

Third United Nations Conference on the Law of the Sea

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gation on the part of the coastal States which benefited from such extension. The States which had unilaterally extended their jurisdiction should seek to reach an agreement with those countries which felt that their rights had been limited thereby. The Convention on the High Seas stated that the high seas were open to all nations and that no State could claim sovereignty over any part of them. Any unilateral extension of jurisdiction or claims to areas of the high seas as an exclusive economic zone were tantamount to the expansion of the dominion of the coastal State over the sea and its natural resources. That would narrow the area of high seas and would be out of keeping with the principle of the freedom of the high seas.

53. His delegation was not unsympathetic to the desire of the coastal States to protect the marine environment and explore and exploit the sea-bed area adjacent to their territorial waters. Nor was it unsympathetic to the wishes of its fellow developing countries. But his country was also developing and was in a worse position than developing coastal States. He urged them to apply the same norms of behaviour that they were requesting from the developed countries. The aim must be to close the gap between rich and poor. No country should be deprived of any benefit derived from an area belonging to the patrimony of mankind. The proposed economic zone should be determined in such a way as to preserve the economic viability of the international area. Everyone represented at the Conference was committed to respecting the concept of the common heritage of mankind. His delegation, together with others, had submitted to the sea-bed Committee draft articles dealing with the question (*ibid.*, vol. III, sect. 28).

54. The proposed international machinery could achieve its objective of exploring and exploiting the resources of the international area only if it was vested with comprehensive power to maintain its integrity. The Authority's powers must be derived from the very principles from which it had been born; it must ensure the order, safe development and rational management of the international area and the equitable sharing by all countries in the benefits derived therefrom. To that end there must be adequate and proportionate representation of the landlocked and other geographically disadvantaged States.

55. He did not wish to go into detail on all the topics before the Conference, but he noted that his delegation had developed

a better understanding of the problems of archipelagic States and the problems of straits.

56. His delegation was convinced that a spirit of mutual understanding, goodwill and co-operation would prevail at the Conference, which would produce a just instrument for the benefit of all mankind. He appealed to all delegations to understand the plight of their least developed brethren who were the victims of injustice done by geography and to extend the hand of co-operation to their just cause.

57. Mr. THEODOROPoulos (Greece), speaking in exercise of the right of reply, regretted that the representative of Turkey had chosen to transform the general debate into a discussion of his own problems. The purposes of the Conference would be better served by the avoidance of bilateral polemics. His own delegation had tried to set a proper tone in its statement, apparently in vain. It would not have exercised its right of reply if the representative of Turkey had not gone to the unusual length of distributing maps depicting Greece and its maritime territories, asking the Conference to debate such matters. He protested against such disruptive actions which illustrated Turkey's aims at the Conference and the nature of its contribution.

Invitation to national liberation movements recognized by the Organization of African Unity or by the League of Arab States to participate in the Conference as observers
(continued)

58. Mr. ROYO (Panama) said that his delegation had not been present at the previous meeting when the Conference had voted on the question of its competence to consider the question of inviting the national liberation movements to participate as observers. In conformity with his Government's policy of support for the struggle for the elimination of colonialism and dependence, his delegation endorsed the view that the Conference was competent to consider the question. Faithful to the principles of ideological pluralism and the universality of the international community, his delegation would support, as it had done in other forums, the just aspirations of the African liberation movements, which were advancing towards full independence.

The meeting rose at 1 p.m.

40th meeting

Friday, 12 July 1974, at 3.30 p.m.

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

In the absence of the President, Mr. Abdel Hamid (Egypt), Vice-President, took the Chair.

General statements (continued)

1. Mr. DE ABAROA Y GOÑI (Spain) said he was gratified to note that the preliminary conditions for an effective solution to the problems of the sea had been largely met. The independence of many States attending the Conference had changed the appearance of the international community and had deeply altered the political situation as it had existed at the time of the Conference for the Codification of International Law at The Hague in 1930, or at the two Conferences on the law of the sea at Geneva and the needs and aspirations of peoples were also different. As the representative of the United Republic of Tanzania had pointed out, old doctrines such as the freedom of the seas were now valid only in so far as they could contribute to

the development of mankind. There was a common reference point in the effort to find new solutions: the purposes and principles of the United Nations Charter.

