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Conference should be reviewed because they had not been represented.

72. Turning to the specific problems that the Conference was considering, he said that the Libyan Arab Republic had adopted the principle of 12 nautical miles as the breadth of its territorial waters, an area that it considered acceptable for the vast majority of nations.

73. His country was likewise in favour of establishing a zone adjacent to the territorial waters over which the coastal State would exercise supervisory rights and control in the matters of security, navigation and customs.

74. With regard to the economic zone, the Libyan Arab Republic agreed that recognition should be given to the right of the coastal States to establish a patrimonial sea extending for a distance of 200 nautical miles, in which the coastal State would exercise absolute sovereignty over all living and non-living resources, without prejudice to freedom of navigation and overflight and the laying of submarine cables and pipelines. In the case of adjacent or opposite coastal States the necessary agreements should be concluded so as to apportion the economic zones according to the prevailing circumstances.

75. His delegation believed that fishing on the high seas was being conducted unsystematically and unscientifically in a way that was directly harmful to fish stocks and would lead to their extinction. In addition, the greed of States owning large fishing fleets, and their defective techniques of exploitation, were having directly harmful effects on fishing in the territorial seas and economic zones of coastal States. His delegation therefore supported the establishment of an international régime empowered to decide on the principles and scientific procedures by which the exploitation and conservation of the living resources of the high seas would be regulated.

76. The Libyan Arab Republic considered that joint efforts should be made at every level, national, regional and international, to avoid pollution and to conserve the living resources of the sea. It also felt that States should enact legislation to protect their seas from the hazards of pollution.

77. The Libyan Arab Republic had passed laws for that purpose and considered it essential to delimit responsibilities in respect of pollution and to establish centres for supervision and control. In addition, States must be urged to accede to international agreements on environmental pollution control.

78. The Libyan Arab Republic considered that scientific research in the area subject to the sovereignty of the coastal State was the exclusive prerogative of that State and that scientific research in the area of the high seas should be subject to an

international régime. However, the coastal States should co-operate in the scientific research activities carried on under that régime and should request the developed countries to offer the developing countries the necessary assistance in discovering marine resources, to make their experience available to the coastal States, and to provide training assistance.

79. His country approved the general principles agreed upon by the United Nations General Assembly at its twenty-fifth session in that regard, particularly resolution 2749 (XXV) containing the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction.

80. His delegation felt that participation in the international régime should be open to all and that every member should have a vote without regard to the amount of the capital it could contribute. Also, the composition of the executive council should take account of the principle of equitable geographical distribution. The Libyan Arab Republic sought the suspension of all exploration and exploitation activities which so far had been carried out on a unilateral basis, until the proposed international régime had been established, inasmuch as the seas and the oceans were the common heritage of all mankind.

81. In accordance with the geographical definition of the semi-internal or semi-enclosed sea, his delegation asserted that the wealth of those seas constituted the heritage of the coastal States. Ownership of that wealth should not, however, affect freedom of navigation through the waters of those seas, although they should be considered special areas where neither petroleum nor any other harmful substance should be allowed to be spilled. Since his delegation considered that the Mediterranean conformed to that definition, it maintained that the Mediterranean should be a sea of peace, free from any foreign fleets that might threaten the security and health of the coastal peoples.

82. In conclusion, his delegation wished to place on record its endorsement of the right of the Palestinian people to the land, sea and air of their homeland, particularly with regard to all aspects of the Palestinian coastline, the Dead Sea, Lake Huleh and Lake Tiberias. The Libyan Arab Republic maintained that any resolutions or agreements that might be adopted would not imply, either at present or in the future, acceptance of the situation prevailing on the Palestinian coast or territorial sea, the Dead Sea, Lake Huleh or Lake Tiberias because it felt that that situation was illegal and contrary to the principles and rules of international law, the Charter and United Nations resolutions.

The meeting rose at 6.15 p.m.

33rd meeting

Tuesday, 9 July 1974, at 10.45 a.m.

