

# **Third United Nations Conference on the Law of the Sea**

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

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**A/CONF.62/SR.22**

## **Summary Records of Plenary Meetings 22<sup>nd</sup> plenary meeting**

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that reason, it sought true international co-operation which would lead to the replacement of exploitation by co-operation.

61. Capitalism had given rise to a polarization characterized by technical and financial progress in North America and Europe on the one hand, and by under-development and scientific and technological backwardness, in short, by poverty and misery, in Asia, Africa, Latin America and the Caribbean on the other. Thus the world was divided not only between capitalist régimes and socialist régimes, but, even more, between industrialized and non-industrialized countries, between rich and poor, between those who, thanks to their technical advancement, were exploiting the natural wealth to their satisfaction and those, including two thirds of mankind, who sold their raw materials under increasingly unjust conditions. Under those circumstances, one might wonder how the United Nations could succeed in its ideal of universality, justice, security, peaceful coexistence, development and well-being for all peoples if a system of relationships was maintained in which the rich were becoming increasingly rich and the poor increasingly poor. In view of the claim by some Powers that they should assume certain privileges in order, as they said, to ensure world security, Guinea maintained that the present situation must not be allowed to continue. It would be a tragic farce if, instead of reacting vigorously to that situation, the peoples, in their desire to bring about a change, were to plead for the generosity of

those who were profiting from it. Justice, both economic and social, was not granted: it must be won.

62. His delegation, speaking for a people which had been identified with the cause of all peoples fighting for freedom, the inalienable right of peoples, was mindful that while there were independent nations which were still suffering from economic exploitation, there were other nations which were at that very time suffering from odious colonial domination. The liberation movements operating in Angola, Mozambique, Zimbabwe, Namibia, South Africa and the Middle East were fighting for the restitution of their fatherlands and were the authentic representatives of their respective peoples. They deserved to occupy a place at the Conference, so that any decisions which might be adopted on behalf of States and peoples would have greater guarantees.

63. Within the framework of the Conference in which the foundation of a new régime of ocean space was to be established, Guinea was opposed to, and would always oppose, the iniquitous and unjust system represented by exploitation and economic imperialism, and would seek to replace it by dynamic, egalitarian and genuine co-operation. If that was the meaning of consensus, Guinea was in favour of consensus.

*The meeting rose at 1.05 p.m.*

## 22nd meeting

Friday, 28 June 1974, at 3.20 p.m.

*President:* Mr. H. S. AMERASINGHE (Sri Lanka).

*In the absence of the President, Mr. Al-Saud Al-Sabah (Kuwait) Vice-President, took the Chair.*

### General statements (continued)

1. Mr. VU'O'NG' VAN BAC (Republic of Viet-Nam), after paying a tribute to the host country, the Secretary-General of the United Nations and the President of the Conference, said that his country had a long-standing interest in working out a new law of the sea more in keeping with the times. It had participated in the United Nations Conferences on the Law of the Sea in 1958 and 1960, the Second Ministerial Meeting of the Group of 77 at Lima in 1971 and the Third Session of the United Nations Conference on Trade and Development in 1972. Despite the hardships caused by aggression from the North, his country had continued to attend to the legal problems and opportunities associated with the maritime space adjacent to its national territory. In 1967, the Republic of Viet-Nam had proclaimed its exclusive competence and direct control over the part of the continental shelf contiguous to the South Viet-Nameese territorial sea. In 1970 a law was passed to regulate prospecting for, exploration for, and exploitation of the Republic's hydrocarbon resources, and in 1972 a decree was issued establishing an exclusive fishery zone extending 50 nautical miles from the outer limit of the territorial sea. The vote on a bill to fix new limits for the territorial sea and fishery zone had been postponed pending the results of the work of the Conference, so as to ensure compliance of the law with generally accepted standards. That in itself was sufficient to show his country's interest in the codification of the new law of the sea. Moreover, despite the paucity of the Republic's human and material resources, it had taken an active part in the preparatory work of the Conference. His country's constant and profound interest in a law of the sea that would command general

observance was explained by the Republic's natural position as a maritime State and by its fundamental political orientation.

2. Because of its geographical position, the Republic of Viet-Nam was naturally sea-minded. It saw in the rational use and exploitation of the adjacent ocean space the key to a brilliant future for the Viet-Nameese nation. Many of the country's inhabitants lived off the sea, and the prospects for exploiting the riches of its continental shelf were most encouraging. It was not surprising, therefore, that his country was closely interested in any development relating to the law of the sea.

3. That natural interest accorded perfectly with his country's profound attachment to the cause of peace and international co-operation. The Republic of Viet-Nam had signed the cease-fire agreement and done everything to implement it, and it had proposed substantial demobilization and the holding of free and honest general elections to settle the whole South Viet-Nameese problem. He wished to reaffirm his Government's firm resolve to respect scrupulously and to implement fully the Paris Agreement of 27 January 1973, and it hoped that the other parties would do likewise. His country also believed in the virtue of international co-operation. It maintained friendly relations and co-operated with many of the countries present. It was ready to establish relations with other countries on a basis of mutual respect for sovereignty and territorial integrity and of non-interference in each country's domestic affairs. It was a member of United Nations specialized agencies and many other international organizations, and it was always ready to make a positive contribution to joint undertakings at the regional and world level. That was why it was playing its part in the Third United Nations Conference on the Law of the Sea by contributing to the drafting of a new law of the sea—a decisive stage on the road to peace and international co-operation.