2. Spain, situated in part of a peninsula between two seas, with islands and two large archipelagos which, together with the coast of the peninsula, had a shoreline of more than 5,000 kilometres, also had links with the sea by virtue of its history, its fisheries in near and distant waters, in which approximately 200,000 people earned their livelihood, its shipping (with the thirteenth largest merchant fleet in the world) and its shipbuilding which was the third largest such industry in the world. Care for the marine environment and the prevention of its pollution were imperatives for Spain, for it had to protect its tourist trade and the living resources of the sea, which were important factors in its economy.

3. For the reasons he had given, Spain had an interest in all the problems of the sea, and thus it was willing to tackle them

in a spirit of conciliation and compromise. There were two major groups of problems: those related to exploitation of the resources of the sea and those concerning navigation on the high seas. If the Conference was to satisfy the aspirations of the present international community, it must consider the first group in the light of a guiding principle set forth in the United Nations Charter: the social and economic development of peoples. His delegation had upheld that principle ever since it had first taken part in the work of the sea-bed Committee in 1971. While Spain was one of the world's first five fishing Powers, it realized that the doctrine of the freedom of fishing beyond a limited territorial sea could not serve as a basis for the new law of the sea, since contemporary realities made it essential for the coastal States to establish special maritime jurisdictions over the conservation and orderly exploitation of marine resources. As a counterpart to the "international zone", the common heritage of mankind, his country had argued for a "national zone" situated beyond the territorial sea, the heritage of the coastal State, in which the latter State would have jurisdiction over the orderly conservation and exploitation of the renewable and non-renewable resources of the zone. The zone might be extended up to a maximum limit of 200 miles measured from the baselines of the territorial sea. The proposal for a "national resource zone" relied on the jurisdiction of the coastal State for its rational preservation and exploitation. The difference between the Spanish and the other proposals was that it made a distinction between renewable and non-renewable resources; the distinction was not merely a technical question of jurisdiction but derived from the different nature and character of the resources in the sea. An objective régime for the living resources could thus be established, with the possibility of the participation of third States in their exploitation—an idea which was not peculiar to the Spanish proposal. In fact, the draft articles on fisheries submitted by the Delegations of Canada, India, Kenya and Sri Lanka (A/9021 and Corr.1 and 3, vol. III, sect. 27), proposed that the coastal State should be entitled to allow nationals of other countries to fish in its exclusive fishery zone, subject to certain conditions. In his delegation's view, it should also be established, on the basis of that principle, that when objective conditions to be determined in the future convention existed, the coastal State would have to allow third parties to share in the exploitation of the living resources of the zone, under a negotiated arrangement based on co-operation and mutual advantage, without discrimination among possible participants. What was needed was a machinery for co-operation founded on an economic reality which implied a mutual advantage on a non-discriminatory basis. His delegation thought that joint undertakings might be one of the forms of such co-operation.

4. With regard to the international zone, his delegation strongly supported the principles set forth in General Assembly resolution 2749 (XXV). The body which was to be set up to implement the régime in the zone should have broad powers, including the possibility of carrying out exploration and exploitation of the resources of the "international zone", either directly or in association with other public or private bodies, which would operate under its control. Its structure should be adequate to enable it to perform its functions, and the composition of its organs should be democratic, with no privileges for any State or group of States. The policy-making system should also be democratic. Furthermore, the future convention should include suitable criteria for the equitable distribution of the benefits derived from the exploitation of the resources of the zone, criteria which should take into account the interests of the least developed countries, and the body should be empowered to prevent, in co-operation with other international institutions, any adverse impact on the prices of raw materials. Spain also understood the disadvantaged situation of the non-coastal States and thought that the future law of the sea should provide a satisfactory solution for their problems.