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

General statements (*continued*)

1. Mr. MALIKYAR (Afghanistan) said that the present Conventions on the law of the sea did not provide adequate protection for the rights and interests of all States on the basis of equality and justice. His Government attached great importance to the work of the Conference and had already expressed its views as a member of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. His delegation would show the same spirit of co-operation and understanding at the present Conference as it had in the past.

2. Every effort should be made to broaden the areas of potential agreements on issues involving the interests of all States rather than insisting on a narrow interpretation of legal concepts which could cause unnecessary delays. Reasonable flexibility in the positions of participating States on some crucial issues could speed up the work of the Conference, which should precisely define the internationally agreed limits of both national and international jurisdictions.

3. His delegation would have preferred the Conference to adopt the principle of consensus in decision-making but considered the adoption of the rules of procedure by consensus

a hopeful sign that that principle would be applied on other issues also. The provisions in the appendix to the rules of procedure for the implementation of the “gentleman’s agreement” should be fully utilized.

4. If the newly advanced legal concepts were unilaterally pressed for general acceptance without due regard for the rights and shared interests of other States, particularly those without direct access to the sea, the legal validity of those concepts could hardly be ensured. Negotiations should therefore be based on the principle of equality of States and respect for the rights and interests of all States in the sea and its resources. As a developing country, Afghanistan considered that the rights of those countries, particularly those of the land-locked and other geographically disadvantaged States, should be adequately taken into account. The cardinal principle of the freedom of the high seas, which was well established in international law, should be fully observed.

5. Although the existing conventions did not adequately represent the needs and interests of the land-locked countries, articles 2 and 3 of the 1958 Convention on the High Seas¹ respectively recognized essential freedoms of the sea for coastal and non-coastal States and supported free access to the sea for land-locked States.

6. To restrict the legitimate free access to the sea of a group of States such as the land-locked countries or to deprive them of a fair share of the benefits derived from the exploration and exploitation of the resources of the sea would be contrary to the principle of equality of States and the norms of international law. In numerous resolutions, the United Nations and its specialized agencies and regional organizations had, in various resolutions and recommendations, urged the international community to provide suitable facilities for the transit trade of land-locked countries. In view of the geographical position of land-locked States, the principle of reciprocity was not applicable to their right of free transit and could not therefore constitute a prerequisite of the exercise of that right. Their geographical position was one of the main factors in the increasing cost of their imports and exports and hampered their national economic development efforts. The provision of facilities for the exercise of the right of free access to the sea for those States and respect for their legitimate interests in the sea could provide a new area of international co-operation characterized by equal participation of all States and a recognition of their shared interests in the equitable and effective management of the ocean space.

7. Since the Conference was called upon to elaborate general principles of law for inclusion in a new convention on the sea and not to draw up means of accommodating the interests of different groups of States, any attempt to subject the exercise of the rights of land-locked States to bilateral, regional or subregional agreements would be restrictive and discriminatory. The conclusion of such agreements could be adversely affected by remnants of classic colonialism, which had resulted in long-standing political disputes among the States concerned so that a State party to such a dispute lying between the sea and a land-locked State could use its geographical situation as an instrument of pressure and an integral part of its national policy. The new convention on the law of the sea must therefore provide adequate safeguards for the right of free transit of land-locked States.

8. The meeting of the developing land-locked and other geographically disadvantaged countries at Kampala in March 1974 and the subsequent meeting of the Group of 77 in Nairobi that same month had considered some of the main issues before the Conference. The Kampala Declaration on the law of the sea (A/CONF.62/23) outlined some of the basic rights and interests of land-locked States and its principles should be included in an appropriate form in the future convention.

9. Another area of common concern was the determination of the limits of the international sea area and the reservation of its resources for peaceful and rational exploitation as the common heritage of mankind. In order to give effect to that concept, the economic viability of the international area should be maintained and fully taken into consideration in terms of size and resources. His delegation did not share the view that the area adjacent to the territorial sea should be governed exclusively by one State and considered that coastal, land-locked and other geographically disadvantaged States should have equal rights for the purpose of exploring and exploiting the natural resources, whether renewable or non-renewable, of the sea-bed, subsoil and superjacent waters.

