted by the establishment of a flexible but precise procedure which, without converting the principle of general consent into a personal weapon of one or two States, would make it impossible to disregard the vital interests of a group or groups of States.

33. We are convinced that the danger of abuse of the principle of consensus could be averted if we provided in the rules of procedure that the Conference would have the right to take its final decisions by a specially qualified majority in cases of absolute necessity.

34. The Bulgarian delegation notes with satisfaction that a number of delegations have already stressed the need to find a clear and precise formula for the use of consensus as the fundamental ground rule for the Conference's work. Unfortunately, however, the unofficial draft resolution uses an extremely vague formulation. It mentions preparation of procedural rules “taking into account views expressed in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor . . . and in the General Assembly.” We should, however, point out that the constructive attempt of Mr. Amerasinghe to interpret that formula represents a certain measure of progress towards solution of this important question.

35. Briefly, the Bulgarian delegation considers that certain fundamental elements should be constituent parts of the important and responsible draft resolution the First Committee will have to adopt.

36. First, since the trend towards convening the Conference on the Law of the Sea is being confirmed, it would be correct to provide in the draft resolution that the first session of the Conference would be devoted to continuation of the work begun on the basis of consensus. Secondly, we must break with discriminatory formulas and their variants in order to ensure for all States the possibility of taking an equal part in the work of the Conference. Thirdly, the principle of consensus should become the corner-stone of the rules of procedure of the Conference. At the same time, in order to avoid abuses of consensus, the rules of procedure should contain clear-cut provisions providing for when and how the Conference would have the right to take final decisions by a specially qualified majority, which should be considerably greater than two

thirds. It should, in fact, be quite close to consensus. Unfortunately, at least so far, despite certain merits the unofficial draft resolution does not take due account of those important conditions without which it would be difficult to envisage the holding of a successful Conference on the Law of the Sea.

37. The CHAIRMAN: I thank the representative of Bulgaria for the kind words he addressed to me and the other officers of the Committee.

38. Mr. KAMIL (Indonesia): Sir, allow me to join those representatives who have congratulated you and the other officers of the Committee on your elections. My delegation is fully confident that under your able and experienced guidance and leadership the Committee will be able to conclude its work successfully. My delegation also wishes to convey its gratitude to the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, Mr. Amerasinghe, and its Rapporteur, Mr. Vella, for their useful statements at the 1924th meeting introducing the report of the Committee [A/9021].

39. The sea-bed Committee has been carrying out the complex and arduous task entrusted to it by the General Assembly—preparing the Third United Nations Conference on the Law of the Sea. Whatever shortcomings and inherent limitations it has, we cannot deny its usefulness as a new and unique kind of forum for the progressive development of international law, a forum where intensive efforts have been made to reconcile divergent attitudes and positions on old and new issues concerning the law of the sea.

40. I should now like to address myself to some of the most important questions contained in the informal draft resolution dated 17 October circulated by the Chairman of the sea-bed Committee. As members are aware, Indonesia has taken an active part in the work of the sea-bed Committee since it became a member of that Committee in 1971. My delegation is therefore quite aware of the Committee's achievements as well as its limitations. In the view of my delegation, the most recent session of the Committee, held last summer in Geneva, has indicated that another attempt within the framework of that Committee to produce an agreed set of articles might prove futile. What the Committee is facing is not merely a technical problem of drafting; it is more a problem involving the political will of its members. It seems obvious from the last session that its members are not yet ready to assert their political will to narrow their differences substantially. Thus my delegation believes we should agree to proceed with the Conference pursuant to General Assembly resolution 3029 (XXVII), which would serve as a framework more conducive to achievement of concrete results than the sea-bed Committee.

41. In view of the foregoing, my delegation has no difficulties with operative paragraph 2 of the informal draft resolution. However, it would be more appropriate to spell out the date of the conference on organizational matters in that paragraph. It would be more realistic and practical if we were to have a single session only, of two week's duration—perhaps the last week of November and the first week of December.

42. With regard to the Conference itself, for the purpose of dealing with substantive work as mentioned in operative paragraphs 4 and 5 of the informal text, my delegation shares the view of many delegations here to the effect that we should have only one session in 1974, with the possibility, of course, of holding subsequent sessions later on. Two sessions in 1974, with only a short interval between them, would not only create difficulties in matters of representation and finance but would also surely deprive the sessions of the momentum gained in the first part of its first session. Furthermore, an interval of only a few weeks would be too short for Governments to review, assess and digest the situation and prepare for the next session. Therefore the Indonesian delegation would prefer to have one session in 1974 dealing with substantive matters for a period of some 10 weeks, possibly in the months of May, June, July and perhaps August.

