Third United Nations Conference on the Law of the Sea

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Summary Records of Plenary Meetings
25th plenary meeting

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Perón's family and to the fraternal people and Government of Argentina.

13. Mr. MOORE (United States of America) said that he wished to associate himself, particularly as a member of the Organization of American States, with the sentiments expressed by the Latin American delegations. He extended his sincere condolences to the representative of Argentina and through him to the late President's family and the Argentine people.

14. Mr. DE ABAROA Y GOÑI (Spain) associated himself with the tributes paid to General Perón. Spain had known and loved General Perón, who had spent a great deal of time there, and had had the opportunity to appreciate his human qualities. It had lost in him a sincere friend and the whole Spanish people extended its condolences to the people of Argentina.

15. The PRESIDENT requested the Argentine delegation to convey the condolences expressed by all the delegations.

16. Mr. LISTRE (Argentina) said that, being overcome by emotion, he would say only a few words. To be loved by one's people was the highest goal to which a leader could aspire. That had been the case with General Perón, who had been deeply loved not only by the Argentine people but by others, and especially the peoples of Latin America and the third world. Almost three decades earlier General Perón had expounded the doctrine of the third position, which had helped to sow the seeds of the third world movement.

17. General Perón had been profoundly Argentine, profoundly Latin American and profoundly universal. The Argentine delegation had had occasion at the previous meeting to describe some of the ways in which he had visualized the progress of the world towards justice and liberty. As had been pointed out by Her Excellency Doña María Estela Martínez de Perón, the President of the Argentine Republic, who had assumed office in accordance with the Constitution and the will of millions of her fellow citizens, "the President of the Argentine people provided his country and the Latin American continent with the most outstanding example of greatness and Christian humanism. He sacrificed his life to the cause of the peace and freedom of peoples and worked to the very end for national, continental and universal unity."

18. He thanked delegations for their expressions of sympathy.

In tribute to the memory of General Perón, the meeting rose at 5.10 p.m.

25th meeting

Tuesday, 2 July 1974, at 10.15 a.m.

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

General statements (*continued*)*

1. Mr. MOLDT (German Democratic Republic) said that, in the current atmosphere of international détente, the Conference should be able to agree on generally acceptable rules for the law of the sea, based on the principles embodied in the Charter of the United Nations and in the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction adopted by the General Assembly.[1]

2. In view of the universal importance of the Conference, he regretted that the Provisional Revolutionary Government of the Republic of South Viet-Nam had not been invited to participate. As a participant in the Paris Peace Conference and as a State which maintained diplomatic relations with many countries, it had a legitimate right to participate in the Conference. In connexion with the question of universality of representation, he expressed support for the principle that liberation movements should be invited to participate in the work of the Conference.

3. The principle of the freedom of the seas should be the basis of the international law of the sea. That principle included the right of all States to free navigation and other legitimate uses of the high seas on the basis of sovereign equality, the principle of co-operation between all States in the conservation, exploitation and equitable distribution of the mineral resources of the sea which were the common heritage of mankind, and the principle of the conservation of the marine environment and increased co-operation in maritime research. All questions relating to the law of the sea were interrelated and should be approached as a whole.

4. Determining the breadth and legal régime of the territorial sea, which was one of the central issues facing the Conference, meant determining State frontiers. His delegation supported a 12-mile limit for the territorial sea, in accordance with current legal concepts and the practice of the vast majority of States. The breadth of the territorial sea should be clearly defined by the Conference.

5. The principle of free passage through straits used for international navigation and linking the high seas should be affirmed by the Conference in a convention. The security interests of coastal States should, of course, also be taken into account. As a result of the increase in traffic through straits, their importance, particularly their political importance, had increased recently, and free transit through and free overflight over such straits were essential for communication and peaceful co-operation between States. In that connexion he expressed support for the norms proposed by the Soviet Union for the protection of the interests of all States, particularly States bordering international straits, submitted to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction on 25 July 1972.[2]

6. His delegation was sympathetic to the wish of the developing countries to exploit the living and mineral resources of the sea in economic zones in the high seas. A balanced solution to the problem should be found which would take account of the legitimate interests of all States. Although his country had only a short coastline, his people had a traditionally high rate of fish consumption, and the legal régime for the utilization and conservation of living resources in economic zones was of vital importance to his country. The coastal States should exercise their rights in the economic zones, which should have a maximum breadth of 200 nautical miles, in accordance with provisions established under international law and with regard to the interest of all mankind in the rational utilization of the

*Resumed from the 23rd meeting.

[1] Resolution 2749 (XXV).

[2] *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21* and corrigendum, annex III, sect. 5.

natural resources of the sea. They should respect the right of other States to free passage, free overflight, free scientific basic research, and the right to lay cables and pipelines.

7. In order to conserve the living resources of those economic zones, the coastal States should co-operate closely within existing regional fishery organizations which had considerable experience in the exploration and exploitation of fish resources and could supervise the application of measures for their conservation. Fishery organizations should make recommendations on the total allowable catch for each species and the annual allowable catch for States entitled to fish in the economic zone, with a view to the maximum and equitable utilization of the living resources of the sea.

8. His delegation maintained that the resources of the sea-bed should be exploited for the benefit of all peoples. No State should be allowed to extend its jurisdiction to the sea-bed or to acquire sovereign rights over it. The sea-bed should be used exclusively for peaceful purposes, and the benefits derived from the exploitation of the resources of the sea-bed should be shared equitably among all nations, with special consideration for the interests and needs of the developing countries. The right to participate in the exploration and peaceful utilization of the sea-bed should be extended to all States, including those which did not yet have the technical capacity to exploit it. The régime of the sea-bed should not affect the legal régime of the high seas or of the superjacent air space. The proposed International Sea-Bed Authority should co-ordinate the activities of all States in exploiting mineral resources beyond the economic zones.

9. Turning to the question of pollution, he said that the conventions elaborated by the Inter-Governmental Maritime Consultative Organization provided a basis for consideration by the Conference. There were, however, some gaps in the existing conventions which should be filled, and it would be necessary to draw up a convention on the protection of the sea. All States should undertake to prevent pollution, while respecting the principle of freedom of navigation. There would be considerable scope for co-operation for research in that field.

10. The interests of land-locked and other geographically disadvantaged States should be taken into account in connexion with the exploitation of living and mineral resources. The right of land-locked States to free access to the sea and to the sea-bed should be a generally recognized principle of international law embodied in the convention.

11. Mr. CHAI Shu-fan (China) said that the international situation had changed considerably since the two previous Conferences on the Law of the Sea had been held, and the third world countries had now become the main force combating colonialism, imperialism and hegemony, as had been demonstrated at the recent sixth special session of the General Assembly. The expansionist policies of the two super-Powers were being firmly resisted by third world countries and were also arousing opposition among many "second world" countries. The historical trend was irresistible—countries wanted independence, nations wanted liberation and the people wanted revolution.