10. The international machinery should have adequate authority over the exploration and exploitation of the resources of the international area. Land-locked States and the least developed countries should have a preferential share in the benefits derived from the exploration and exploitation of the resources of that area, with due regard to their special needs and problems, and the distribution of those benefits should not be left to arbitrary factors. Land-locked States should be adequately represented in all organs of the international machinery and should have equal rights with other States in the decision-making process. In their exploration and exploitation of the resources of the sea and in carrying out scientific research, all States should preserve the marine environment and prevent pollution of the sea.

11. In line with its support for the struggles of peoples still under colonial and alien domination, Afghanistan would welcome the presence of the representatives of the national liberation movements at the Conference.

12. His delegation felt that a “package deal” approach would help in attaining the goal of the Conference, the conclusion of a comprehensive, just and universally respected convention on the law of the sea which would enable all nations of the world to exploit the resources of the sea usefully and adequately, as the President of Venezuela had said in his opening statement at the 14th meeting.

13. Mr. CHAO (Singapore) also considered that the statement by the President of Venezuela quoted by the preceding speaker should be the guiding principle for the Conference. The sea should not be subject to the same injustice as the land had been, but should serve the interests of all mankind and not become the object of avaricious accumulation of wealth by individual nations, régimes or multinational corporations. It should be an instrument of peace and justice and of collective wealth for all nations. The only course of action open to the Conference was that of genuine negotiations leading to an equitable and just law of the sea in which the interests of the powerful did not prevail over those of the weak and the poor. Although every delegation naturally sought maximum safeguards for its national interests, it must be remembered that the theme of the Conference was international justice.

14. The concept of an economic zone for coastal States would of course best serve the interests of those States but land-locked States and countries like Singapore were unable to establish such a zone and preferred the establishment of regional or subregional economic zones. The understanding of the problems and interests of the land-locked and other geographically disadvantaged States shown by previous speakers was encouraging. The expression “geographically disadvantaged States” must be clarified. In a sense, the island States in the Pacific were geographically disadvantaged because of their remoteness from other parts of the world. However, in the context of the economic zone the expression naturally encompassed land-locked States, those States which because of their geographic position were unable to claim an economic zone, and those which did not find it economically meaningful to do so. That definition was, however, only tentative and he hoped to reach a satisfactory legal definition in discussion with other

¹United Nations, *Treaty Series*, vol. 450, p. 82.

interested delegations. The right his delegation sought to obtain in the economic zone was that of equal access to the living resources of the economic zones of neighbouring coastal States, neighbouring meaning “immediately adjacent and opposite to”. Such rights of geographically disadvantaged States should be a basic principle of the convention and not be left to regional or bilateral agreements. Like many other countries, Singapore was prepared to accept such a zone only if its interests were adequately safeguarded. Bilateral arrangements between the coastal States and the geographically disadvantaged States on details governing the rational exploitation of the living resources of the economic zone might of course be necessary and the coastal State concerned naturally had the jurisdiction to lay down rules of conservation and management which nationals of the geographically disadvantaged States must observe on a non-discriminatory basis.

15. The non-renewable resources of the economic zone should be governed by the fundamental principle of the “common heritage of mankind”. Although many coastal States would prefer a wide sea-bed limit, that would reduce the amount left for the “common heritage”. The only satisfactory solution therefore was to adopt a system of revenue-sharing of the non-renewable resources of the economic zone such as that proposed in document A/AC.138/SC.II/L.39 (A/9021 and Corr. 1 and 3, vol. III, sect. 28) which went some way towards meeting the aspirations of the geographically disadvantaged States expressed in the Kampala Declaration.