43. We should not, however, ignore the fact that at the conclusion of the last session, in Geneva, there were still divergent views and positions on many issues, although happily there was some progress with regard to other issues. It would seem realistic, therefore, to anticipate that difficulties are likely to be encountered in the substantive session if no further efforts are made to narrow down the differences reflected in the numerous proposals and alternatives submitted by delegations at the previous sessions of the sea-bed Committee. It is therefore the view of my delegation that the beginning of the 1974 session—namely, the first two or three weeks—should be devoted primarily to an endeavour to limit the differences in various positions, if possible.

44. As regards the question of participation dealt with in operative paragraph 7 of the informal paper, my delegation wishes to reaffirm its adherence to the principle of universality, especially if it is the hope of the international community to have an effective law of the sea which enjoys universal acceptance. Thus, aside from invitations to States Members of the United Nations, its specialized agencies and the International Atomic Energy Agency or parties to the Statute of the International Court of Justice, we support the invitations to other States not members of the United Nations family.

45. One last point that my delegation would like to make concerns the deadline for submitting views, including draft articles on the substantive subject matter of the Conference as spelled out in paragraph 12 of the paper of the Chairman of the sea-bed Committee. After the date indicated in this paragraph, another two or three months would elapse before the Conference commenced. During this period, it is not impossible that Governments might engage in informal consultations and decide to submit modified or new proposals. In view of this possibility, it is suggested that we should keep the door open for submission of views, including new draft articles, after the date of 1 February, so that it would facilitate further accommodation and harmony, which are so essential for the success of our work.

46. The CHAIRMAN: I thank the representative of Indonesia for the kind words he addressed to the Bureau.

47. Mr. MATSEIKO (Ukrainian Soviet Socialist Republic) (*interpretation from Russian*): Our delegation has noted the

desire expressed by a number of delegations that the First Committee, in discussing this subject, should focus its attention not on the substance of the problem of the sea-bed and the law of the sea, but on practical questions which have to be settled within the context of the adoption of an appropriate resolution at this session. In principle we have no objection to this, although we have one reservation. We still really have to touch on the substance of the problems because it is only on that basis that we can answer such questions as: has sufficient preparatory work been done for the Conference on the Law of the Sea and has the preparatory stage in this way been concluded so as, if not to guarantee, at least to promote realistically the possibility of the success of that Conference? It is particularly essential to answer that vital question because the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor itself was unable to do so.

48. This is reflected in paragraph 57 of its report [A/9021], which states:

"The Committee noted that the General Assembly, in paragraph 2 of resolution 3029 A (XXVII), had requested it to submit its report with recommendations to the twenty-eighth session of the Assembly. Various questions were considered by the Committee in that connexion, including the question of the adequacy of the preparatory work. It was evident, however, that the questions were the subject of differing views and members of the Committee considered that assessment of the preparatory work should in the circumstances be left to the General Assembly."

49. In the view of our delegation, which took part in the last six sessions, the Committee has done useful and important work and we should like to pay a tribute to the Chairman, Mr. Amerasinghe and his fellow officers, who put a great deal of effort into this important and extremely difficult task.

50. As a result of its work many valuable proposals were offered and the positions of the various countries were clarified. We are convinced that the point of departure for an appraisal of the results of the three years of work of the sea-bed Committee would be the appropriate provisions of General Assembly resolution 2750 C (XXV) of 17 December 1970. The General Assembly decided that at its twenty-eighth session it would review the progress of the preparatory work of the Committee and, if necessary, take measures to facilitate completion of the substantive work for the Conference and any other action it might deem appropriate.

51. Following that approach, let us refer, for example, to that part of the report devoted to the preparation of draft articles of the treaty on the use of the sea-bed and ocean floor and its subsoil beyond the limits of the continental shelf for peaceful purposes, including the establishment of appropriate international machinery. Of course, we cannot fail to acknowledge that in comparison with other problems considered by the Committee, what we have here represents a certain measure of progress if we view as such the existence of a vast volume of alternative texts on the most important and complicated issues. But at the same time we cannot fail to see also that in the positions of many

delegations there are divergencies on one of the fundamental aspects, namely, the question of who will exploit the resources of the international area of the sea-bed.

52. This was actually reflected in a whole series of alternative texts, particularly with respect to the structure of the international organization on the sea-bed, the powers, functions and composition of its organs and its method of adopting decisions. On these questions the Committee, as we know, was only able to make various proposals which were very often diametrically opposed to each other.

53. Even more complicated and unresolved was the situation with regard to important problems of the law of the sea, such as the establishment of the 12-mile limit for territorial waters, the preparation of a legal régime for straits used by international shipping, the preparation of international rules regulating fishing beyond territorial waters and the determination of the outer limit of the continental shelf.