12. The seas had long been the arena for the rivalries between colonial Powers, and the two super-Powers were now struggling for control of the seas by building up naval forces, establishing military bases, and plundering other countries' off-shore fishery and sea-bed resources. The super-Power that flaunted the banner of socialism was using particularly vicious tactics to obtain from other countries the right to use their ports and naval bases and carry out espionage activities with a view to dominating the seas. It was to safeguard their national security and coastal resources against such policies of aggression and expansion that a number of Latin American countries had declared their sovereignty and national jurisdiction over a zone extending for 200 nautical miles; some had proclaimed a 200-mile patrimonial sea, while others had extended their territorial seas or established exclusive fishery zones. The Organization of African Unity and the Summit Conference of Non-Aligned Countries had proclaimed that coastal States had the right to establish such zones. That position was now supported by some "second world" countries. Malaysia and Indonesia had declared their right of jurisdiction over the Strait of Malacca, Mediterranean countries had called for "a Mediterranean of the Mediterranean countries", and Sri Lanka and other countries had urged that the Indian Ocean should be a zone of peace. A struggle against super-Power maritime hegemony was being waged across the world. That struggle was an important aspect of the efforts of developing countries to safeguard their sovereignty and to develop their national economy.

13. The central issue of the Conference was whether or not super-Power control and monopoly of the seas should be ended and the sovereignty and interests of small and medium-sized countries defended. The super-Powers had long advocated the freedom of the high seas which in effect meant their monopoly over the high seas. The super-Power which claimed to be the natural ally of the developing countries had openly asserted its right to send warships to all parts of the world's oceans, had attacked the proposal for the 200-mile zone as unilateral and extremist, and had derided developing countries which advocated an economic zone as technologically backward and unable to exploit the resources even of their territorial waters. That super-Power had suddenly changed its tune and now claimed it was prepared to accept a 200-mile economic zone, but with certain restrictions: for example, it considered that coastal States should be allowed only preferential fishing rights in the zone; it was simply continuing to pursue its policy of maritime hegemony by employing new tactics. However, the argument in favour of a 200-mile zone, advanced by third world countries and supported by many small and medium-sized countries, and now created favourable conditions for changing the outdated régime of the sea to a new fair and reasonable régime.

14. Several just and reasonable proposals relating to the law of the sea had been made by developing countries at recent sessions of the United Nations sea-bed Committee. His delegation supported those proposals and suggested that they should be the basis for consideration by the Conference. The legal régime of the sea affected the interests of all countries and should therefore be worked out jointly by all countries on an equal footing.

15. He firmly opposed any attempt by the super-Powers to impose on others the outdated legal régime of the sea based on hegemony. His delegation supported the resolution adopted at Algiers in 1973 by the Conference of Heads of State or Government of Non-Aligned Countries stating that the new rules of the law of the sea should eliminate threats to the security of States and ensure respect for their sovereignty and territorial integrity.

16. It was the sovereign right of every country to define its territorial sea and the scope of its national jurisdiction. Coastal States were entitled to define a territorial sea of an appropriate breadth and, beyond it, their exclusive economic or fishery zones with appropriate limits in the light of their specific conditions and the needs of their national economic development and national security. In so doing, they should naturally take account of the legitimate interests of neighbouring countries and the convenience of international navigation. The question of fixing a maximum limit for territorial seas should be decided by all countries jointly on an equal footing. He reaffirmed his delegation's support for the position taken by many Latin American, African and Asian countries for maritime rights in an area extending for 200 nautical miles, including the territorial sea and the economic zone. That position represented their legitimate and reasonable rights and interests, which were in no way conferred upon them by the super-Powers. Land-locked States should also enjoy reasonable rights and interests in the

economic zones of neighbouring coastal States and the right of transit through the territories and territorial seas of neighbouring coastal States.

17. The Conference should seek a reasonable solution to the question of navigation through straits within the territorial seas of coastal States used for international navigation. Owing to the strategic importance of those straits, the super-Powers had always tried to use them for their own hegemonist ends. In insisting on the application of the so-called principle of the freedom of the high seas to those straits, they were denying the inviolable sovereignty of the States bordering on those straits. The coastal States concerned should have the right to apply regulations in respect of those straits in accordance with their security and other interests, while also taking account of the needs of international navigation and some reasonable international standards. Foreign non-military vessels could have the right of innocent passage, but should observe the laws and relevant regulations of the coastal States. Coastal States could require foreign military vessels in transit to give prior notification or to obtain prior authorization for passage.

18. The international sea-bed should be used for peaceful purposes. Its resources were owned jointly by the peoples of all countries, and an effective international régime should be worked out and appropriate international machinery established to manage and exploit those resources. He firmly opposed any form of super-Power manipulation or monopoly and the exclusive control or arbitrary exploitation of international deep-sea resources by one or two super-Powers on the strength of their advanced technology.

19. The new legal régime of the sea should accord with the interests of the developing countries and the basic interests of the peoples of the world. The super-Powers were trying to exploit certain differences among the developing countries in order to control, dominate and plunder them. All developing countries, although they might differ on specific issues, must unite against hegemonist policies. The fundamental and vital interests of developing countries were closely linked, and unity would bring victory in the protracted and unremitting struggle. China was a developing socialist country belonging to the third world. Its Government would, as always, adhere to its just position of principle, resolutely stand together with the other developing countries and all countries that cherished independence and sovereignty and opposed hegemonist policies, and work together with them to establish a fair and reasonable law of the sea that would meet the requirements of the present era and safeguard the sovereignty and national economic interests of all countries.

20. Commenting on the question of representation at the Conference, he said that the representation of the Lon Nol clique, which in no way represented the Cambodian people, was entirely illegal; the Royal Government of National Union of Cambodia under the leadership of Prince Norodom Sihanouk was the sole legal Government representing the Cambodian people.

21. In the same connexion, he noted that there were two administrations in South Viet-Nam, the Provisional Revolutionary Government of the Republic of South Viet-Nam and the Saigon authorities, the former being the authentic representative of the South Viet-Namese people. It was therefore inappropriate and unreasonable that only the Saigon authorities should be represented at the Conference. He could not accept what the representative of the Saigon authorities had said in his statement concerning the Hsisha and Nansha islands which, as the Government of the People's Republic of China had on more than one occasion solemnly declared, had always been an inalienable part of Chinese territory. The Chinese Government would not tolerate any infringement on China's territorial integrity and sovereignty by the Saigon authorities.

22. He expressed support for the position taken by some African and Arab delegations that representatives of national liberation movements and organizations, struggling against imperialism, colonialism and zionism, should be invited to participate in the Conference.

23. Mr. CARIAS ZAPATA (Honduras) expressed the condolences of his Government to the people and Government of Argentina on the passing away of General Juan Domingo Perón, President of the Republic.

24. He congratulated the President and officers of the Conference and expressed to the Venezuelan nation the appreciation and friendship of the people and Government of Honduras.

25. The negotiations which would take place in the coming weeks were of enormous importance to all delegations, as shown by the presence of so many States at the Conference, and would require a complex approach and complex solutions. The norms which were adopted and incorporated in one or more instruments of the law of the sea would both reflect existing law and represent a progressive development of it. They would reflect the interest of peoples who sought to define a more just international economic order, and one that was more in accordance with the needs of economic and social development.