16. The question of international navigation through straits was one of the most crucial issues before the Conference. Straits formed the vital links between peoples of various parts of the world and were essential to the economic development of all nations. Singapore, which bordered on two of the busiest straits in the world, those of Malacca and Singapore, the narrowest point of the latter being less than three miles wide, was in every sense of the word a strait State. Since it was also a major port, whose economy was largely dependent on international trade, it was equally appreciative of the problems encountered by user States. The discussions in the sea-bed Committee indicated quite clearly that both user and straits States were in favour of freedom of navigation for commercial vessels. The difficulties if any seemed to be more a matter of language than of substance and the task of the Conference was therefore to translate the general agreement into objective legal norms. His delegation suggested that the régime governing the passage of commercial vessels through straits should consist of four elements: the right of unimpeded passage through straits used for international navigation; the recognition that the mere passage of a commercial vessel should be presumed to be peaceful and non-objectionable; the obligations of the straits States and the commercial vessels not to discharge pollutants into the waters, not to fish, and to comply with traffic laws; and the rights and obligations of the straits States themselves. The latter should be entitled to lay down pollution and safety regulations in accordance with international standards established by the Conference or elsewhere and to devise traffic separation schemes, taking into account the views of user States and those of relevant international organizations and conforming as far as possible to customary routes.

17. His delegation also felt that part of the difficulty regarding the passage of military vessels was the question of language and that with some modification the régime for commercial vessels might usefully be adopted for surface military vessels. The real difficulty was the question of prior notification for submarines and the need for them to surface when transiting through straits. Fortunately, that question was academic for the straits of Singapore because of their shallowness, but a solution must be found for other straits through further consultations.

18. Another important question was the archipelago concept, two of whose proponents—Indonesia and the Philippines—were close neighbours of his country. His delegation fully ap-

preciated the desire of those States to maintain and further their national unity and resilience and hoped that a satisfactory solution could be found for the problem which would ensure that the traditional right of navigation through archipelagic waters was maintained and the interests of neighbouring States not adversely affected.

19. In the creation of a new equitable legal order for the ocean, there was a clear need to establish a procedure in the Convention for the settlement of disputes which precluded the taking of unilateral action by States. His delegation did not advocate a rigid system but suggested that if there was no settlement after a specified period, the dispute should be submitted to a settlement procedure consisting of two stages, the first involving fact-finding and recommendations by a conciliatory commission and the second—which would be necessary only if the first stage was unsuccessful—the reference of the dispute to a judicial tribunal. Careful consideration should be given to the question whether that role should be accorded to the International Court of Justice.

20. Mr. HADDAD (Lebanon) said that his delegation welcomed the co-operative spirit that prevailed at the Conference. His country had participated in the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and he wished now to outline his delegation's view on the main items of debate at the Conference.

21. In the first place, his delegation was in favour of a breadth for the territorial sea of 12 nautical miles, without prejudice to the accepted principles and rules for innocent passage defined as a right which would not infringe the peace, security and established order of the coastal State.

22. Secondly, freedom of navigation in international straits should be maintained.

23. Thirdly, his delegation welcomed the support in the debate for the notions of the exclusive economic zone and patrimonial sea, especially since those ideas would put an end to the difficulties that had arisen over the definition and delimitation of the continental shelf. His delegation accordingly recognized the right of every State to establish an exclusive economic zone beyond the territorial sea, to a breadth not exceeding 200 nautical miles from the baseline. It was understood that within that zone the State should exercise its sovereign right to explore and exploit the natural resources existing at all levels, without prejudice to the legitimate rights of use of the sea, in particular freedom of navigation, overflight and laying pipelines and cables.

24. Fourthly, in the light of the principle solemnly proclaimed in the Declaration adopted by the General Assembly on 17 December 1970 in its resolution 2749 (XXV), that the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, were the common heritage of mankind, his delegation considered that the Authority which would be responsible for exploitation and equal sharing of the resources of the international area should not be based on any form of hegemony or exclusiveness; and that it should operate in conformity with the principles of equality and democracy set forth in the Charter and with the requirements of international social justice.

25. Fifthly, his delegation was particularly concerned about the environment. In view of man's destructiveness, it was useless to devise rules for sharing the seas' resources without regard to the serious danger of their destruction and the need to combat the dangers of pollution. Lebanon had participated in a number of international seminars on the environment in the past two years and had ratified multinational conventions, including the 1969 Brussels Convention and the 1972 London Convention.