4. His delegation had come prepared to talk the language of reason and moderation. It would work to narrow the gap between differing points of view, for it knew that a new law of the sea would be worthless unless it was widely supported and could reconcile the legitimate interests of each State and group of States with the general interests of navigation, scientific research and the rational exploitation of the common heritage of mankind.

5. Although it was aware of the constant need for compromise, his country could not forget that it was a developing country and therefore a part of the third world, many of whose ideas it shared. It advocated a territorial sea extending up to a limit of 12 nautical miles from the appropriate baseline; a bill to that effect was under consideration in the National Assembly of the Republic. It supported the idea of the patrimonial sea put forward by the Latin American countries. It demanded the recognition of the exclusive rights of coastal States over the patrimonial sea, sea-bed and subsoil and over their continental shelf. It would consider with sympathy and understanding the legitimate claim of archipelagic and land-locked States and those of developing coastal States unable to establish wide areas of national jurisdiction because they were surrounded by narrow seas or because of other geographical or ecological factors. It advocated concerted efforts to prevent the pollution of ocean space, and to promote scientific research and technological progress, the results of which must be shared equitably. It approved the creation of an international authority to handle the administrative, economic and technical management of the common heritage beyond the limits of national jurisdiction and to be responsible for combating pollution of the high seas and for the transfer of marine technology to developing countries. It was also in favour of working out an appropriate system for the peaceful settlement of conflicts. In putting forward detailed suggestions on the problems mentioned, his delegation would not be inspired simply by the pursuit of selfish interests; it would show extreme moderation in order to reach as unanimous an agreement as possible.

6. The only point on which his delegation could accept no compromise was respect for his country's sovereignty, which had been dearly won and defended during the previous 30 years. It would accept no interference in the domestic affairs of the country. No one could question, using the pretext of arriving at the broadest possible representation at meetings, the oneness and representativeness of the Government of the Republic of Viet-Nam, which was the sole State authority in South Viet-Nam and the sole authentic representative of the South Viet-Nameese people. Nor would South Viet-Nam accept any attempt to violate its territorial integrity on land or at sea. He reiterated that, as the Secretary-General of the United Nations and the Security Council had already been informed, the Hoang-Sa (Paracel) and Truong-Sa (Spratly) Archipelagos were part of the national territory of the Republic of Viet-Nam. At the beginning of 1974, a neighbouring Power had gone so far as to use force to take illegal possession of some of the islands. Its action was a flagrant violation of international law and the United Nations Charter and had provoked the just indignation of the peoples on the side of peace and justice. The South Viet-Nameese people would not bow to that act of violence and would never renounce that part of its territory. In view of the fact that the sovereignty of a coastal State over neighbouring islands must be established to fix the limits of its national jurisdiction over the contiguous ocean space, his delegation felt in duty bound to point out that the Republic of Viet-Nam possessed indisputable and inalienable sovereign rights over a number of islands lying off its coast which had been unjustly claimed or illegally occupied by neighbouring countries. The Republic of Viet-Nam was determined to assert its sovereign rights over those islands. Nevertheless, true to its policy of peace and wishing to preserve good neighbourly relations, it was prepared to settle the conflicts by negotiation or

any other peaceful means provided by the United Nations Charter. His country could not accept encroachments on the part of the continental shelf that belonged to it by right, but was prepared to resolve any differences that might arise between its neighbours and itself through bilateral negotiations or by recourse to appropriate international jurisdiction.

7. He hoped that his delegation's just and reasonable position would find a favourable welcome and would contribute positively to the success of the Conference.

8. Mr. SRIVASTAVA (Inter-Governmental Maritime Consultative Organization) said that his organization was deeply interested in many of the important issues before the Conference. It had therefore prepared and submitted to the Conference document A/CONF.62/27 which set forth in some detail information about IMCO, its past work and future work programme. There were four specific matters he wished to speak about: the origins, composition and structure of IMCO, and changes recently made or proposed to make the work of the organization more effective; IMCO's role in and future potential for providing technical assistance to developing countries; IMCO's work on the prevention and control of marine pollution, the way in which that work had developed and the new institutional arrangements made to carry it out; the wide variety of IMCO's maritime activities and their relevance to other areas of vital concern to many countries in the world.