5. Turning to navigation, he said that peaceful co-operation among States and national security were the two basic principles which should govern navigation in the new law of the sea. The new order for the maritime space had given rise to new problems, for example, the establishment of a national resources zone situated beyond the territorial sea, which should not impede the exercise by all States of the freedoms of navigation and overflight and the laying of submarine cables and pipelines, subject to the competence of the coastal State in respect of the exploitation and conservation of the resources of the zone.

6. His delegation thought that the future convention should define the régime governing navigation through "archipelagic waters" and that the just claims of the archipelagic States should be recognized. The draft articles submitted by the delegations of Fiji, the Philippines, Indonesia and Mauritius (*ibid.*, sect. 38) were an excellent basis for negotiations. On the other hand, as the representative of India had stated, that régime could also apply in large part to "State archipelagos".

7. His delegation considered that the territorial sea—the security zone of the coastal State—should be of a uniform breadth, which might be fixed at 12 miles if there was general agreement to that effect. With regard to navigation through the territorial sea, including straits used for international navigation, the principles of freedom of navigation and security for the coastal State were properly balanced in the régime of innocent passage. The Declaration on the Issues of the Law of the Sea, approved by the Organization of African Unity in May 1973 (A/CONF.62/33), stated that "the African States . . . endorse the régime of innocent passage in principle but recognize the need for further precision of the régime". To that end Spain, together with seven other countries, had submitted a draft article (A/9021 and Corr. 1 and 3, vol. III, sect. 6) whose main idea was to provide the maximum freedom for peaceful navigation compatible with the objective security requirements of the coastal States.

8. In view of the importance of international navigation through straits, the régime governing passage through them should be established on the basis of objective principles so as to facilitate unimpeded passage by vessels of all nations. The régime of innocent passage appropriately guaranteed the interests of peaceful international navigation; in order to demonstrate the good faith of coastal States, his delegation would have no difficulty with the inclusion in the future convention of a provision explicitly establishing the presumption of innocence in respect of the passage of merchant vessels. Such a clause, together with a provision prohibiting the suspension of passage through straits and prohibiting discrimination among flags or cargoes, whatever their origin or destination, would provide a régime of innocent passage without obstacles for merchant shipping.

9. He was astonished that some States rejected the idea of innocent passage. Such States had visualized the revision of the law of the sea more from the viewpoint of their strategic goals rather than from that of the principles of peaceful co-operation, and of the development and security of all States. The régime of innocent passage did not allow them to attain their military objectives, which could be summed up in three points: free overflight through straits, the right of free passage and submersion for nuclear submarines carrying nuclear weapons and the waiving of any requirement involving prior notification or authorization for the passage of surface war vessels, especially those carrying the aircraft which would exercise the right of free overflight. That was the true content of the "right of free navigation and overflight", an instrument for the maximum deployment of naval and air power through the sea belt subject to the sovereignty of other States. Its advocates had not referred to those aspects, but only to the increase in merchant shipping and the need of the developing countries to build up their merchant fleets and to promote a possible increase in the

value of the freight carried, but the real objectives were different.

10. That was not the best way of ensuring the success of the Conference. The desire to reduce the breadth of the territorial sea in accordance with military requirements had led to the failure of other conferences and consequently to the sacrifice of the interests of the developing countries in the conventions adopted by them. It would be contrary to the course of history and the objective development of the international community, for the national security of coastal States to be sacrificed on the altar of the unstable balance of power between the strongest nations.

11. Spain was particularly interested in the conservation of the marine environment and the control of pollution; his delegation had therefore supported the establishment of special jurisdictions beyond the territorial sea in order to prevent pollution. Its position concerning oceanographic research was similar. The coastal State should control the scientific research activities carried out in its territorial sea and in the national economic zone, and it was entitled to participate actively in research carried out by other States in the zones under its sovereignty and jurisdiction. The intention was not to hamper unnecessarily a better knowledge of the sea but to ensure that the need to obtain information about the marine environment should not lead to the establishment of other absolute principles, prejudicial to the security or the rational exploitation of its resources. His delegation had clearly stated not only its position on certain questions but also its great interest in matters concerning the law of the sea and had shown its desire to reach agreement on a solution satisfactory to all. It considered that the right course to pursue was to try to obtain just solutions to every type of problem, and to prevent those which were at present generally accepted from becoming dependent on others which would only benefit a small group of States. The new law of the sea, to be effective, must be worked out by all participating States, since the security and development of nations must be the result of joint effort.