26. Recent work at the international level was characterized by a new awareness and by intensive action by developing peoples and world-wide negotiations of which the present Conference was an integral and essential part. That work included in particular, the Declaration and Programme of Action on the Establishment of a New International Economic Order and on international measures in the field of raw materials recently adopted by the General Assembly;[3] and the continuing work within the General Agreement on Tariffs and Trade (GATT) and the United Nations Conference on Trade and Development (UNCTAD) with the recent adoption of a Code of Conduct for Liner Conferences and the establishment of the charter of the Economic Rights and Duties of States.

27. Honduras, one of the least developed countries in Latin America, was struggling alongside the developing countries to reaffirm its permanent sovereignty over its national resources, to meet the needs, including nutritional needs, of its population, and to establish more equitable relations of economic co-operation. It was fully aware of the enormous importance of the sea as a reservoir of resources and a means of communication, and had expressed its conviction that negotiations undertaken for such noble goals must rise above the selfishness, stolidity and hegemonist wishes of the strong nations.

28. His delegation hoped that the Group of 77, which was renewing its activities within the present Conference, would achieve the results that might be expected in view of its co-ordinated position. Negotiations and consultations should be stimulated between continents and within regions, since if it was necessary for the developing countries to unite more strongly around their undeniably common interests, their discussions would be characterized not by confrontation but by political rapprochement, so that the existing differences could give way to concepts of general acceptability.

29. His country's position on questions relating to the law of the sea derive from the general principles he had just enunciated. For Honduras, the exercise of national jurisdiction over marine resources up to 200 nautical miles off its coast, resources which were necessary for its sustenance and development, derived from principles set forth 23 years before in Decree No. 25 of its National Congress, ratifying a 1950 decree of President Gálvez. Later on, the Honduras Constitution of 1965 had established the territorial sea of Honduras at 12 nautical miles and had declared the country's sovereignty over the continental shelf to a depth of 200 metres or to where the depth of the superjacent waters beyond that limit permitted exploitation of the natural resources of the sea-bed and subsoil.

[3] Resolutions 3201 (S.VI) and 3202 (S.VI).

30. In sum, his country's policy was characterized by a territorial sea of 12 miles; an adjacent zone of protection and control, or economic zone, up to 200 miles in which the exercise of sovereign rights over living and mineral resources would not interfere with the freedoms of navigation, overflight and the laying of underwater cables, and a continental shelf whose limit was yet to be defined, giving particular consideration to the outer edge of the continental emersion.

31. Honduras also attached particular importance to two other questions of particular interest to it. First, it regarded the waters of the Gulf of Fonseca as internal waters subject to the sovereignty of each of the three coastal States in their respective areas, and the adjacent zones—territorial sea, economic zone and continental shelf— as a continuation of the zones within that Gulf. Secondly, it regarded the Department of Islas de la Bahia, in the Caribbean, as an archipelago which formed part of its national territory.

32. He recalled with satisfaction the excellent statements made by the Costa Rican delegation during the present general debate, and by the representatives of Venezuela, Colombia and Mexico in the sea-bed Committee. His delegation would continue its constructive dialogue with the participating delegations of the Caribbean and other countries.

33. It was understandable that Honduras felt that certain fishing practices in waters under its jurisdiction and control should conform more strictly than in the past to what it regarded as the present international law. Furthermore, it considered that scientific research should be stimulated, but its results should be adequately controlled by the State in front of which it was conducted. Finally, the preservation of the marine environment and the struggle against pollution of the sea should be carried out in accordance with international regulations, for the drafting and implementation of which the coastal States would have to assume due responsibility.

34. Honduras, which firmly supported General Assembly resolution 2749 (XXV), would contribute to the drafting of norms according to which the international Sea-Bed Authority would be established. It would give particular attention to democratic principles in the development of decision-making machinery and the recognition of broad powers for the Authority in the effective exploitation of sea-bed resources for the benefit of all countries, taking into particular consideration the interests and needs of the developing countries.

35. Honduras sympathized with the aspirations of the landlocked countries to obtain access to and from the sea. He was thinking specially of the developing countries, particularly Bolivia and Paraguay. Appropriate régimes could be developed to meet their development needs in various maritime zones.

36. The Secretary-General's statement at the 14th meeting of the Conference had contained some valuable suggestions. One was his references to the need to establish institutional means, possibly consisting of a periodic assembly of parties to the convention, for the review of common problems and the development of ways to meet any difficulty produced by new uses of the seas. That question should be given due attention during the Conference, as should the question of the links between the United Nations and the International Sea-Bed Authority, which he believed should be a specialized agency, and other questions related to the entry into force and the scope of the instruments to be adopted.

37. Honduras had always favoured the solution of international disputes through the peaceful means laid down in the Charter of the United Nations, the Charter of the Organization of American States and the Bogotá Pact. With regard to the law of the sea, likewise, it also favoured consideration of proposals for the establishment of appropriate machinery to solve any international disputes which might arise.

38. The development of a new régime for sea and ocean space and of more just and more rational uses of marine resources ranked among the most important of the many activities in which the United Nations was engaged. Every effort should be made to bring those activities to a successful conclusion.

Mr. Ogundere (Nigeria), Vice-President, took the Chair.

39. Mr. GATERE MAINA (Kenya) said that Kenya, together with most other developing countries, attached particular importance to the Conference, as it provided it with its first opportunity to be associated with the formulation of the law of the sea. The law was at present chaotic, since it had been developed, whether or not by design, to serve the interests of a minority of developed States, to the detriment of the interests of third world countries. For the Conference to be a success, there had to be a more realistic balance between the interests of the developed and developing countries.

40. The Kenyan Government, which supported the African liberation movements and would do anything possible to support them, was disappointed at the absence from the Conference of representatives of the peoples who were still struggling against colonial and foreign domination. Acceptable ways had to be worked out as soon as possible to ensure the participation of those movements in future sessions, so as to make the Conference universal.

41. Freedom of the seas, which was a basic principle of the law of the sea, amounted more to licence than to genuine freedom of competition. It gave technologically developed countries unlimited opportunity to exploit the resources of the ocean without any consideration for the interests of other countries. When the doctrine had been developed, during the age of Grotius, freedom of the seas made good sense; it was based on the theory that marine resources were inexhaustible, as indeed they were in those days of limited technological knowledge. In the twentieth century, however, and particularly in the last two decades, technology had developed to such an extent that unregulated exploitation of marine resources not only could increase the imbalance between developed and developing countries but could also, over the next few years, potentially deplete many marine resources. That, in turn, would permanently damage ecological balance, with possible catastrophic consequences for the international community. Kenya, as a developing country, was therefore determined to ensure during the Conference that it obtained its due share of the resources of the sea, bearing in mind its duties and responsibilities to protect and conserve them.