9. The convention establishing IMCO had been adopted by a United Nations Maritime Conference in 1948, when international maritime activity had not been as widespread as in 1974. Naturally, the original members of the organization were largely maritime Powers. Since then IMCO's membership had changed greatly with the emergence of a world-wide interest in maritime operations. Eighty-six countries were currently members of IMCO, and they represented all the regions of the world evenly. About two thirds of the members came from the developing countries of Africa, Asia and Latin America. The organization was in touch with several prospective new member countries and, although IMCO specialized exclusively in maritime activities, its membership was expected to reach 100 in the near future. Any State Member of the United Nations was entitled to join IMCO at any time simply by acceding to the IMCO Convention. He pointed out that whenever the organization convened an international conference, invitations were sent to all State Members of the United Nations and its specialized agencies. Like other organizations within the United Nations system, IMCO functioned through a number of committees of which all but two were open to every member of the organization. They included the Legal Committee, which dealt with legal questions, the Facilitation Committee, which was concerned with the facilitation of maritime traffic, the Committee on Technical Co-operation, which advised the IMCO Council and Assembly on the development and implementation of its expanding programme of technical assistance to developing countries, and the new Maritime Environment Protection Committee (MEPC) established in 1973 to be responsible for the over-all co-ordination and administration of IMCO's work on the prevention and control of marine pollution.

10. IMCO was a world maritime organization that rendered very effectively a vital service to the world community in the highly technical and specialized field of shipping. Naturally, as with other similar organizations, there was a need for continuous review, for improvement in working methods and for periodic reorganization as part of the process of development. The Assembly and Council of the organization were fully conscious of that need and took appropriate action from time to time. In November 1973, the IMCO Assembly had set up an *ad hoc* working group of the whole to examine the composition and size of the Council and of the Maritime Safety Committee. The working group had already met and had formulated proposals for amending the relevant provisions of the Convention establishing IMCO. The proposed changes would entail an

increase in the membership of the Council to increase the representation of the developing countries on it. The Maritime Safety Committee, which had hitherto been a restricted body of 16 elected members, would be open to all IMCO member States. The improvements in the structure of the organization would be very important ones. IMCO was thus developing and adapting its structure to meet current requirements taking fully into account the relatively large increase in its membership, almost entirely from developing countries, in recent years.

11. Speaking about the provision of technical assistance to developing countries, he pointed out that many developing countries wanted to establish national merchant navies. The International Development Strategy for the Second United Nations Development Decade<sup>1</sup> referred to that matter specifically, as did the Programme of Action on the Establishment of a New International Economic Order. The developing countries also wished to establish modern shore maritime administrations, to provide efficient port and harbour services and to engage in other related activities. A number of IMCO technical conventions and recommendations would have to be implemented effectively to promote and ensure maritime safety according to international standards and to prevent marine pollution from ships. But there was a severe shortage, and sometimes even total lack, of national maritime expertise, without which no viable long-term programme of maritime development could be successfully carried out. IMCO had been very willing, and even anxious, to arrange for the necessary technical assistance to establish national, subregional or regional merchant navy training institutions to train personnel in navigation, marine engineering and other related subjects, and was particularly equipped to provide assistance in shipping and related matters. It had therefore developed a programme of technical assistance under the sponsorship of the United Nations Development Programme (UNDP) and in close collaboration with other organizations, particularly the United Nations Conference on Trade and Development (UNCTAD) and the International Labour Organisation (ILO), interested in certain aspects of shipping and related matters. The programme, which the governing bodies of IMCO would like to see enlarged further, had begun six years previously on a very modest scale and had grown steadily until it comprised several large-scale and quite a number of small-scale projects in Africa, Asia and Latin America. Apart from technical training, assistance was being provided in the modernization of maritime administrations, the evolution of modern maritime codes and ways of dealing with marine pollution.

12. It was reasonable to predict that one direct result of the successful conclusion of the Conference might well be a new upsurge in maritime activity. Maritime expertise, already in short supply, would be increasingly in demand, and more maritime experts would have to be made available. IMCO was at the disposal of the world community to provide assistance in that respect and it would, of course, continue to work in close co-operation with the ILO and UNCTAD. The organization's recent discussions with UNDP for increased financial assistance for worth-while projects had been very reassuring.

13. Between the time of the Convention establishing IMCO and its entry into force, the Government of the United Kingdom, recognizing the importance of and the need for urgent international action to prevent marine pollution by oil discharged from ships, had convened an international conference in 1954 to consider the matter. Since 1959, when IMCO had become the depository of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, adopted by that conference, it had developed the subject progressively. Amendments to the Convention in 1962 and 1969 had first limited and then prohibited the discharge of oil in all areas of the sea, except in strictly defined situations. Further amend-