54. It would appear that it is hardly possible to exaggerate the value in the report of the comparative table which contains proposals introduced by many delegations in the Committee over the course of the three years. Of course that comparative table is extremely useful. It facilitates—if we may so put it—the possibility of finding our way in this vast sea of documents. The report of the Committee abounds in alternative texts which emerged at the last stage, but unfortunately it proved impossible to move towards harmonizing them in the Committee.

55. We meet a similar situation when we turn to the results of work on such questions as the prevention of pollution of the marine environment, scientific research into the world oceans and the transfer of scientific knowledge. It is quite clear that here too, in spite of the hard and useful work done in the corresponding working groups, it was impossible to resolve the major issues.

56. All that leads us to the conclusion that the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor was unable to perform to any adequate extent the task entrusted to it under General Assembly resolution 2750 C (XXV). This means just one thing: preparations for the Third United Nations Conference on the Law of the Sea remain incomplete.

57. Our delegation would point out that that appraisal of the situation is shared by a number of the delegations that have spoken both in the general debate and here in this Committee. For example, the Foreign Minister of Uruguay, Mr. Blanco, expressing his concern with regard to the unsatisfactory character of the preparatory work, said in the plenary meeting of the Assembly on 27 September that he was in favour of the General Assembly adopting "the necessary decisions that will allow for a further preparatory stage to be undertaken". [2131st plenary meeting, para. 59.]

58. The representative of Brazil, in his statement in this Committee on 17 October, stated: "It is clear to the majority of us here, if not to all, that the preparatory work for the Conference has, on many points, merely begun".



[1927th meeting, para. 28.] We share that view entirely. Preparations for the Conference should be continued. We have noted with satisfaction the explanations given at yesterday morning's meeting by Mr. Amerasinghe when he presented his working document. As we understand it, he also bases himself on the need for continuing preparatory work, and we note with great satisfaction that in his statement at the 1924th meeting of this Committee on 15 October he pointed out that "Negotiation and compromise offer the best hope of success". It remains to be hoped that such a wise and correct approach will be demonstrated during our further work, particularly on the relevant draft resolution.

59. Of course it remains to be decided where this preparatory work is to be continued. On this score our delegation does not have any cut-and-dried views. We consider it possible to consider this work in the existing Committee, but if this course does not appear acceptable to the majority we are ready to go along. A number of reasonable arguments have been put forward here to the effect that countries which are not members of the Committee should be able to take part in the preparatory work. Of course this is an important consideration which should be borne in mind. The preparatory work could be continued in any kind of new forum. For example, there could be a preliminary conference, a pre-conference, at which the process of negotiation would be continued and agreements and mutually acceptable decisions would be arrived at. Finally, this work could be carried out at a preparatory session of the plenipotentiary Conference, if that were acceptable. Our understanding of the situation is that General Assembly resolution 3029 (XXVII) is based on the need for thorough, careful preparatory work, and the question of convening the Conference itself is dependent on the stage reached in the preparatory work. If that work has not reached a satisfactory stage, then that resolution in its flexibility provides for the adoption of appropriate measures.

60. Of course, at an appropriate stage the need will arise for achieving agreement on a number of organizational and procedural matters. Their importance is without any doubt very great since the way in which they are resolved will largely determine whether or not it will be possible to adopt rules which will meet the interests of all participants in the forthcoming Conference. These decisions, we are convinced, should take into account to the maximum extent possible the positions and interests of all regional groups and all countries. The achievement of agreement is the best and the only real way of ensuring that decisions of the Conference will be effective and will be observed.

61. Attempts to impose one's will by one-sided methods through an arithmetical majority cannot lead to success in the performance of the important tasks which have been delineated, particularly in the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction [resolution 2749 C (XXV)] provides for the establishment of an international régime "by an international treaty of a universal character, generally agreed upon". That is the only correct approach to solving the question of the method of adopting decisions. The method of consensus is not an easy one, but it is the only one which can guarantee

the establishment of international legal rules that would become genuinely effective, stand the test of time and be reliable.

62. The proposed Conference on the Law of the Sea is an event of great—we would even go so far as to say, unique—historical significance. It would have to solve extremely complicated problems with very many economic, political, military, legal and other aspects. That is why we cannot draw a parallel between this Conference and the codification conferences which have taken place in the past. This, of course, affects both the substance of the problems and the procedure.

63. The important matter of principle is, of course, the question of participation in the Conference. Our delegation is convinced that there should be maximum participation in the Conference, that it should be a genuinely universal conference, open to the participation of all States. We should like to remind the Committee that this formula was adopted by the General Assembly at the twenty-seventh session in resolution 2930 (XXVII) on the question of the World Disarmament Conference. We are convinced that the same equitable approach should be adopted by the General Assembly in convening a conference on the law of the sea. If the Conference is convened for the purpose of preparing rules in keeping with the interests of the whole of mankind, then it is clear that we have to make possible the greatest possible representation of States at this important meeting. As to practical matters connected with the procedure of issuing invitations, given goodwill and mutual consent they can be resolved in the course of appropriate consultations and negotiations. But we have to solve this question not on the basis of discriminatory formulas, even if additions are made to them, but on the basis of a formula which would guarantee the just, equal and universal participation of all States.