26. Lastly, Lebanon was planning participation in regional and international scientific research, through the Intergovernmental Oceanographic Commission of UNESCO. His delega-

tion supported the proposal by a number of delegations to set up a research institute under the Authority which would enable the third world countries to have access to the techniques of marine sciences.

27. In dealing with other important items on the agenda, his delegation would support the recommendations of the Council of the League of Arab States and the Declaration of the Heads of State or Government of Non-Aligned Countries who met at Algiers in September 1973.

28. In the interests of universality of participation in the Conference, he stressed the need to invite the liberation movements recognized by regional organizations, including the Palestine Liberation Organization. The legitimate rights of those liberation movements would one day be recognized and respected and the international community should allow them to help in efforts to draw up the new law of the sea, so that they could protect their national interests, pending the time when they could be full parties to the new régime established under the new convention.

Mr. Vratusta (Yugoslavia), Vice-President, took the Chair.

29. Mr. FERGO (Denmark) said that although new standards would have to be formulated to reflect current political and technological conditions, the work of the Conference would be easier if it were based on rules which experience had proved to be useful or which could be considered as fundamental principles of international law.

30. New ground would have to be broken for the new law for the international sea-bed to be established in order to give effect to the concept of the common heritage of mankind: that task would consist mainly in transforming the Declaration of Principles contained in General Assembly resolution 2749 (XXV) into treaty articles. The draft articles prepared by the sea-bed Committee provided a useful basis.

31. His delegation had a flexible attitude regarding the machinery to be established and believed that the task was to work out provisions which were acceptable to a large majority of countries, special consideration being given to the question of access to the international sea-bed area by the land-locked and geographically disadvantaged States.

32. On the delimitation of the international sea-bed area and the continental shelf under national jurisdiction, his delegation had supported a combined depth and distance criterion in the sea-bed Committee, but it recognized that the need was for a clear-cut criterion to replace the relevant provisions of the 1958 Convention on the Continental Shelf² which were now outdated. A depth criterion would require very accurate bathymetric data which were not available and were not likely to be in the foreseeable future.

33. His delegation would support a distance criterion of up to 200 miles from the baseline for the delimitation of the sea-bed area under national jurisdiction.

34. On the breadth of the territorial sea, while his country had traditionally claimed three nautical miles, his delegation considered that a maximum limit of 12 nautical miles was sufficient for all legitimate coastal State interests in a maritime zone of full sovereignty. Freedom of navigation on the high seas was of the utmost importance to all nations and should be safeguarded in the interest of increased international trade and economic development. It was also necessary to ensure the right of passage through territorial waters including straits used for international navigation. In that connexion he drew attention to the special position of narrow straits, less than six miles wide, which had always been accepted as part of the coastal State's territorial sea and where navigation took place, in accordance with the concept of innocent passage, only a few miles from the coast. It was an important legal fact that the right of free passage had never existed in some narrow straits

where a special régime had developed over the years, based on treaties, custom and the coastal State's national legislation, and adapted to local conditions. Transit through the international straits leading into the Baltic, for example, was so regulated, on the basis of the Copenhagen Conventions of 1857. Such special arrangements which had proved their value over the years and served the interests of coastal States and the international community should be maintained.

35. As for new international straits, wider than six miles, it should be possible to devise an equitable set of passage rules representing a balance of interest between the coastal State and the right of the international community to free passage.

36. On the question of the delimitation of the territorial sea or other areas of national jurisdiction in narrow waters, his delegation considered that the principle of equidistance, which had obtained wide international recognition, should be a recognized norm of international law.

37. With regard to the international regulation of fisheries, one of the most difficult and controversial questions facing the Conference, it was generally recognized that many stocks of fish were being over-exploited and that conservation measures were needed. International and regional fisheries organizations had for a number of years made efforts to ensure that exploitation of living resources was kept within reasonable limits. His delegation believed that those international organizations should continue to play an important role in regulating fisheries problems and would like to see their powers strengthened in the new treaty on the law of the sea.