ments made in 1971 restricted the size of individual oil tanks in tankers and regulated their design, with a view to reducing the quantities of oil that could escape from a tanker involved in an accident. The 1954 Convention had been superseded by the comprehensive International Convention on the Prevention of Marine Pollution from Ships in 1973, which contained extensive provisions to prevent pollution of the sea by oil, liquid and dry chemicals, ship-generated garbage and sewage, and so forth. IMCO considered that all types of marine pollution—intentional, negligent or accidental—by ships and other craft, and steps to prevent pollution, had to be dealt with in an integrated manner. First, action was needed to prevent pollution caused not only by oil but also by other noxious substances and by ships' garbage and sewage. Secondly, because of inadequate or non-existent shipboard facilities, ships were sometimes obliged to discharge pollutants overboard; special tankage and other such facilities and equipment were needed to enable ships to retain probable pollutants on board and to make sure that effluents were properly monitored. Thirdly, shore reception facilities had to be provided at all ports to allow the safe discharge of pollutants retained on board vessels during a voyage. Fourthly, attention had to be given to the prevention of accidents at sea by establishing safety standards for the design, construction, equipment and operation of ships, by a formulation of traffic separation schemes for high traffic density areas, and by the elaboration and updating of international regulations for preventing collisions at sea so as to ensure safe passage across the oceans. Fifthly, technical personnel manning such ships as large tankers and chemical vessels had to be trained up to the highest possible standards. IMCO had sought to achieve those objectives in a co-ordinated manner, mainly by conventions, recommendations and codes of practice.

14. A new and important feature of IMCO's work on marine pollution was the concept of the special areas established in the 1973 Convention as being particularly vulnerable to pollution and regulated by especially rigorous provisions. Where necessary, additional provisions for such areas could also be formulated on a regional basis.

15. Although IMCO's attention had been concentrated mainly on the prevention of pollution, it had not neglected measures to deal with pollution if it occurred. Working with the group of experts dealing with the scientific aspect of marine pollution, IMCO had studied various aspects of pollution by oil and other noxious substances carried in or by ships. As a result of the studies, recommendations had been made on ways of dealing with oil spillages, on the dissemination of information about national arrangements for reporting pollution incidents, and on the co-ordination of efforts by neighbouring countries where necessary. Attention had also been given to the problem of providing compensation to victims of pollution damage. There were conventions in existence that dealt with the question of the right of States to take action to protect their interests from damage by pollution and to provide States and individuals with adequate compensation for damage suffered.

16. Although much had been achieved, there was still much to be done. For the effective prevention of marine pollution from ships, continuous vigilance and periodic reviews of ship design and equipment, navigation rules, personnel training, certification standards and the like were required, and IMCO was fully committed to that unremitting effort. In 1971, the IMCO Assembly had declared that its objective was the complete elimination of intentional marine pollution and the minimization of accidental pollution by 1980. The establishment of the Marine Environment Protection Committee (MEPC) was further clear evidence of IMCO's determination to follow up the provisions of the 1973 International Convention for the Prevention of Marine Pollution from Ships and its related protocol. The organization was maintaining close contact with the Secretariat of the United Nations Environment Pro-

<sup>1</sup>General Assembly resolutions 2626 (XXV), and 3202 (S-VI).

gramme. The text of the 1973 Convention had been transmitted to the Secretary-General of the United Nations for submission to the Conference so that it would be taken into account in the broader context of the Conference.

17. As indicated in document A/CONF.62/27, IMCO's work was not confined to the prevention of marine pollution from ships. The greater part of its effort was dedicated to ensuring the safety and efficiency of navigation and hence the continuous availability of the reliable and efficient shipping services required for international trade and commerce. Continuous efforts were needed to improve shipping technology in order to provide better and more economical maritime transport. Although that involved highly technical work and the discussion of apparently irrelevant issues, the work was of crucial importance to all nations of the world, since its success or failure affected the development of world trade and commerce on which the development of most countries of the world, especially the developing countries, depended so directly. IMCO would continue to strive for the continuous improvement of maritime safety and shipping technology.

18. Over the previous 10 years, IMCO had acquired experience and expertise in dealing with the complicated problem of marine pollution from ships and had promoted several international conventions and other agreements. The process was a continuous one, however, and any suggestions or guidance for the intensification of IMCO's efforts would receive every attention. Co-ordination of IMCO's efforts with those of other United Nations agencies concerned with the preservation of the human environment, particularly UNEP and a possible future authority for the sea-bed, would be essential. IMCO was determined to do all it could to ensure that the co-ordinated efforts of the United Nations system would contribute effectively to the preservation and enhancement of the quality of the marine environment and achieve the most fruitful results possible for all mankind.

19. He wished the Conference every success in its efforts and pledged IMCO's fullest assistance and co-operation in its work.

20. Mr. KIM guk Jun (Democratic People's Republic of Korea) said that the Conference had been convened at a moment when great changes had taken place in world political and economic relations and there was therefore an urgent necessity to codify the many problems arising with respect to the law of the sea.

21. The peoples of the newly independent countries in Asia, Africa and Latin America were waging a dynamic struggle to exercise complete sovereignty in all spheres of State and social life and in the international arena. As the President of the Democratic People's Republic of Korea had said, there was an irresistible trend among the peoples of the world towards independence.