64. Those were the comments which my delegation wished to make at this stage. These considerations will determine our stand of principle on any draft resolutions which may be submitted.

65. Mr. SETHI (India): This is the first time this delegation has taken the floor in this Committee and so I would ask to be released from the constraint to abstain from congratulating the Chairman of the First Committee and the other members of the Bureau of this Committee on their election to office. Already we measure our good fortune by the firm guidance and invaluable counsel which the Committee has received from its Chairman in the first week of its work.

66. My delegation attaches great importance to the subject we are discussing here. Indeed the reformulating of the law of the sea, in which the United Nations has been engaged since 1967, is one of the most vital fields of its contemporary activities. It has been our wish to participate constructively in all aspects of this work in the bodies constituted for it. Through different stages, this work has been carried forward over an increasingly comprehensive range of subjects as they have been listed in General Assembly resolution 2750 C (XXV) and formally approved on 18 August 1972 by the Committee on the Peaceful Uses

of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.<sup>1</sup>

67. The preparatory work for calling a conference on the law of the sea has been the task of the sea-bed Committee since the 25th anniversary year of the General Assembly. This work has now reached a decisive stage.

68. At its twenty-seventh session the General Assembly adopted resolution 3029 (XXVII) in which it requested the Secretary-General to convene the first session of the Third United Nations Conference on the Law of the Sea in New York for a period of approximately two weeks in November-December 1973, to deal with organizational matters, and it also called for the convening of a second, substantive session of the Conference for a period of eight weeks in 1974.

69. We believe that the resolution of the General Assembly concerning the time-table should be adhered to as closely as possible. The rapid evolution of events in the world and the progress in science and technology underline this need. If decisive steps for the elaboration of the law of the sea are not taken, it is possible that discordant measures and unilateral decrees will result in a state of anarchy. In addition, the operation of industrial and technological power could result in a monopolistic configuration which would defeat the principles of equity and justice that are the foundation of our work in the United Nations.

70. For a just, equitable and generally acceptable law of the sea to emerge from the proposed Conference, it is necessary that the preparation be meticulous and complete. A vast amount of preparatory work has been accomplished. Undoubtedly, many gaps and imperfections remain, but in one important sense at least there is a close interdependence between the preparation for and the organization of our work. Some doubts have been expressed about the adequacy of our preparation for calling the Conference on the Law of the Sea now. It is possible, however, that some of the imperfections in preparation could be eliminated by modifying the organization of this work. It is in general difficult to identify the point at which work such as ours evolves from the stage of preparation to the stage of execution. However, it is likely that the change in the structure and in the organization of this work could result in a process of negotiation being started. The absence of this process may explain the failure to implement paragraph 6 of resolution 2750 (XXV) calling for the drafting of agreed treaty articles. However, as the Rapporteur of the sea-bed Committee has said [*1924th meeting*], it would have been unrealistic to expect such an achievement.

71. Our delegation believes that the calling of the Conference on the Law of the Sea in 1974 will not prevent the completion of the preparatory work in those fields where it might still be inadequate. The changed framework of the organization might prove to be conducive to defining and narrowing the range of choices available and help in producing solutions commanding a consensus, if not unanimous support. In addition, the effort to elaborate a

law of the sea will not be terminated for all time in 1974. I would refer to operative paragraph 4 of the informal draft resolution which has been circulated to us by the Chairman of the sea-bed Committee, Mr. Amerasinghe of Sri Lanka.

72. I should now like specifically to refer to some of the articles and provisions of that draft. My delegation was inclined to consider valid both alternatives in the choice of having one or two sessions of the Conference. The decision on this depends entirely upon what delegations prefer. We support the general agreement that has emerged during the last few days of debate and consultation on holding one substantive session of the Conference in 1974. Originally there was to be a spring session of four weeks, followed by a summer session of eight weeks. Now agreement has been reached to hold a summer session of 10 weeks, and we believe that the additional two weeks given to this single session will compensate adequately for the elimination of the first session.

73. My delegation is also in favour of holding an organizational session of this Conference in November-December this year. We believe that participation in the Conference should be as universal as possible, and we will support the general line of agreement that has been reached to ensure this as well as to settle the question expeditiously.