42. So far, the determination of the developing countries to protect their resources had taken the form of unilateral extensions of territorial sea limits. The Latin American countries, for obvious reasons, had begun the trend, and their initiative had been followed by numerous countries in other continents. Many African countries today claimed territorial seas extending beyond 12 nautical miles, the range being from 18 to 200 miles. In fact, only 11 out of the 29 coastal States of Africa, he believed, claimed a 12-mile limit. A number of countries, in Asia and even in Europe claimed exclusive jurisdiction for conservation of living resources of the sea well beyond the 12-mile limit.

43. It was hypocritical and unwarranted to condemn those States which found it necessary to extend their territorial sea unilaterally. During the Conference, due account had to be taken of those claims in the process of working out a universally acceptable régime. Everything possible had to be done, however, to prevent the law of the future from developing through unilateral claims. The most famous such claim was the 1945 Truman Proclamation on the continental shelf. Numerous similar declarations had followed it, culminating in the 1958 Geneva Convention on the Continental Shelf,[4] which had firmly established the sovereignty of coastal States over the shelf. Today the doctrine of the coastal State's sovereignty over the continental shelf was universally accepted.

[4] United Nations, *Treaty Series*, vol. 499, p. 312.

44. The developing countries had once again taken the lead in developing a reasonable compromise with regard to an exclusive economic zone, or patrimonial sea. In particular, a seminar of African experts had met in Yaoundé in 1972 and had endorsed a territorial sea of 12 miles, with the right to establish beyond that limit an economic zone in which the coastal State would have exclusive jurisdiction over the control, regulation, exploration and exploitation of the living resources of the sea. Those ideas had originated within the Asian-African Legal Consultative Committee, meeting in Colombo in 1970 and in Lagos in 1971. They had been further developed in the Declaration of Santo Domingo of 1972,[5] which was similar to the conclusions of the Yaoundé Seminar[6] and also recognized the existence of a continental shelf beyond 200 nautical miles.

45. It would be recalled that Kenya, in the Committee preparing the Conference, had adapted the Yaoundé Seminar conclusions into 10 draft articles, and had added a proposal that the exclusive zone should extend to a maximum of 200 miles.[7]

46. Further developments included the meeting of the Heads of State of the Organization of African Unity in Addis Ababa in 1973, which had endorsed the exclusive economic zone concept, and the Algiers summit meeting of the Heads of State of Non-Aligned Countries, which had, *inter alia,* endorsed the principle of an extended jurisdiction of the coastal State up to 200 miles. That last action had most recently been confirmed at the Summit Conference of the Organization of African Unity in Mogadiscio (see A/CONF.62/33).

47. It was clear from the events he had outlined what the attitude of the third world countries would be during the Conference. On the one hand were States which had claimed as territorial seas fairly extensive zones falling exclusively within their sovereignty. On the other hand were States whose views were expressed in the Declarations of Santo Domingo and of the Organization of African Unity.

48. Under the economic zone proposals, the coastal States would have the right to exercise, in an area beyond and adjacent to their territorial sea, sovereign rights for the purpose of exploring and exploiting natural resources, whether renewable or non-renewable, of the sea-bed, subsoil and superjacent waters. They would also have other rights and duties with regard to the protection and preservation of the marine environment and the conduct of scientific research. Within the zone, ships and aircraft of all States, whether coastal or not, would enjoy freedom of navigation and overflight, subject to the exercise by the coastal State of the economic rights he had described. Other legitimate rights of the high seas, including the laying of cables and pipelines, would also be recognized. Scientific research would be respected within the economic zone, subject to authorization, supervision and participation by the coastal State.

49. The main differences between the countries claiming broad territorial seas and those claiming the more limited resource zones, such as the exclusive economic zone or the patrimonial sea, was that the former claimed almost total sovereignty, except for innocent passage and freedom of navigation and overflight within a relatively narrow limit, while the latter's sovereignty extended only to the resources of the area and to their protection beyond the territorial sea limit of 12 miles. His delegation believed that the exclusive economic zone, or patrimonial sea, approach offered the best opportunity for accommodating all the interests concerned.

50. A major criticism of the approach, however, was that although the zones might benefit some of the developing coastal States, they offered little or no meaningful opportunity for the land-locked States and other States which were geographically disadvantaged, either because they were shelf-locked or because they had very small coastlines. The criticism was a significant one, particularly with respect to developing land-locked countries, all of which were part of the third world and the majority of which were among the least developed of the developing countries. It was for that reason that the Declaration of the Organization of African Unity had provided that the land-locked and other geographically disadvantaged countries were entitled to access to the seas and had the right to share in the exploitation of the living resources of the neighbouring zones on an equal basis with the nationals of the coastal State, in accordance with such regional or bilateral agreements as might be worked out. That position offered an equitable solution.

51. The mineral resources of the economic zone, however, belonged to the continental shelf régime, and the coastal States had full sovereign rights to the submerged land masses, which were an extension of their land territory. Proposals made by some countries to share in the exploitation of mineral resources within national jurisdiction would therefore cause considerable difficulties for most coastal States. It was true that no generally acceptable limit existed for the continental shelf, but his delegation believed that during the Conference a clear and definitive agreement on that subject would be reached, which would fully respect not only the sovereignty of the coastal State, but also the concept of the common heritage of mankind over the international sea-bed area.

52. Similar objections did not need to arise in connexion with the sharing of the living resources of the extended economic zone, since those resources were mobile.

53. The economic zone concept had also been criticized as likely to lead to under-utilization of the living resources of the area, since most developing countries would not have sufficient capacity to exploit them for some time. He wished to point out, however, that what the developing countries were claiming was not exclusive use of the resources of the economic zone, but exclusive jurisdiction over it. Within such zones, other States, including distant fishing countries, would be permitted to exploit the resources, subject to such international or regional regulations as the coastal States might adopt for the purposes of conservation, and subject to such fees as might be required. The coastal States might also require that the exploitation be through joint ventures or such other arrangements as might be considered necessary to ensure an equitable return. Indeed, a State which refused others the right to exploit perishable resources which it lacked the capacity to exploit itself would be behaving irrationally and contrary to its own national interests.

54. There had also been some criticism to the effect that the assertion of limited sovereign rights might lead to creeping jurisdiction through which the coastal States might claim even more extensive control of wide expanses of the ocean which were now high seas, to the detriment of the international community. His delegation felt that that would happen only if the present Conference failed to develop comprehensive provisions in a realistic and business-like manner. Otherwise, the régime for the oceans would limit in clear terms the right of the coastal States.

55. Kenya was at one with the other States of the third world and other progressive States in the support of the Declaration of Principles embodied in General Assembly resolution 2749 (XXV), which proclaimed the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources therein, to be the common heritage of mankind.

56. To ensure that that common heritage was not appropriated by multinational corporations, any treaty or agreement setting up the machinery and régime for the sea-bed beyond the limits of national jurisdiction would have to provide that exploration and exploitation of the area would be carried out for the benefit of mankind as a whole, irrespective of the geo-

[5] *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21* and corrigendum, annex I, sect. 2.

[6] *Ibid.*, sect. 3.