22. The Conference should discuss all problems arising in the field of the international law of the sea in accordance with the new trends and the changed international relations and should settle them in accordance with the aspirations of all countries and nations. The peoples of the developing countries were waging a vigorous struggle to safeguard their territorial seas and natural resources as part of their fight against aggression and imperialist and colonial intervention. In particular, in the field of the law of the sea, the peoples of the third world were independently fixing the limits of their territorial sea and the zone under their jurisdiction in conformity with the actual conditions of their countries, thus frustrating imperialist efforts to limit the territorial waters to only three miles. The question of the 200-nautical-mile limit, rightly raised by the third world countries, enjoyed the support of countries throughout the world.

23. The Government of the Democratic People's Republic of Korea regarded it as a sacred duty to support actively the struggle of all peoples who were resolutely struggling to achieve freedom and liberation, national independence and social pro-

gress and to defend the sovereignty, territorial sea and natural resources of their countries. It fully supported the demand of the third world countries that each country should independently fix its territorial sea and limits under national jurisdiction by a proper standard taking into account its geographical conditions, economic realities, defence security and the interests of neighbouring coastal States. The international sea-bed beyond national jurisdiction should be developed in a unified way by an International Authority on an equal basis and the benefits gained therefrom should be effectively used for the development of the developing countries. Accordingly, the peoples of Asia, Africa and Latin America should unite in order to be successful in their common cause.

24. That need for unity had been eloquently proved by the principles and declarations adopted by the sixth special session of the United Nations General Assembly, by the resolution on the law of the sea adopted at the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers in 1973, by the Assembly of the Organization of African Unity held at Addis Ababa in 1973 and by the meeting of Ministers of the Specialized Conference of the Caribbean Countries on Problems of the Sea held at Santo Domingo in 1972.

25. Today, aggression and interference by outside forces were the main obstacles to the realization by the peoples of Asia, Africa and Latin America of their national independence, the safeguarding of their political sovereignty and to the building of independent, prosperous and new societies. The Korean people, too, had one half of their country occupied by foreign imperialist forces of aggression and their national dignity and sovereignty were ruthlessly denied. They were thus unable to order their economy in a co-ordinated way and to utilize rationally their abundant natural resources. The occupation of South Korea by the United States Army and the acts of interference which grossly violated the exercise of sovereignty should cease, yet aggression was continuing and the acts of plunder by the militarist forces of Japan in the southern half of Korea and its adjacent sea and continental shelf had become increasingly violent. Korea's south sea had thus become one of the areas where the imperialist and colonialist Powers were competing for a "marine monopoly". That was vividly demonstrated in the "South Korea—Japan Fisheries Agreement" and the "South Korea—Japan Agreement on the Joint Development of the Continental Shelf" which South Korea had concluded with foreign aggressive forces in 1965 and January 1974 respectively. It was also expressed in the "individual contracts" which South Korea had concluded with the United States and other imperialist oil monopolies.

26. Today, the fishing grounds and the continental shelf in the south sea were still being plundered by the foreign aggressive forces against the interest and will of the Korean people. The Korean people did not therefore recognize the shackling and unequal agreement which the South Korean authorities had concluded with the foreign aggressors and had already declared them null and void. In order that the people might fully utilize their natural resources, the United States troops which had donned the helmet of the United Nations Forces should withdraw from South Korea and all intervention should cease. The Government of the Democratic People's Republic of Korea and the people had therefore consistently waged the struggle for the independent and peaceful reunification of the country without any interference by outside forces. They would continue in the future to fight resolutely in firm unity with the peoples of Asia, Africa and Latin America, who were upholding the banner of independence, as well as with the peoples of socialist countries in order to achieve national sovereignty in the entire territory of their country and to contribute actively to the common cause of mankind.

27. If the current Conference was to settle satisfactorily the tasks assigned to it in conformity with the aspirations, wishes and interests of all States, it should oppose the "marine mo-

nopoly” of the imperialists and colonialists, and the seas and oceans of the entire world should be opened to all. To that end, delegations of Governments, including the Royal Government of National Union of the Kingdom of Cambodia which genuinely represented the people of that country, should be able to participate in the Conference.

*Mr. Barnes (Liberia), Vice-President, took the Chair.*

28. Mr. SOTH (Khmer Republic) said that he regretted that the representative of the Democratic People's Republic of Korea had referred to a problem that was solely the internal concern of the Khmer Republic. He reserved the right to reply on the matter at a later stage.

29. Mr. KOLOSOVSKY (Union of Soviet Socialist Republics) expressed his appreciation to the people and Government of Venezuela for their hospitality to the Conference. He also took the opportunity to greet the peoples of all Latin American countries striving to consolidate their political and economic independence.

30. The Conference on the Law of the Sea was one of the most important international conferences ever convened by the United Nations. Unfortunately, the principle of universality had not been respected and, in spite of requests from the Soviet Union and socialist and developing countries, the Provisional Revolutionary Government of the Republic of South Viet-Nam had not been invited to the Conference. As a result, the Democratic Republic of Viet-Nam had declared that it would be unable to participate in the Conference. He reaffirmed his delegation's support of the position taken by the Democratic Republic of Viet-Nam with regard to the legitimate right of the Provisional Revolutionary Government of the Republic of South Viet-Nam to participate in the Conference.