74. Operative paragraph 9 of the informal draft resolution circulated to us requires the Secretary-General to make arrangements—which, we are sure will be adequate. We believe that the draft rules of procedure for the Conference should be prepared by the Secretary-General and circulated in time for consideration and approval at its organizational session. In this connexion we, like other delegations, are anxious to ensure that the decision-making procedure should not be distorted in favour of either majority weight or minority interest. We therefore favour the formula of decision in committee by majority vote, and in plenary by a two-thirds majority of those present and voting. In continuation of the rule of consensus applied in the sea-bed Committee, we agree that there should be a gentlemen's agreement to promote consensus and avoid premature confrontation in arriving at decisions.

75. For the efficient functioning of the Conference, and to prevent further lack of preparedness, we would enjoin all parties to abide by operative paragraph 11 on the timing for the submission of proposals—of which there has been already, as we know, considerable proliferation. We have, therefore, taken note of what has been said by the representative of Indonesia on the possibility that delegations may be able to improve the subject matter and render proposals and articles both more coherent and more generally acceptable between this last date and the opening of the Conference.

76. The rider that has been added to operative paragraph 12, by which the general recommendation to adhere to the last date for the submission of proposals will not prejudice the right of delegations to introduce proposals at a later date, safeguards the benefit which the Conference may receive from work done by delegations in what has been described as an intersessional period.

77. Operative paragraph 13 of the draft is on the dissolution of the Committee on the Peaceful Uses of the

<sup>1</sup> See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21*, para. 23.



Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. I have waited to come to this paragraph before paying tribute to the Chairman of the Committee, Mr. Amerasinghe of Sri Lanka. The success of the work undertaken for formulating a new law of the sea is due in large measure to his unshakable commitment to this work and his untiring pursuit of its effective accomplishment. The significant achievements of the sea-bed Committee attest to the great energy and devotion that he has so generously made available to us all, and for which I should like to express my delegation's sincere appreciation.

78. The CHAIRMAN: I thank the representative of India for the kind words that he has addressed to me.

79. Mr. AZZOUT (Algeria) (*interpretation from French*): Sir, I should like, first of all, on behalf of the Algerian delegation, to congratulate the Chairman of the First Committee on being elected to preside over the work of this important political Committee. His qualifications as a diplomat and his experience guarantee the success of our discussions.

80. My delegation has listened with great attention to the debate that has taken place on the question of the convening of the Third United Nations Conference on the Law of the Sea. As Algeria is a member of the sea-bed Committee, we have had an opportunity of expressing our views on all the questions that have been discussed. I shall therefore limit myself at this time to matters of procedure.

81. I believe that the Committee has prepared a very carefully drafted document and has laid the groundwork for a conference by listing the subjects and issues<sup>2</sup> that already foreshadow a new law of the sea.

82. In the course of the tenth Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity, held at Addis Ababa in May, and of the fourth Conference of Heads of State or Government of the Non-Aligned Countries held at Algiers last September, important texts were adopted, giving serious consideration and directive to the future work of the Conference on the Law of the Sea. I refer particularly to a resolution concerning the law of the sea itself which, while stressing the urgency of the holding of the Conference on the Law of the Sea, also placed emphasis on ensuring the success of the Conference by adequate preparation for it [*see A/C.1/L. 646*].

83. The Algerian delegation considers that the informal text of the draft resolution submitted by the Chairman of the sea-bed Committee, Ambassador Amerasinghe, to whom we all pay a tribute for his unflagging efforts to ensure the success of the Conference, constitutes an effort to reconcile both the urgency for the holding of the Conference and the need adequately to prepare for it and thus ensure success.

84. However, my delegation would like to make a few specific comments regarding the text of this new draft resolution. We believe that the rules of procedure of the Conference, which are mentioned in operative paragraph 2,

should be based on the rules of procedure already applied within the United Nations and should reflect the views expressed both in the General Assembly and in the Committee itself. It is true that the unanimous adoption of texts is a consummation devoutly to be wished but that should not in any way imply that the views of a minority of delegations should create an obstacle to the work of the Conference and by that same token become a hidden veto of the minority.

85. With regard to paragraphs 4 and 5, we believe that a single conference session should be held in 1974 in order to deal with substantive questions.

86. And finally, so far as paragraph 7 regarding participation is concerned, we consider that all States, bar none, should participate in that Conference since the intention of the Conference is to settle very complex questions that directly affect the interests of all peoples.

87. Mr. GHASUS (Afghanistan): I wish at the outset to convey to the Chairman of the First Committee and to his colleagues in the Bureau, the heartfelt congratulations of my delegation on their unanimous election. Let me express our pleasure in seeing such an eminent person directing the work of the First Committee.