[7] *Ibid.*, annex III, sect. 8.

graphical location of States, whether land-locked or coastal, and taking into particular consideration the needs of developing countries. Further, there should be provision that all activities in the international area would be carried out under an international régime and by an international machinery constituting an integral part of it. That machinery should have comprehensive powers to undertake all exploration, exploitation and related activities in the area on its own or in such ways as it deemed appropriate, in order to ensure its direct and effective control at all times over such activities. In the composition of the organs of the international machinery, the principle of equitable geographical distribution should apply, and in the decision-making process of those organs all States should be equal, whether coastal, land-locked or otherwise geographically disadvantaged.

57. Further the International Sea-Bed Authority should be designated as the trustee of mankind for the exploration and exploitation of the area, and for all other related activities. And finally, in accordance with the Declaration of Principles embodied in General Assembly resolution 2749 (XXV) and with the provisions of the moratorium resolution of the General Assembly, resolution 2754 D (XXIV), no State or person, physical or juridical, should exploit the resources of the area pending the establishment of the agreed international régime.

58. His delegation was also well aware of the need to resolve issues concerning straits used for international navigation. The very nature of such straits made them a central lifeline in international communication. It was in the interest of the international community, therefore, that unhampered navigation at all times should be assured through them. For that reason, the Declaration of the Organization of African Unity, adopted in Addis Ababa in 1973, had recommended the establishment of objective principles for regulating the right of navigation through such straits. It was for the present Conference to work out an international régime which, while fully recognizing the sovereignty of coastal States bordering on the straits, would guarantee unrestricted transit for ships of all nations.

59. His delegation had come to the Conference with an open mind, and without preconceived ideas or any intention to impose its views on others. It hoped that all other delegations were prepared to conduct serious negotiations, not with a view to obtaining dominance over others or to creating hegemony over the régimes of the sea, but with the determination to create a new and more acceptable order in the oceans.

60. The oceans constituted the common frontier for the whole of the international community, and their wealth belonged to mankind as a whole. The conflicting claims of national sovereignty must be harmonized so as to ensure international peace, harmony and prosperity for mankind in the years to come. He believed that all delegations at the Conference would co-operate in seeking realistic solutions consistent with national sovereignty, equality of States and the ideal of the common heritage of mankind, which had been the guiding philosophy so far in the Conference. His delegation would not be found wanting in such efforts.

61. Mr. SLADE (Western Samoa) said that his country, which had not gained its independence until 1962, had not had the opportunity of participating in the previous Conferences on the Law of the Sea. Although it was not a member of the United Nations, it had a deep regard for that Organization which had administered it as a Trust Territory and had guided it towards independence. Western Samoa had been kept informed of the work of the sea-bed Committee by its neighbours in the South Pacific and had sought, through them, to have its interests expressed in that Committee.

62. Western Samoa was an oceanic island in the middle of the Pacific Ocean practically isolated from the rest of the world. It therefore had a unique dependence on the sea which, probably more so than for any other country, was its national living heritage. There were few countries that could be more "geographically disadvantaged" than Western Samoa.

63. The land resources of Western Samoa were of no sustaining economic value and its arable land was generally of low fertility. Its agriculturally-based economy depended on the sale and export of crops and related products and the increasingly high cost of shipping adversely affected returns. Owing to the demands and the consumption by an increasing and hungry population, the sea presented Western Samoa with a very real prospect of broadening its economic base. While the Government had taken steps within its means to ease the situation, a clear manifestation of the country's predicament was the considerable number of people emigrating and seeking economic refuge in developed countries, particularly in the South Pacific region.

64. For those reasons, his delegation was interested in working in close co-operation with other countries towards the acceptance of the concept of a wide economic zone. The peoples of the South Pacific were therefore committed to the spirit of reasoned endeavour, compromise and co-operation.

65. Western Samoa, while one of the least developed of developing countries, was at the same time a country of equal and sovereign status at the Conference. Its problems were as real and as deserving of treatment as those of any other country and, accordingly, his delegation would oppose any suggestion or attempt to impose on island States a restrictive rule of ocean space delimitation based on factors relative to land areas or population.

66. The Conference should therefore give most sympathetic consideration to the problems of all South Pacific islands which were characterized by very limited land resources and by a consequently greater dependence on the sea than other countries. Western Samoa's problems were unique to the South Pacific and their solution should neither threaten nor prejudice the interests of nations outside the region. Indeed, the country was so remote geographically that it was difficult to conceive of any jurisdiction except in terms of coastal State jurisdiction.

67. One of the most pressing matters of coastal jurisdiction that concerned Western Samoa was that relating to fisheries. The experience of many countries had shown the necessity of providing a balanced protein diet for everyone and that was no less true for Western Samoa, with an exploding population in which malnutrition in the form of protein deficiency rated as the fifth leading cause of death. Even today the country's traditional methods of fishing were inadequate to meet the needs of its people and it had to resort to the importation of meat and canned fish in order to maintain a reasonable protein balance among its population.

68. Western Samoa was therefore greatly concerned to see other countries with the most sophisticated of fishing technology indiscriminately taking fish, often well within its territorial waters, and rapidly depleting its resources. It had not the means to monitor or to counter those activities and was thus quite helpless in the face of large-scale foreign fishing which was likely to result in over-fishing of stocks, particularly so since there was no sea-bed or shelf permitting reasonable feeding or breeding grounds for the living resources of its waters. His delegation was therefore anxious for the Conference to reach a satisfactory and equitable settlement of the rules relating to fisheries, taking into account the needs and interests of developing countries. In short, his delegation sought an exclusive fisheries jurisdiction over a wide economic zone.

69. His delegation believed that the establishment of a maximum 12-mile territorial sea was consistent with the practice of many countries, if not already a norm of current international law. A territorial sea of that extent, however, must be subject to the establishment of a broad 200-mile economic zone which was essential to the needs of a developing coastal State like Western Samoa.

70. His country also wished to prevent the pollution of the oceans and to preserve its marine and general environment. The new generation of supertankers and other vessels would be a source of potential problems for the marine environment. Western Samoa, with its numerous coral reefs and generally low-lying islands, was particularly vulnerable to pollution. It therefore sought to apply its anti-pollution laws in a broad zone of the seas contiguous to its territorial sea.

71. His delegation would elaborate its policy on the devising of a legal régime for the exploration and exploitation of the deep sea-bed as the Conference proceeded.

72. Mr. EVENSEN (Norway) said that the spirit of co-operation which had enabled agreement to be reached on the rules of procedure augured well for the substantive work of the Conference. There were two main reasons why that work must be carried to a successful conclusion: first, the threat created by modern technology to the marine environment and its resources must be met by effective regulations; secondly, there was a danger that conflicting claims to jurisdiction over the seas and the ocean floor could give rise to serious international friction. The Conference had a direct bearing on world peace and its solutions must command the broadest possible support consistent with the vital interests of all States.