38. He had been struck by the number of countries, both developing and developed, which wished to extend their exclusive jurisdiction over large parts of the sea and its living resources. He sympathized with the aspirations of newly independent countries striving to build up their economies and wishing to use the sea's resources for the benefit of their inhabitants.

39. Recalling the statement by the representative of Western Samoa (25th Meeting), he recognized the need for priority to be given to islands whose people were dependent on the exploitation of marine resources and hoped that the same consideration would be given to the people of Greenland and the Faroe Islands, in the new rules, as had been given in the 1958 Geneva Conference.

40. The fishing industry was of great importance to his country, one of the world's 10 largest producers. Total production had amounted to more than 1.4 million metric tons in 1973, mainly from the North Sea and the Danish coastal waters.

41. His delegation attached great importance to the need, as part of a balanced arrangement, to recognize the traditional rights of neighbouring countries, of geographically disadvantaged States and of land-locked States.

42. In enclosed and semi-enclosed seas where preservation and exploitation must be viewed as an organic whole, it should be obligatory for coastal States to establish regional arrangements to supplement the global rules to be laid down in a new treaty on the law of the sea. A minimum requirement should be respect for traditional rights of the States in the area, whether developing or developed. He was glad to note that many other speakers had stressed that aspect of co-operation on a regional basis.

43. Regarding anadromous stocks such as salmon, his delegation could not accept the view that they should be reserved exclusively for the countries in whose rivers those species were spawned, or that the spawning State should regulate the stocks throughout their migratory range. The problem was a special one concerning relatively few countries and was not, in his opinion, suitable for regulation in a global convention. Such matters should be dealt with by bilateral agreements or within the regional fisheries organizations.

² *Ibid.*, vol. 499, p. 312.

44. Regarding marine pollution, his delegation supported the commitment under the Declaration of the United Nations Conference on the Human Environment.³ Some of the most complicated legal issues in that field were closely connected with the control of pollution from ships, whether from discharge or dumping. For problems such as international anti-pollution measures and standards, enforcement, compensation and settlement of disputes, agreements must be sought that were equally acceptable to flag and coastal States. In areas where the danger of pollution was particularly serious, more stringent standards should be enforceable.

45. International co-operation on marine research designed to increase scientific knowledge of the marine environment should be further developed. He supported the principle of freedom of research with due respect for the rights of coastal States. Transfer of scientific and technological know-how to developing countries should be improved.

46. In a universal treaty on the law of the sea, provision should be made for the settlement of disputes by negotiation, conciliation or arbitration in accordance with Article 33 of the United Nations Charter.

47. Mr. MUKUNA KABONGO (Zaire) noted that the political emancipation of many territories in Asia and Africa had led to the formation of models of development that reflected changes in the world political order. The countries of Africa, Asia and Latin America placed their hopes in the United Nations, whose aim was universality, and he regretted that the representatives of the national liberation movements were not present at the Conference which was sponsored by the United Nations. They were the true representatives of peoples still under colonial, foreign and racist domination, whose maritime destiny would be decided by the outcome of the Conference. He observed that the movement towards independence complemented the prevailing trend towards a more integrated world economy. What was being done at the Conference would bind the international community; the gentleman's agreement underlying the rules of procedure was part of that general perspective. The questions to be dealt with would require a multidisciplinary approach in the initial stages.

48. The task of the Conference would be to harmonize legal policies by revising the 1958 Conventions to re-establish a balance between the interests of all concerned. The international machinery to be set up to administer the resulting international régime must be based on the principle of universality and hence of equitable geographic representation in the International Authority which should be closely linked with the United Nations.