12. Msgr. CHELI (Holy See) said that his delegation was especially concerned at the rapidity with which technology was making possible the utilization of ocean space, including the ocean floor, for military purposes such as nuclear explosions, the launching of missiles with atomic war-heads and the movement of submarines bearing nuclear weapons, which made it essential that States should include in the treaty or convention resulting from the Conference a provision prohibiting the use of the sea for anything other than peaceful purposes.

13. Technology was affecting the ocean space in other ways; modern fleets of fishing vessels could exhaust in a few seasons reserves that would otherwise have lasted for many years. Technology also made possible drilling for petroleum and natural gas and the exploration and exploitation of the sea-bed and its subsoil for minerals which were becoming scarce from land sources; in general, industrial activities and the needs of modern society were endangering the whole of the earth's ecologic system, which could profoundly affect living resources.

14. The sea had a potential of resources that might be decisive for mankind's future. The crucial question was whether the enormous benefits to be drawn from the sea should be available to all nations or should only belong to the rich nations which had the means of actually winning them. The urgency of that problem and its impact on the well-being of all peoples impelled the Holy See to take a profound interest in the results of the Conference, which should be guided by the principle of the common heritage of mankind; that concept had the strong support of the Catholic Church, which maintained that everyone should have the possibility of access to a fair share in the resources of the planet.

15. It was therefore essential to determine precisely what constituted that common heritage with regard to the sea, the sea-bed and its subsoil; it was therefore necessary to agree that, just

as the principle of open seas without any control could lead to disaster, so also an absolute control of wide waters by coastal States was an inadequate solution. The Conference must weigh the interests of the whole of mankind, giving just consideration to the rights and needs of the land-locked States, coastal States poor in off-shore resources, and the developing nations as a whole. That goal of the common good required the establishment of an International Authority endowed with the power necessary to safeguard the security of the seas and ensure respect for the rights of all, in order to seek a justice that was progressively less and less imperfect.

16. Mr. FERNANDES (Guinea-Bissau) said that the Conference had failed to achieve the necessary universality by not inviting the liberation movements; he hoped that, before the end of the Conference, ways would be found to bridge that important gap, since present-day liberation movements were the future leaders of their respective countries. He also regretted that the Provisional Revolutionary Government of the Republic of South Viet-Nam and the national liberation front of Cambodia had not been invited to the Conference.

17. As a coastal State where fishery abounded, and with a continental shelf where there might be an appreciable quantity of oil, his country's interest in the Conference was evident. Although part of the country was still under military occupation, he believed that good sense would soon prevail in Portugal and that Guinea-Bissau would regain control of the whole territory, especially the coastal area, through negotiations.

18. With regard to the territorial sea and the economic zone, his delegation endorsed the right of each coastal State to establish an exclusive zone of national jurisdiction not exceeding 200 nautical miles measured from appropriate baselines, without prejudice to the right of innocent passage, overflight and the laying of cables and pipelines. The coastal States should exercise permanent jurisdiction and sovereignty over that zone, and fishing should be the subject of bilateral agreement between the coastal State and those nations wishing to fish in it. For fishing in the high seas beyond that territorial zone, his delegation favoured the establishment of an international authority to regulate the amount of species to be caught. His delegation's position on the question of territorial zones was similar to that of Ecuador and almost identical to that of Peru, and he assured the Peruvian delegation of the unconditional support of Guinea-Bissau in Peru's struggle to defend its legitimate interests. For his country, the imposition of a uniform 12-mile limit for the territorial zone, without taking into account the specific problems of security and the economic conditions of the coastal State in question, was unacceptable.

19. His country considered that every country had the right to fix the limits for its territorial sea, taking into account its economic and geographical factors and the needs of its neighbours, and he referred to the Proclamation of President Truman in 1945 in that connexion.