73. The only feasible approach to the substantive issues was the package approach which balanced the advantages gained by different groups of countries and reflected the objective requirements of the situation. The pattern for such a compromise was already emerging; it would have to reconcile the interests of maritime freedom with the need for coastal State management powers. The main elements were the following: territorial sea limited to a maximum of 12 nautical miles; a right of innocent passage within the territorial sea; a special régime of unimpeded passage in international straits; an economic zone extending to a maximum of 200 nautical miles in which the coastal State had sovereign rights over the exploration and exploitation of natural resources as well as well-defined rights concerning anti-pollution measures and the regulation of scientific research; retention of the concept of the continental shelf, but with a more precise definition of the exploitability criterion; recognition of the special rights and needs of archipelagic States and of the right of international navigation through archipelagic waters; provisions to prevent the pollution of the seas; provisions implementing the principles embodied in resolution 2749 (XXV); a régime for the high seas ensuring freedom of navigation and dealing with the resource management aspects of the protection of resources; principles governing such problems as access to the sea, which were of vital interest to land-locked countries; agreement on such other matters as isolated islands, scientific research, the sharing of technology and the settlement of disputes.

74. He noted that many of the concepts on which the new law of the sea must be based were not new. Even the concept of the economic zone was not entirely new, but it was innovatory in that it represented a more unitary way of classifying the rights of coastal States. Its adoption would reduce the possibility of politically dangerous controversies over the rights of coastal States to the natural resources of coastal waters and it would help to solve disputes over the extent of the territorial sea. The concept of the economic zone had three basic elements: a maximum breadth of 200 nautical miles; the sovereign rights of the coastal States over the natural resources in the zone; and the maintenance of the freedom of navigation and overflight.

75. His Government did not share the view that the danger to the living resources of the sea could be eliminated by international regulation alone. The ability of international regulatory bodies to protect the living resources of the sea had not increased at the same rate as the danger to those resources. As elsewhere, the traditional methods of co-operation had proved inadequate to cope with the real problems facing mankind. His Government supported the efforts of international organizations to protect the living resources of the sea, but it thought that in the present circumstances an extensive regulatory power for the coastal State was a prerequisite for effective conservation. There was not enough time to remove the weaknesses of the regional fishery commissions, weaknesses which reflected the present stage of development of international politics. International conservation measures must therefore be supplemented by measures carried out on the basis of extended coastal State jurisdiction.

76. Another issue was the allocation of the total catch considered permissible at any given time. There was a real conflict of interests between distant-water fishing fleets and coastal fishing interests. That conflict should of course be settled largely in favour of coastal populations, given their frequent dependence on the fishing industry and the biological link between the fish stocks and the continental shelf of the coastal State. The representative of Western Samoa had demonstrated the validity of that argument.

77. The need for extensive coastal State jurisdiction over the natural resources in the economic zone was not incompatible with the establishment of international standards governing the exercise of that jurisdiction. Such standards were required both for activities connected with the shelf mineral resources and for the exploitation of the living resources of the sea. Standards were also needed to make it incumbent on the coastal States to minimize the danger of pollution from exploitation activities and ensure that such activities were carried out with due regard for other legitimate uses of the sea. The sovereign rights of the coastal State to the renewable resources in the economic zone should be coupled with a duty to exercise those rights in such a way as to ensure that the resources were not over-exploited; it would thus be mandatory for the coastal State to co-operate with the appropriate regional and international organizations.

78. The convention must provide for the legal right of coastal States to establish economic zones. Each State would decide the extent to which it would avail itself of the right, and thus there would be room, without a specific clause in the convention, for regional and bilateral agreements. When considering the question of the rights of neighbouring countries, it must likewise be borne in mind that conditions differed greatly from one area to another. Accordingly, it would not be desirable to attempt a solution of such concrete problems in the global convention, but his Government would not oppose the inclusion of provisions to cover the special position of those developing States considered to be geographically disadvantaged. However, any application of the concept of geographically disadvantaged States must be based on a definition of the concept which took account not only of the location of countries in relation to the sea but also of their land resources.

79. Turning to the question of the preservation of the marine environment against pollution, he noted that the Conference was faced with two main tasks: the preparation of a set of obligations designed to prevent and control marine pollution and the adoption of provisions regulating coastal State jurisdiction over pollution caused by international navigation. In the convention, the recommendations of the United Nations Conference on the Human Environment must be transformed into legally binding regulations establishing broad obligations. That would provide a framework for specific global and regional agreements directed against individual sources of pollution. His Government urged the adoption of rules similar to those it had put before the preparatory Committee.[8] As far as jurisdiction over pollution caused by international navigation was concerned, the convention must obviously stress the obligations of the flag State. The extent of coastal State jurisdiction was a more complex issue. The erosion of the principle of freedom of navigation entailed by unlimited coastal State jurisdiction had been emphasized repeatedly. Unlimited jurisdiction would be of little help in solving marine pollution problems,

[8] A/AC.138/SC.III/L.43 and Corr. 1.

for sea currents took no notice of lines of jurisdiction. What was needed was a comprehensive international approach.

80. His Government did not exclude the possibility of the coastal State being vested with certain defined and limited jurisdictional competences where pollution caused by navigation was concerned. His delegation was prepared to work towards a compromise. Such a compromise must take account of territorial distinctions between, for example, ports, the territorial sea and the economic zone; there were also distinctions according to the type of rule concerned; for example, the coastal State might be given more extensive rights in such matters as discharges, dumping and traffic separation than in questions concerning ship construction, design, equipment and manning.

81. He agreed with the representative of Kenya that the question of international straits was a vital issue and that the necessary safeguards for passage must be reconciled with the legitimate interests of the riparian States. A solution would have to encompass three main elements: first, the right of unimpeded passage; secondly, provisions laying down the obligations of the flag State to ensure that ships under its registry took care not to harm the legitimate interests of riparian States; thirdly, a definition of the regulatory competence of riparian States, particularly with a view to preventing accidents which might cause pollution or similar dangers to the environment. Of course, accidents happened in spite of the best possible rules. Thought should therefore be given to a clause requiring shipping nations to establish a mandatory insurance pool. That should guarantee that riparian States would be compensated for damage caused by foreign ships in cases where the traditional rules of liability proved inadequate.

Mr. Amerasinghe (Sri Lanka) resumed the Chair.

82. Mr. MOORE (Ghana) said that the task before the Conference over the coming weeks should strengthen its resolve to establish, for mankind as a whole, a body of laws which would ensure that the sea-bed and ocean floor beyond the limits of national jurisdiction should be utilized for the benefit of the world community.

83. His delegation regarded the question of the territorial sea as an important issue because until the breadth of the sea which should be under national jurisdiction had been determined, the Conference could not determine the area of the sea and ocean floor which should remain the common heritage of mankind. Even before the 1958 Conference on the Law of the Sea, it had become clear that the traditional limit of three nautical miles of territorial sea had become obsolete. The Truman Proclamation of 1945 had given a clear warning that new national interests in the sea-bed and ocean floor were emerging. A new basis for determining the breadth of the territorial sea had therefore become necessary and when both the 1958 and 1960 Conferences had failed to produce that new basis, national legislation had been resorted to. Thus, the limit of the territorial sea now ranged from the traditional three nautical miles to 200 nautical miles and it was that confused state of affairs, dangerous to world peace, that the Conference would be expected to regulate.