31. His delegation, like many others, believed that the problems which the Conference had to solve were of great significance. It had been convened at a time when far-reaching changes were taking place in the world. As the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. Brezhnev, had said at the recent World Peace Conference in Moscow, the main development in international relations was the trend away from the “cold war” towards a relaxation of tension and from military confrontation to the strengthening of security and peaceful co-operation. That was why there was increasing recognition of the principles of peaceful coexistence, which were gradually becoming an important, commonly accepted rule of international life. That development was the result of efforts by many countries. The consistently peaceful policy pursued by the Soviet Union aimed at the full implementation of the over-all Peace Programme, adopted by the Twenty-fourth Congress of the Communist Party of the Soviet Union in 1971, which played an outstanding role in those changes, and which must necessarily affect the work of the Conference. The seas could not be allowed to become areas of rivalry and confrontation, which they would do unless the Conference acted in accord with that constructive trend in international relations.

32. The main aim of the Conference was to draw up agreed principles and norms for the rational exploitation of marine resources, which would promote peaceful co-operation among nations, taking account of the interests of coastal and land-locked countries, large and small countries, developed countries and those countries which were just beginning to establish their own independent national economy. His delegation, in accordance with its policy of supporting anti-imperialist and anti-colonialist struggles, felt that account should also be taken of the special interests of countries which had just been liberated from colonial dependence and of the interests of all developing countries.

33. The tasks facing the Conference were extremely difficult and complex. Their solution, however, was facilitated by the fact that considerable experience of co-operation among States in the oceans of the world had already led to the development

of a number of important, commonly recognized principles and rules relating to the law of the sea, the existence of which would stimulate further work on the updating of existing, and the preparation of new, provisions to meet modern needs.

34. There were a number of problems of cardinal importance, which, if resolved, would make it easier to reach agreement on other questions. At a time when economic activity was becoming more and more international, when goods were being produced specially for export and international trade, the role of such trade had greatly increased. It was however only possible when the necessary conditions existed for international navigation, in which all countries were interested, and without which such trade was unthinkable. The most important issues were the breadth of the territorial sea, the freedom of passage for all vessels through straits used for international navigation, and the freedom of the high seas.

35. The 12-mile limit for the territorial sea was recognized by approximately 100 States and was in keeping with the interests of the overwhelming majority of coastal States. Embodying it in an international convention would mean that a widely accepted international practice would become international law. The 12-mile limit was adequate for the security of coastal States and for the exercise of their economic rights and interests, and it was also acceptable for international shipping. That balance would be disturbed if the breadth of the territorial sea was excessively expanded. In that case, even the rights of coastal States as recognized in international law would acquire new characteristics; there could be serious interference with international navigation and shipping would be made dependent on the unilateral action of coastal States. Extending the breadth of the territorial sea would thus have a negative effect on international trade and on the world economy as a whole.

36. The right of transit for all ships through straits used for international navigation was closely linked to the questions of the breadth of the territorial sea and the freedom of international navigation. Such straits were the focal points of international shipping routes because they were the routes of the most intensive navigation. There could be no real freedom of international navigation or international communication without free transit for ships through straits used for international navigation and linking the high seas. The conclusion to be drawn from the established practice of navigation in international straits was that a rule of common law had already been established, recognizing the right of transit through such straits for all ships. Such a rule was in keeping with the interests of all countries even of those which did not yet have their own merchant marine. His delegation supported the retention of the principle of free transit for all ships through straits used for international navigation linking the high seas. However, in view of the contemporary conditions of navigation and particularly of the increase in traffic and in the speed and size of ships, special provisions for strict compliance with the appropriate international regulations in those straits should be enforced to protect the security and other interests of coastal States. In the case of straits linking the high seas to the territorial waters of a coastal State and leading only to such waters, his delegation supported the régime of innocent passage, taking into account the individual characteristics of the straits concerned.

37. One of the most important issues to be considered by the Conference was that of fishing. All States should be entitled to exploit the food resources of the seas and should also have a duty to conserve them. The coastal States undoubtedly had special interests with regard to the living resources of the sea adjacent to their coasts. However, all peoples should have the right to exploit the living resources of the seas and thus increase food production. His delegation was sympathetic to the wish of the developing countries to use the natural resources of the sea to raise the standards of living of their peoples, and thus to strengthen their national economy and political independen-

dence; account should be taken of their special interests in fishing and also in the utilization of other marine resources. As indicated in General Assembly resolution 3067 (XXVIII), the question of fishing was closely related to other aspects of the law of the sea and those problems should be resolved as a whole or in a package deal.