49. The underprivileged countries were in a special international position. Their needs and interests must be taken into account in the work of the Conference. His country was very interested in the establishment of the International Authority. The rational and efficient use of the technological and scientific capital of the economically developed countries would be an important contribution to the exploration of an international zone and the exploitation of its resources. The mandate of the Authority should also cover problems of transfer of technology and personnel training. He noted the results of the work done at the special session of the United Nations General Assembly and observed that non-reciprocity favouring the underprivileged was a means of ensuring effective equality. The desire of the land-locked countries to have free access to the sea must be seen from that point of view. Those countries were seeking no more than a reasonable share in the benefits derived from the exploitation of the living and non-living resources of the sea. The heads of the African States had welcomed those ideas which tended to increase regional co-operation. Special attention should be given to the underprivileged land-locked States and other geographically disadvantaged countries with their special problems.

50. His country was in favour of a substantial increase in the limits of the territorial sea under national jurisdiction. Innocent passage through the territorial sea and free passage through international straits were in the interests of international peace and navigation.

51. The seas and oceans were the common heritage of mankind. Nevertheless, there were circumstances in which individual use was necessary. The territorial sea and the economic zone were examples of such circumstances. He hoped that both those areas and the international zone would be governed by appropriate international marine environment protection regulations. The Inter-Governmental Maritime Consultative Organization was carrying out a major work in that domain. Zaire was in favour of the 200-mile-wide economic zone as proposed in Mogadiscio (A/CONF.62/33). His delegation would make its views on various technical aspects known in the appropriate committees. He expressed the hope that the session in Caracas would make it possible to establish at least the main outlines of the future law of the sea.

52. Mr. BARNES (Liberia) said that the increasing needs of a growing world's population made it imperative to tap the vast potentials of the oceans. One of the main questions facing the Conference was whether mankind had the political will to do so with justice. The essential issue to be dealt with was how to apply the enormous potential of ocean space for the benefit of all mankind. Because of its unique maritime interests, his country might be in a better position than many others to point the way to areas of accommodation and compromise essential for the success of the Conference.

53. As a developing country expecting to reap benefits from the tapping of the sea's potential, his country fully endorsed the concept that the oceans beyond the limits of national jurisdiction were the common heritage of all mankind. In seeking to give meaning to that concept, no unfair advantages should be taken by any one group of countries over another. Equitable criteria for exploiting the seas must be found; it would not be sufficient simply to extend the application of existing and admittedly inadequate criteria. The ultimate aim should be the creation of an international area; the creation of a fair and efficient Authority would be a step in the right direction. Such an Authority would have full legal personality with functional privileges and immunities. It would have a working relationship with the United Nations system, but would maintain political and financial independence. It would have the right to explore and exploit the area, the duty to distribute among all States the benefits derived from exploitation, and the duty to minimize any adverse economic effect on the economies of developing countries from the extraction of submarine resources. It should have the power and responsibility to protect the marine environment of the area and to regulate the conduct of scientific research in it. Representation on the organs of the Authority should be in accordance with just and democratic principles; the Authority should do everything possible to give full meaning to the concept of the common heritage of mankind.

54. His country welcomed indications that the 12-mile territorial sea, which it already claimed, might be universally endorsed at the Conference. As a State in which many of the world's merchant vessels were registered, Liberia would insist that the new law of the sea placed no unnecessary restriction upon traditional freedom of navigation, which was of the greatest significance to the entire world community. The Conference must at least endorse freedom of passage through straits used for international navigation and must safeguard the competing and legitimate interests of freedom of navigation and sovereignty of coastal States.

55. His delegation supported the right of a coastal State to extend its control over an exclusive economic zone of up to 200 nautical miles from the baselines of the territorial sea. Within the economic zone, the coastal State should exercise sover-

³ *Report of the United Nations Conference on the Human Environment* (United Nations publication, Sales No. E.73.II.A.14), chap. I.

eignty over all living and non-living resources and should manage the zone so as to fully respect such long-established rights as freedom of navigation and overflight and the laying of submarine cables and pipelines. Scientific research and the control of marine pollution in the economic zone should be under the jurisdiction of the coastal State, but should be subject to internationally agreed standards and requirements. His delegation fully accepted that special arrangements should be agreed on enabling land-locked and other geographically disadvantaged States to share in the exploitation of the living resources of the economic zones.