84. His delegation believed that the concept of the exclusive economic zone or the patrimonial sea was closely related to the issue of the breadth of the territorial sea. If that interrelationship was recognized during the Conference, it should be able to produce a package solution which would go a long way towards satisfying the concerns underlying the positions taken by participating countries.

85. His delegation attached great importance to the problems of special interest groups, such as land-locked and shelf-locked countries. Those problems had threatened the unity of hitherto cohesive groups and any solution should reflect the principle adopted by the sea-bed Committee, namely, that the sea-bed and ocean floor beyond the limits of national jurisdiction should be regarded as the heritage of mankind as a whole. His delegation would therefore support provisions in the convention which recognized the right of land-locked and shelf-locked States to benefit from the exploitation of the resources of the sea and ocean floor.

86. There were, however, two elements in that issue. First, the incontestable right of all nations to the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction as a common heritage of mankind as a whole; secondly, an agreement on appropriate measures to ensure access by the disadvantaged countries to the resources to which they had a right. It was the second element of the issue which had sometimes led to controversy and disagreement because of its implications with respect to concepts of national sovereignty and national security. His delegation, however, believed that the issue could be resolved with goodwill and understanding.

87. It would be almost impossible for the Conference to attempt to spell out details of regional or bilateral agreements conferring right of passage through coastal States to the sea. It could, however, make provisions in the convention that would compel the conclusion of bilateral or regional agreements where appropriate. Those provisions should include such general principles as would be considered appropriate to guide the conclusion of such agreements. World trends toward economic integration indicated that such an approach was not only pragmatic but also capable of achieving the desired objective.

88. The question of the protection of the marine environment had assumed great importance because modern technology, while providing mankind with improved living standards, had also produced numerous hazards which could be a real threat to human existence. Huge modern tankers ploughed the seas daily, often leaving in their wake oil which was hazardous to the living resources of the sea and thus endangering one source of food supply on which humanity was gradually becoming heavily dependent. Accidents at sea as well as activities on land also contributed to marine pollution which, in its complexity, could not be divorced from pollution on the land and in the atmosphere. His delegation therefore held the view that since the marine environment was shared by all nations, it was necessary for international standards to be established and observed in all attempts to control marine pollution. It would therefore be prepared to support provisions in the draft convention on the law of the sea which would seek to protect the marine area for the benefit of all mankind, with due regard to national sovereignties.

89. The fact that the nations of the world were at varying stages of scientific and technological advancement would, as long as it remained valid, be a factor in the relative abilities of nations to observe any international standards which might be laid down for the protection of the marine environment. Any measures laid down should, therefore, include provisions for a system of international co-operation which would make it possible for the less technologically developed nations to carry out their obligations without undue strain and without detriment to their developing economies. That was necessary because pollution in one area of the environment could not always be effectively prevented from infesting other areas.

90. The two Geneva Conferences on the Law of the Sea had left unresolved the question of passage through straits used for international navigation and other related issues. The controversy centred around two divergent claims, namely, whether under the Convention an unqualified right of passage, i.e. "free passage" or a qualified one, i.e. "innocent passage" should be guaranteed. An added complication was the question of whether the right of overflight should form part of negotiations at the present Conference.

91. There appeared to have been broad areas of agreement at the Asian-African Legal Consultative Committee meeting, held at Tokyo in January 1974, on the following: the matter of overflight should not form the subject-matter of any convention on the law of the sea, but should be a matter to be regu-

lated within the framework of the Chicago Convention on International Civil Aviation or such other separate agreements or conventions as might be necessary; the Convention on the law of the sea should deal only with the passage through straits in time of peace; the legitimate interests of coastal States in regulating transit through straits must be recognized and protected; passage through straits should conform to the peace, good order and security interests of the coastal States. Those views broadly agreed with that of the Organization of African Unity which, while recognizing the importance of international navigation through straits used as such, had nevertheless recognized the need for further precision of the régime. His delegation broadly shared those views.

92. There were two recognizable positions on the question of the international régime for the area of the sea-bed and the ocean floor beyond the limits of national jurisdiction. One advocated a régime which confined itself to a loose administration of the area and was principally concerned with the issue of licences to States and other legal bodies for exploration and exploitation. The second position advocated a strong and autonomous régime, possessing a legal personality of its own and effectively in control of the exploration, exploitation and administration of the area. His delegation supported the establishment of an autonomous régime with legal bodies of its own and in effective control of all activities in the area of the sea-bed and ocean floor beyond the limits of national jurisdiction. That position stemmed from memories of the 18th and 19th centuries when, in the scramble for overseas territories, the colonialists had parcelled out African lands which it had taken over a century to recover from them.

93. The Conference on the Law of the Sea was another attempt to establish another system on another part of the globe, namely, the sea. That system should avoid the obnoxious consequences of the "scramble" of the eighteenth and nineteenth centuries. It should be just and equitable and should reflect the principle that the sea-bed and ocean floor beyond the limits of national jurisdiction were the common heritage of mankind.

94. His delegation would state its position on other issues in the relevant committees of the Conference.

95. It was regrettable that the liberation movements had not been invited to participate in the Conference. He was sure that in spite of difficulties, the last bastions of the colonial Powers would soon become independent and, instead of presenting those future States with a fait accompli, it would have been better to have invited them to participate in the discussion in order to prevent a situation similar to that which had arisen after adoption of the 1958 Conventions.

96. Mr. WILLESEE (Australia) said that the sea was of vital importance for the future quality of life of mankind. In the past it had often been a barrier dividing countries but it must become a meeting place, an area in which nations could co-operate for peaceful purposes. The sea was the last untapped reservoir of natural resources; the great problem of the present age was to manage the limited resources of the earth so as to ensure international social and economic advancement and collective economic security.

97. It was with those considerations in mind that he had come to the Conference to state his country's approach to the law of the sea. He noted that Papua New Guinea was also participating in the Conference through representatives attached to the Australian delegation.

98. His country supported the principle of the permanent sovereignty of peoples over their natural resources. It intended to limit foreign ownership and control of its own key resources and had decided that as far as possible its energy resources should be owned and controlled by Australians.

99. One of the major tasks of the Conference was to define the limits of national sovereignty over the resources of the sea and the sea-bed. The 1958 Convention on the Continental Shelf and customary international law gave to a coastal State sovereign rights over its submerged land mass—the continental margin—for the purpose of exploring it and exploiting its natural resources. The new convention must reaffirm the title of coastal States to those resources.

100. Several of his country's neighbours were archipelagic States which were seeking a special status for the waters within the compass of their islands. His delegation was confident that a way could be found to recognize that status, while allowing defined rights of navigation along designated sea lanes.

101. The extent of the territorial sea must also be defined, together with a régime for international straits. It should be possible to reach agreement on a limit of 12 nautical miles, provided that States were given specified rights in an economic zone in the area between 12 miles and 200 miles from the baselines. Sovereignty over the natural resources in the economic zone must be accompanied by a duty to recognize freedom of navigation and overflight and other legitimate uses of the sea. The State concerned must be responsible, among other things, for conservation and management of renewable resources.