38. He suggested that, provided that there was agreement among the participants to the Conference on a mutually acceptable solution concerning the breadth of the territorial sea, the right of transit through and overflight over international straits, international shipping, scientific research and other important problems the future convention should also include a provision recognizing the rights of coastal States to establish 200-mile economic zones and to exploit all living and mineral resources in their zones. Provision would, of course, also have to be made for the coastal State to grant to fisheries of other States, on a non-discriminatory basis, the right to fish in its economic zone in accordance with provisions established in the convention, such as payment of a modest fee where that State did not catch 100 per cent of its allowable catch in the zone. That would permit other countries to utilize the food resources of the sea and would prevent under-utilization of those resources. Although the establishment of a 200-mile economic zone would cause considerable loss to Soviet fisheries, his delegation would accept it with a view to reaching mutually acceptable decisions on all important questions relating to the law of the sea in the interests of all peoples.

39. The matter of a régime for the international sea-bed and ocean floor was also important, the question being to what extent that régime would fulfil the needs of mankind and correspond to the rational utilization of sea-bed resources. His delegation advocated the establishment of such a régime which would meet the interests of all countries in the development of their national economies. It favoured the establishment of an international organization in which States would co-operate in industrial exploration and exploitation of the mineral resources of the sea-bed. There should be no cumbersome, expensive machinery for such an organization, whose executive organ, in which all the major groups of States would be represented, would play the most important role. He fully agreed with the proposal made by the developing countries that exploitation of those mineral resources should be for the benefit of all mankind, irrespective of the geographical location of States and whether or not they had a coastline, with particular regard to the interests of the developing countries. In accordance with its peace-loving policy, his delegation favoured a provision that the sea-bed would be used exclusively for peaceful purposes. Naturally, the régime governing the sea-bed should in no way affect the status of superjacent waters which were part of the high seas, where the principles of free use by all States were in effect.

40. The Conference included a large number of land-locked and shelf-locked States, many of which were developing countries whose economic situation was further complicated by their lack of access to the sea. He therefore proposed that the right of free access of land-locked States to the sea should be recognized as a general principle of international law.

41. The increase in scientific research on the oceans was a direct result of the scientific and technological revolution. In that respect, two factors played an important role: the increase of international co-operation and the strengthening of the international legal régime governing the seas.

42. States should co-operate by combining their material, technical and other resources under the auspices of appropriate international organizations and by exchanging scientific data and the results of experiments. The Soviet Union provided extensive scientific and technological assistance to other, particularly developing countries, tens of thousands of whose citizens studied in the USSR, and would be willing to expand that assistance to include marine technology. Freedom of scientific

research in the high seas was an important stimulus without which further development of fundamental marine science, which constituted the basis for the economically efficient exploitation of ocean space and marine resources, would not progress.

43. His delegation supported the adoption of measures for the conservation of the marine environment and the prevention of pollution from any source. That was an important question which should be given serious consideration.

44. The complexity of the problems faced by the Conference stemmed from the deep relationship and interdependence of various forms of the activity of States in the world oceans. That was emphasized in General Assembly resolution 3067 (XXVIII), which said that the problems of ocean space were closely interrelated and should be considered as a whole. The provisions adopted by the Conference should become universally recognized norms of the international law of the sea and must therefore be acceptable to all groups of States. That could be achieved if a balance was maintained between national interests and the requirements of international co-operation, the consolidation of peace and the security of peoples. His delegation intended to co-operate actively with other delegations with a view to seeking just and acceptable solutions to the problems. He expressed his conviction that the spirit of goodwill and the willingness to seek reasonable solutions, essential to the success of the Conference, would prevail.

45. Mr. MAHMOOD (United Nations Council for Namibia) said that the Council for Namibia, which was struggling for the independence of that country, was most gratified to be represented at the Conference in the city that was the birthplace of Simón Bolívar, the great Liberator.

46. The decision of the General Assembly to invite the United Nations Council for Namibia to participate in the Conference was of historic importance for Namibia. It was an implementation of the decision whereby the General Assembly had terminated South Africa's mandate and had declared that Namibia would henceforth be under the direct responsibility of the United Nations. It was therefore only right that the interests of Namibia in the Conference should be represented not by South Africa, but by a delegation from the Council which included, as an integral part, the representative of the national liberation movement of Namibia, the South West Africa People's Organization (SWAPO), recognized by the General Assembly as the authentic representative of the Namibian people. The subject-matter before the Conference concerned many of the vital interests of Namibia and its inhabitants since Namibia had a large coastline and, had circumstances been different, might have become an important maritime nation.

47. Much of Namibia's livelihood was derived from the sea and its fishing industry provided both food for the population and needed foreign exchange. Even more important was the potential for off-shore drilling for oil and natural gas which had already been initiated. Experts had determined that other valuable resources existed in the subsoil of Namibia's territorial sea. The country, however, was facing the real danger that the occupying Power was misusing its temporary and illegal authority to deplete its resources.

48. The Council, as the true representative of Namibia, was therefore most interested in an equitable solution of issues relating to the law of the sea. It was interested in all related issues because they affected the very existence and prosperity of the Namibian nation. It was therefore looking forward to close co-operation, during the Conference, with other members in the same geographical position as Namibia, in particular members of the Organization of African Unity.