88. The Republic of Afghanistan, as a member of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, has had ample opportunity to explain its position with regard to the substance of the matters related to the sea in the meetings of the Committee held here and in Geneva. Likewise, during the past six sessions of the General Assembly we have, in particular, drawn the attention of this Organization to the equal rights and the interests of the land-locked countries in respect to the peaceful uses of the sea-bed and the exploitation of its resources and the need for safeguarding these rights and interests in any future comprehensive arrangements concerning the law of the sea, and the establishment of international machinery for the exploitation of what is now universally accepted as the common heritage of mankind.

89. We therefore agree with Mr. Amerasinghe, the representative of Sri Lanka and Chairman of the sea-bed Committee, that owing to the fact that the questions of substance have been dealt with at great length and in detail during the last few years, we should in the course of the present debate confine our attention entirely to procedural matters relating to the convening of the Third United Nations Conference on the Law of the Sea.

90. Before giving very briefly our views on the question under discussion, let me convey the gratitude of my delegation to the Chairman of the sea-bed Committee, Mr. Amerasinghe of Sri Lanka, for the magnificent manner in which he has directed the work of the sea-bed Committee since its inception and for his valuable contributions in consolidating the present thinking in the field of the law of the sea.

91. The delegation of the Republic of Afghanistan is in agreement with the holding of the Third United Nations Conference on the Law of the Sea as previously agreed by

<sup>2</sup> *Ibid.*

the General Assembly [resolution 3029 (XXVII)]. Afghanistan, as a least developed country among the developing countries and in view of its geographical situation and limited natural resources, is very much interested in the speedy development of the legal régime of the sea and the establishment of international machinery governing the exploration and exploitation of the sea and the subsoil thereof. My delegation cannot accept the unilateral extension by States of their national jurisdiction over the coastal waters, which necessarily means the limitation of the area designated as the common heritage of mankind. In the present legal vacuum, this arbitrary appropriation by States, coupled with the extraordinary achievements in the field of technology, which happens to be the privilege of a few nations, will soon reduce to a mere theoretical concept the right of all States, whether land-locked or coastal, to share equitably the resources of the sea and of the sea-bed situated beyond the limits of national jurisdiction of States. With the existing ambiguities of the provisions of the Convention on the Continental Shelf,<sup>3</sup> it will not be surprising to discover in the very near future that even the mineral resources of the abyssal plain have become in one way or another the exclusive property of a State or group of States.

92. It is generally admitted that the preparatory work which was entrusted by the General Assembly to the sea-bed Committee is not entirely completed. On the other hand, we know, and we have heard this fact from the Chairman of the sea-bed Committee himself, that the instrumentality of that body can no longer yield results and bring about the desired compromise between the different positions, and that the alternative texts cannot be merged by it in one document within a reasonable period of time. We should not forget that the sea-bed Committee has done a great amount of work and has particularly succeeded in defining the areas of agreement and disagreement. More importantly, it has created an awareness of the problems of the sea and the need for evolving quickly a binding agreement in this respect based on justice and equity.

93. We believe that the material prepared by the sea-bed Committee and the experience gained from its deliberations constitute sufficient grounds for us to agree to the convening of the Third Conference on the Law of the Sea. We share an opinion that unless a start is made, under the auspices of a formally convened Conference, there will be no incentive to embark on the difficult task of negotiation with a view to resolving the differences of substance separating various countries or groups of countries.

94. My delegation agrees that the first session of the Conference should take place in New York in November-December of the current year and should be devoted to organizational matters. In our view the second session of the Conference could be held in June, July and August 1974 for a period of 10 weeks. That second session will embark on achieving the substantive work of the Conference, which is the adoption of a convention or conventions. It is obvious that for the attainment of that aim the Conference will necessarily function as a negotiating forum and a drafting body. During that session ample opportunity should be afforded to new members which have not

participated in the work of the sea-bed Committee or in the deliberations of the General Assembly on this matter to explain their views and to enter into the process of negotiation. The decision with regard to the convening of a third session of the Conference in 1975 or any other date should be left to the Conference itself which would make appropriate recommendations in this regard to the General Assembly.

95. The delegation of the Republic of Afghanistan shares the view that in the period between the organizational meeting of the Conference and its substantive session in 1974, exhaustive consultations should continue to take place between individual countries and geographical groups, both formally and informally, with a view to narrowing the gap between various positions and tendencies.

96. My delegation is of the opinion that the forthcoming Conference should be open to participation by all States. We are aware of the difficulties in this regard, to which various delegations have alluded, but a Conference of this nature is of such importance that without the attendance of all States it cannot fully achieve its aims. It is understood that various procedures for inviting all States to participate in the Conference may be adopted. We keep an open mind with regard to the methods and formulations which could be resorted to in order to make it possible for all States to participate in the work of the Conference.