56. All States should be able to conduct scientific research in the marine environment. Such research must be conducted exclusively for peaceful purposes; the prior consent of a State must be obtained for research in its territorial sea or exclusive economic zone. Effective methods of combating pollution must be employed before the common heritage of mankind became a deadly cesspool. All efforts must be co-ordinated so as to avoid conflicts at sea. Pollution would not be the only source of conflict, however, and it would therefore be wise to agree on adequate procedures for the peaceful settlement of disputes.

57. He expressed grave concern at the absence from the conference of representatives of the African liberation movements. Those movements would soon preside over the destinies of their peoples and therefore had every right to take part in the formulation of international legal standards that would affect the future of the entire world community.

58. Mr. KNOKE (Federal Republic of Germany) said that his delegation welcomed the intention of the Conference to make a comprehensive review of the law of the sea while preserving principles of proven merit. The international community must not fail to seize the favourable opportunity presented by the Conference in Caracas to achieve universal acceptance for the legal standards to be drafted. A secure legal basis, including the compulsory settlement of disputes, was essential for universal order. An attitude of understanding to the interests of all countries and a general readiness for compromise were essential if the Conference was to succeed.

59. Progress in deep-sea mining technology had helped to create a new situation and the need for a revision of existing law. The idea that the ocean was the common heritage of mankind required an international régime for the sea-bed and ocean floor beyond the limits of national jurisdiction and an International Authority to ensure its observance. Access to the resources of the sea-bed should be non-discriminatory; all nations must be assured an equal share in the common heritage. The interests of all countries would be best served if the exploitation rights of coastal States did not encroach unreasonably upon the common heritage. The Authority, which should be as efficient as possible, should be so constituted that conflicts of interests did not prejudice its work. The granting of exploitation rights to States or companies would be the best guarantee for the success of its work. It should be financially self-sufficient and should be able to transfer its surplus revenue to the developing countries.

60. Valuable work had already been done to protect the marine environment by means of regional and international conventions. The aim must be to strike a balance between the protection of the environment and the free use of the sea for navigation. A balanced system of international and non-discriminatory national measures to be implemented by the flag and coastal States and appropriate international organizations must be created on the basis of conventions already concluded.

61. It was difficult to envisage the establishment of an economic zone that would do justice to the legitimate interests of all countries. The 200-miles proposal would entail considerable sacrifices for countries such as the Federal Republic of Germany with short and unfavourably contoured coastlines. Nevertheless, his delegation would not object to discussing such a proposal if a general consensus emerged in the Conference. It was important, however, to establish that any such zone would retain the status of high seas, thus preserving the freedom of navigation, overflight, laying of cables, and scientific research. Where specific exploitation rights were granted to a coastal State, account must be taken of the long-established rights of other States, particularly the fishing rights of countries with distant-water fishing fleets. Until the general acceptance of a new convention on the law of the sea, his Government rejected any unilateral extension of economic zones or fishing limits.

62. It was in the interests of the international community and of every country dependent on fisheries to preserve a balance between the full exploitation of fish stocks and their effective protection. That balance should be ensured by international management based on multinational research. The Conference should therefore direct its efforts towards creating and strengthening fishery organizations open to every State with fishing interests in a given region. Such organizations must have adequate regulatory powers, and coastal States should comply with their recommendations.

63. His delegation was ready to accept the extension of the territorial sea up to a limit of 12 miles on the understanding that a satisfactory solution was found to the problem of passage through straits created by such extension. Due regard must be had for the principle of free passage, which was the only effective means of keeping international navigation routes open for the benefit of the whole international community.

64. His delegation was particularly concerned about the protection of the interests of geographically disadvantaged States. Failure to take those interests into account would widen the gap between those States and the coastal States. The extent to which their interests were accommodated would be an indication of the Conference's ability to create a balanced system under which all States could partake of the resources of the sea.

65. There was an intimate link between scientific research and the transfer of marine technology, which should not be overlooked at the Conference. His country was prepared to engage in international co-operation, particularly with the developing countries.

The meeting rose at 12.50 p.m.