102. In his country's view, a coastal State should have the right and duty to conserve and manage stocks of fish in the 200-mile zone. It should have the exclusive right to determine the allowable catch and the proportion of that catch, up to 100 per cent, which its own fishermen had the capacity to harvest. If its own fishermen were not yet in a position to take the full optimum yield, the coastal State should have a duty to grant fishermen from other countries permission, on equitable terms, to catch the balance. The extent to which preferences might be given, for example, to fishermen of countries which had traditionally fished in the waters or to neighbouring States would need to be carefully defined.

103. Another task was to lay down principles and rules of law to protect the marine environment against pollution. The coastal State should have the right and duty to protect the marine environment in the 200-mile zone. It should be able to enforce international standards in the zone but should also have the right to make supplementary regulations if its environment was threatened because of special circumstances, including emergencies. Such regulations would have to stand up to the test of reasonableness. The legitimate requirements of navigation must be kept in mind and, as the representative of Argentina had put it, there must be no mosaic of norms.

104. In recent years his country had participated actively in oceanographic research. Scientific research would be essential both within and beyond the economic zone and it should be as free as possible. It must however be for the common good, and coastal States must be able to ensure that neither their interests nor the environment as a whole were damaged by unregulated activities, in particular research activities which were in essence exploration for commercial advantage.

105. A balance must be found in the economic zone between the competing legitimate uses of ocean space. His delegation believed that solutions to the problem of priorities could be provided in the convention and linked with a system for the settlement of disputes.

106. The Conference had the challenging task of putting into legal form the revolutionary principle that the sea-bed outside national jurisdiction should not be an area of international rivalry. It must not only formulate principles of a régime but must prepare machinery for an international agency to explore and exploit the sea-bed for the benefit of mankind as a whole. The agency should not merely be a regulatory or licensing authority but should be empowered to enter into other contractual arrangements with States and also to undertake exploration and exploitation on its own behalf when it accumulated the necessary resources and experience. In accordance with the principles enunciated by the General Assembly, the international agency would give preference to the developing countries in distributing the benefits derived from production in the in-

ternational area. The resources of the international area were not yet precisely known and it would be some time before its potentialities could be made actual. The international community must continue to strive for economic and social justice by focusing attention on the terms of trade, with more equitable returns for the developing countries from the raw materials they exported. International development co-operation must also continue, and his country was reappraising its development aid concepts, having particularly in mind the need for transfer of marine technology.

107. His country had made a constructive contribution in the sea-bed Committee and to the preparatory work for the Conference. It intended to pursue that constructive approach in the substantive session; its motivation would be partly to pursue its own national interests but it would also have in mind the interests of its friends and neighbours in the Pacific area and South-East Asia. Indeed, his country was aware of the need of the peoples of all continents to achieve a lasting convention, if possible universally signed and ratified, which would bring not only order and certainty but also justice and equity into the law of the sea. Only then could the world hope to avoid the unsettled disputes which held the seeds of disastrous international conflict. The Conference must lift mankind to new levels of co-operation. In the past there had been no general agreement on an international law adequate to ensure the maintenance of peace and security in the seas of the world. The Conference must not let history repeat itself; it must make history.

108. Mr. ROMANOV (Union of Soviet Socialist Republics) noted that the Conference had solved its procedural problems in a constructive manner and that the overwhelming majority of delegations were conducting the business of the Conference in a spirit of mutual understanding. However, the statement of one delegation had been out of keeping with that spirit. Many delegations agreed with his own that the statement in question had been characterized by demagoguery, political trickery, the distortion of facts and slander. It had had nothing to do with the problems of the law of the sea and had contained nothing new or constructive. The real purpose of the statement had been to sow the seeds of discord among the participants in the Conference and to turn it into a forum for the delivery of statements permeated by the attitudes of the cold war. If the Conference was to conduct its work normally it must be protected against the introduction of such procedures. The attitude of his own delegation did not need to be defended. It urged that the work of the Conference should be conducted in a spirit of mutual understanding and conciliation.

109. The PRESIDENT appealed to all delegations to help the work of the Conference by maintaining a proper degree of decorum in their statements and avoiding any derogatory references.

The meeting rose at 1.30 p.m.

26th meeting

Tuesday, 2 July 1974, at 3.40 p.m.

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

General statements (*continued*)

1. Mr. ENGO (United Republic of Cameroon) wished to extend to the President and all members of the Conference the warmest greetings of the head of the United Republic of Cameroon, President Ahidjo, and to thank the Venezuelan people for its very warm welcome. He was gratified it was in Caracas, the capital of a developing country, that the Conference was embarking on the many tasks facing the countries of the third world, which comprised most of the world's population.

2. It was regrettable that at a conference which should work out arrangements for the administration of the common heritage of all mankind, a large number of peoples were not represented. In Africa alone the meanest of racist fascist régimes continued to defy United Nations principles by refusing to accord the freedoms that would have made their presence here possible. Thus, the peace-loving peoples of South Africa, Namibia, Zimbabwe, Angola, Mozambique, among others, are deprived of participation. Yet, he emphasized, the representatives of the racist political brigands who oppressed these peoples seek to sit at this Conference. The Conference should not be burdened by their presence. The argument that such régimes represented only a very small minority was not valid. They had many allies at the Conference who were giving them considerable material and moral support.

3. He also regretted the absence of the legitimate representatives of the peace-loving people of Cambodia and deplored the fact that the atmosphere of distrust and bitterness prevailing in the Middle East had prevented the people of Palestine, whose tragic fate could have been the subject of an important debate at the Conference, from being represented.

4. The Conference was faced with the formidable task of building a new world and of establishing between States co-operation which should ensure that the forces of peace would prevail over those of war. Respect for the Charter of the United Nations was the surest guarantee of the success of that task.

5. That would imply that the Conference should not limit itself to the recognition of the inherent rights of all countries, rich and poor, but that it should take effective steps to ensure that they were all privy to the important decisions that would be taken. It would be dangerous to take such decisions on the assumption that the problems and interests of those not represented at the Conference did not differ from those of the participants. The course of history was unpredictable and the process of the rise and fall of nations and their peoples was a silent one. Those that were powerful today might be condemned to disappearance and even oblivion. No one could tell what today's oppressed peoples would be tomorrow; military and economic power might not be the eternal privilege of any one people. Historians would not blame them if, later on, they rejected the results the Conference might reach.

6. The Conference should therefore be fully aware of the importance of the problems it was dealing with. It must not fail because it could not afford to fail. If the convention it produced benefited a privileged class, the convention might be very short-lived. For that reason it was important, on the one hand, to organize the common heritage of ocean space in such a way that it would safeguard all people without exception against poverty, starvation, disease and periodic natural disasters and, on the other hand, that the wealth of the resources would not sustain exorbitant explorations in space, wasteful ventures in armaments and the pursuit of illusory power at the expense of peace.