97. The delegation of Afghanistan wishes to state that it favours the position that the decisions of the Conference be taken by consensus. Every attempt should be made to find a solution acceptable to all concerned with regard to this all-important question of decision-making when the rules of procedure are drafted by the Secretariat and when they are adopted by the organizational session in November. It is absolutely necessary that in reaching these decisions the interest of land-locked and shelf-locked developing countries which are in a disadvantageous situation in comparison with other States be fully taken into account and safeguarded.

98. Presumably, the agenda of the forthcoming Conference will be elaborated *inter alia* on the basis of the list of subjects and issues relating to the law of the sea approved on 18 August 1972 by the sea-bed Committee, and the convention or conventions which would be adopted will also be evolved principally from that list. It is therefore necessary for us to state that some parts of that list present a number of shortcomings and lacunae that prevent my country from supporting them without reservation. It is, I believe, worth while to note that in point 9.2.1 of the list, for example, reference is made to the free access to and from the sea for the land-locked countries without specifying that the exercise of the freedom of access to and from the sea for these countries constitutes a right. By the same token point 9.4 refers to the rights and interests of land-locked countries in regard to living resources of the sea. The terminology used is not correct. The land-locked countries possess rights and interests not only in regard to the living resources but in regard to mineral resources of the sea as well. Attempts were made by the land-locked countries to correct these inadequacies in the list of the subjects and issues, but these efforts yielded no results. We hope that these errors can be corrected and the realities of

<sup>3</sup> United Nations, *Treaty Series*, vol. 49), No. 7302.

the situation be fully reflected in the agenda of the Conference.

99. We wish to state in respect of the list of subjects and issues that it is our understanding that this list is not necessarily complete nor does it establish the order of priority for consideration of the various subjects and issues, and that the acceptance of the list does not prejudice the position of any State or commit any State with respect to the items on it.

100. The CHAIRMAN: I thank the representative of Afghanistan for his statement and for the sentiments he was kind enough to express to the Chairman and executive officers of the Committee.

101. Mrs. Jeanne Martin Cissé (Guinea) (*interpretation from French*): Since this is the first time that I am speaking in the First Committee, may I perform a very pleasant duty of addressing to the Chairman and to yourself, Mr. Vice-Chairman, and the members of the Committee the congratulations of my delegation, and of assuring you of our full co-operation in the performance of your duties.

102. The question of the reservation of the sea-bed and the ocean floor exclusively for peaceful purposes is one of which my delegation is fully aware, since we place great hope in the exploitation of natural resources, particularly of the developing countries such as my own. It is for these reasons that my first words must be addressed to the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor, Ambassador Amerasinghe of Sri Lanka, in order to pay a well-earned tribute to his eminent qualities, his competence and his wisdom, and to stress the remarkable role that he has played, which has allowed us to obtain concrete results in the extremely complex and difficult task of preparing the Conference on the Law of the Sea. These feelings of appreciation are also addressed to the Rapporteur of the Committee, who has spared no effort in his laborious duties. To comply with the appeal made at the beginning of our work by the Chairman of the Sea-Bed Committee, who for six years has devoted all his efforts to the consideration and study of this matter, we will merely limit ourselves to making a few comments regarding procedural matters.

103. Mine is one of the delegations that consider that the time is ripe for the convening of this Conference in accordance with the time-table scheduled in resolution 3029 A (XXVII) of the General Assembly. We furthermore consider that the preparatory committee, despite the many difficulties that beset it, has gone as far as it can in its work. A number of documents in fact have been prepared. Draft articles submitted by a great number of delegations in the course of the various stages of work of the Committee have laid the groundwork for an international conference. The New York sessions and those of Geneva have permitted broad exchanges of views on substantive questions. Therefore, my delegation feels that the time is now ripe to put an end to the mandate of the Committee and, as provided in the resolution, to organize the Conference itself by holding an inaugural session at the end of this year.

104. Representing as it does a developing country, my delegation places great hopes in the exploitation of our

natural resources and attaches significant importance to this very problem. For reasons that have been adequately explained by a number of preceding speakers, my delegation deplores the plurality of sessions that have had to be held thus far, the lengthy meetings that do not necessarily always contribute to the success of the work. Delegations such as my own are unable to participate in so many meetings very often because we lack sufficient experts, and we cannot tie down our experts for lengthy periods of time. Therefore, sharing the views of a number of delegations, we would urge the Committee to consider applying in 1974 the principle of a single eight- to ten-week session. We are flexible as far as the site is concerned, whether it is Geneva, Vienna, New York or any other city that offers maximum guarantees for the success of the Conference. But as far as the preliminary session is concerned, we believe that it is time for a session to be convened as soon as possible. Therefore, we take up the proposal made by a number of other delegations, namely, the holding of this session from 26 November to 10 December. The advantages of holding a Conference at that time of the year in New York have been dwelt upon by a number of delegations. The main reason as far as my delegation is concerned, is that a large number of representatives will be here at that time and will be able to participate in the work. This, therefore, will not require a further drain on the experts of our countries.