49. The Council would strive for a convention which, while safeguarding the national interests of Namibia, would be beneficial to the international community as a whole. To that end, it would not neglect the interests of the land-locked countries, in particular those of Namibia's good neighbours, Botswana

and Zambia. It went without saying that any convention agreed to by the Conference would, as far as Namibia was concerned, require ratification by the Government of an independent Namibia.

50. The United Nations Council for Namibia wished to express its satisfaction at the adoption of the amendment to rule 62A of the rules of procedure of the Conference. That amendment had rightly recognized that the Council should not be treated as a specialized agency. While it was understandable that the specialized agencies should participate in the Conference only when the questions within the scope of their activities were being discussed, the Council had a special status. Its interest extended to all subjects and issues before the Conference and it should have the right to participate on a continuing basis.

51. The Council, which was most grateful and proud to represent Namibia, wished to thank the countries of Latin America, the overwhelming majority of which, together with the freedom-loving peoples of Africa and Asia, had been extending valuable support to the just cause of the people of Namibia.

*Mr. Al-Saud Al-Sabah resumed the Chair.*

52. Mr. KAPOOR (International Hydrographic Organization), recalling that he had made a statement in March 1973 at the 92nd meeting of the sea-bed Committee, said that the International Hydrographic Organization had been founded in 1921 for the purpose of facilitating the exchange of hydrographic knowledge and promoting maximum standardization of charts and nautical documents and of the techniques used in hydrographic and bathymetric surveys. Considerable success had been achieved in that field, and a world-wide international series of charts was now being produced according to international specifications by a number of States members of the International Hydrographic Organization, as a co-operative venture; any member might incorporate in its own series charts produced by other States.

53. A nautical chart was an instrument compiled from precise and intensive surveys made at sea to delineate the nature of the bottom topography, navigable channels, underwater obstructions and so forth. It was used as a scientific instrument for the purpose of navigation, for the location of fishing grounds, for the laying of cables and pipelines, or for the exploration and exploitation of sea resources. Charts provided information

needed for the work of the Conference on the Law of the Sea in so far as it related to defining limits and evaluating morphological factors; they provided the basis for the construction of baselines, the demarcation of international maritime boundaries, fishery zones, traffic separation schemes, etc. To provide that information, major resurveys would be needed in many parts of the world, as many current charts were based on old data. Considerable resources, both in vessels and in technical personnel, would be needed for those surveys, and existing facilities would have to be strengthened and hydrographic services established in many countries. The International Hydrographic Organization believed that hydrographic facilities should be established in developing countries and was ready to provide the necessary technical advice and assistance in training, equipment and technology.

54. A programme to provide bathymetric data on a global basis for the use of the world scientific community had been initiated in 1903 and had been taken over by the International Hydrographic Organization in 1932. The data collected so far had been acquired through co-operative research programmes and hydrographic expeditions, and constituted the only global collection of ocean depths. The numerous data accumulated over the years varied in reliability and in density; in certain areas they were so sparse that they did not permit of any accurate morphological interpretation. So far, three complete editions of a world series of general bathymetric charts had been issued. A new series, in which scientists and hydrographers were co-operating, was being compiled under a programme sponsored jointly by the Intergovernmental Oceanographic Commission of UNESCO and the International Hydrographic Organization.

55. The International Hydrographic Organization was willing to co-operate fully in the work of the Conference and would be prepared at all times to provide such technical assistance as was within its competence.

56. Mr. OGISO (Japan) said that the representative of the Democratic People's Republic of Korea had, in his statement, made certain references to agreements between the Republic of Korea and Japan. He could not accept the allegations he had made in that connexion, and he reserved his right to reply at an appropriate time.

*The meeting rose at 5.25 p.m.*

## 23rd meeting

Monday, 1 July 1974, at 10.40 a.m.

*President: Mr. H. S. AMERASINGHE (Sri Lanka).*

### General statements (*continued*)

1. Mr. JOSEPH (Trinidad and Tobago) observed that his country had not attended the two previous United Nations Conferences on the Law of the Sea, which had been held before it had attained its independence in 1962, and that it had therefore played no part in shaping the existing law. It was, however, a party to the four 1958 Geneva Conventions. It had also participated actively in the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction from its inception, and was among those delegations which had called for the convening of the present Conference, in order that questions relating to the law of the sea could be dealt with comprehensively.

2. The Conference, in which the developing countries would now participate, would seek to establish new norms of interna-

tional conduct in ocean space, norms which should reflect technological advances and the necessary adjustments which international social justice and equity required. In seeking such norms, however, the Conference should by no means erode those fundamental principles of existing law which were peremptory in their character and application.

3. The principle of the common heritage of mankind was the corner-stone on which the Conference must build any institutional mechanism to govern the marine area beyond national jurisdiction. For that reason, pending the establishment of an international régime and machinery, there should be no unilateral exploitation of the resources of the international sea-bed area. His delegation supported the creation of a strong international authority with comprehensive powers, which would govern and control the area, and which would, by itself or in association with others, explore it and exploit its resources for the benefit of the entire international community.