105. While agreeing in principle to the draft resolution submitted unofficially by the Chairman of the sea-bed Committee, my delegation would nevertheless like to draw attention to the spirit of justice and equity that Ambassador Amerasinghe stressed in the course of the discussions in the Committee. That spirit will, we trust, continue to imbue our future work, particularly bearing in mind the views of the developing countries.

106. In order to ensure the universality that the United Nations is gradually acquiring, my delegation supports the proposal that invitations be extended to all States to participate in the Conference and firmly endorses the proposal that Guinea-Bissau be included among those States.

107. The CHAIRMAN: I thank the representative of Guinea for the kind words she addressed to the officers of the Committee.

108. Mr. CRISTESCU (Romania) (*interpretation from French*): Since this is the first time I have spoken in this Committee, may I at the very outset extend my delegation's congratulations to the Chairman of the Committee and the other officers and say how happy we are to be working under their wise guidance. We should also like to address our congratulations and our appreciation to the Chairman of the sea-bed Committee, Mr. Amerasinghe, for his praiseworthy efforts and the devotion with which he has carried out his very important duties.

109. Romania has a constant interest in the subject we are discussing. We are firmly convinced of the need to strengthen international law. We therefore whole-heartedly support the work of progressive development and codification of international law in order better to define the rights and duties of States. The sea is one of the most important areas where the law has to be adapted to the



requirements of our day, and it is in that conviction that Romania has taken an active part in the work of the preparatory Committee.

110. My country's interest in all these questions is reflected in the proposals that we have made and in the many bilateral documents that we have signed with other countries, most recently with the countries of Latin America. As an example, I would mention the joint declaration of Romania and Peru, adopted during the visit in August of this year by the President of the Council of State of the Socialist Republic of Romania to Peru, a declaration which states clearly that the two parties:

"... decide to co-operate in the recognition of the inalienable and imprescriptible right of States to establish the limits of their sovereignty and national maritime jurisdiction according to the geographical, geological, ecological, economic and social conditions of each region in the exploration and full exploitation of all their natural resources in the sea, the sea-bed, and the subsoil thereof.

"Reaffirm that, regarding the area of the sea-bed beyond the limits of national jurisdiction, which is the common heritage of mankind, the equitable participation of all States should be ensured in its exploitation and in the distribution of benefits derived therefrom, bearing in mind the particular interests and needs of the developing countries."<sup>4</sup>

111. To sum up, or rather to reaffirm the position of principle of my delegation on the question before us, I would say, first, that Romania supported the adoption of resolution 3029 A (XXVII) last year. Therefore we are in favour of the convening of the conference in 1974.

112. Secondly, we consider that the sea-bed Committee has done extremely useful preparatory work and, together with other delegations, we feel that this work can be continued within the framework of the Conference, because, as is known, all conferences are of a preparatory nature since they draw up international instruments that fall within their purview.

113. Thirdly, with regard to participation in the Conference, my delegation is most decidedly in favour of full respect for the principle of universality.

114. Fourthly, we believe the Conference should give a chance to all States to make known their views so as to understand better the views and interests of each State in this field where the co-operation of all is imperative.

115. Fifthly, the Conference should establish a negotiating framework bearing in mind the interests of all States and more particularly those of the developing countries. We believe that the decisions to be adopted should be in keeping with those interests and be generally acceptable.

116. Finally, on the basis of those views, we view with a good deal of warmth the draft resolution unofficially circulated by the Chairman of the sea-bed Committee, Mr. Amerasinghe. At the same time, we remain open-minded, in the hope that the contacts and consultations at present taking place will lead to a document that is generally acceptable.

117. The CHAIRMAN: I thank the representative of Romania for the kind words he addressed to the officers of the Committee.

118. Mr. TARCICI (Yemen) (*interpretation from French*): Sir, my delegation takes pleasure in your election and that of the other officers of the Committee.

119. On the subject before us, my delegation shares the view that the second session of the Conference should be held next summer, on the basis of universality. We consider, too, that the decisions to be made should take account of all tendencies, and that no effort should be spared to achieve a consensus as soon as possible. If, however, this consensus, which is so greatly desired, is not achieved on important questions at the second session, a third session would then have to be contemplated, for 1975. This third session would not last very long, and its purpose would be to take final decisions. In the meantime there would have been an opportunity for more extensive negotiations. For we believe that time is working for a reconciliation of points of view and for equity; in other words, it is working against vested interests.

<sup>4</sup> Quoted in Spanish by the speaker.

*The meeting rose at 12.30 p.m.*