20. With regard to the delimitation of maritime zones in the case of adjacent or opposite States, his delegation supported the international practice that that should be done on the basis of the principle of the median line of equidistance. It endorsed the principle that land-locked countries were entitled to share in the exploitation of living resources on an equal basis with coastal States, and their right of access to and from the sea. On the question of archipelagos, his delegation agreed with the principle that the baseline of any archipelagic State must be fixed by connecting the outermost points of the outermost islands of the archipelago, in order to determine that State's territorial sea. His delegation supported the principle of innocent passage through straits but believed that precise laws should be worked out to protect the shores and the people of the coastal State. It was in full sympathy with the concern voiced by the representative of Panama.

21. With regard to the sea-bed and the ocean floor beyond the limits of national jurisdiction, his delegation endorsed the principle of the common heritage of mankind and fully supported the Declaration of Principles embodied in General Assembly resolution 2749 (XXV), and would support the codification of those principles. It also saw the need for the establishment of an international machinery with full legal personality and power to regulate matters pertaining to that area. Scientific research should be conducted exclusively for peaceful purposes and for the benefit of mankind. Land-locked States and other geographically disadvantaged countries had the right to carry out such research. Scientific research should only be carried out in the territorial zone in bilateral agreement with the coastal State, which was entitled to participate in such research. Research beyond the zone of national jurisdiction should be regulated by appropriate international agencies. His delegation also believed that technologically advanced countries should create programmes within or outside appropriate United Nations agencies to transfer technology to the third world countries and to train their personnel.

22. With regard to the problem of pollution, his delegation endorsed the spirit of the Declaration of the United Nations Conference on the Human Environment.¹ Since over two thirds of marine pollution was land-based, it was imperative that the sources of pollutants should be checked; States had the right to manage their resources and the obligation to prevent and control the pollution of the marine environment.

23. His country was prepared to co-operate with other countries, including and especially Portugal, in the work of the Committees, in a spirit of compromise, for the good of all. It hoped that the sea would be the permanent link between all countries.

Mr. Bonilla Aybar (Dominican Republic), Vice-President, took the Chair.

24. Mr. AL-NIMER (Bahrain) said that Bahrain, by virtue of its geographical and historical characteristics, was very much a maritime country. The sea was the source of sustenance for many of its inhabitants, supplying several of the most important products for national industry, such as fish and pearls. His country was also an important point of communication for maritime trade between East and West, and many international firms were using its storage facilities.

25. The Conference, whose aim was to regulate the use and exploitation of the resources of the entire sea area, was one of the most important conferences convened in modern times. He was thinking in particular of the development and codification of the law of the sea, which, if successful, would be an incentive for the codification of other branches of the law of nations, an objective set forth in Article 13, paragraph 1 (a), of the United Nations Charter.

26. To be effective, international law must be universal. His delegation therefore welcomed the decision of the Conference with regard to its competence to invite the representatives of those national liberation movements recognized by the League of Arab States or the Organization of African Unity to participate in the Conference as observers. As early as 1949, the Government of Bahrain had issued a proclamation asserting its rights over its continental shelf, the exploitation of which was of great importance for Bahrain because of its limited land resources. However, any adjustment of sea frontiers with neighbouring countries that Bahrain might seek as a result of the legal rules to be adopted by the Conference would be negotiated with them in a spirit of friendship and understanding.

27. The Government of Bahrain had not yet passed a law extending the breadth of its territorial waters beyond the old three-mile limit. His delegation had now noted with satisfac-

tion the desire of the majority of States to extend the breadth of their territorial waters to a maximum of 12 miles. It also supported the view of the majority of representatives that a coastal State might extend its sovereign rights to an economic zone not exceeding 200 nautical miles from the appropriate baselines, subject to the freedoms of navigation, overflight and laying of submarine cables and pipelines.

28. In areas which had narrow shelves or were shelf-locked, his delegation favoured the replacement of the concept of the continental shelf area by that of the economic zone and the application of the criterion of equidistance to the delimitation of such a zone, subject to any adjustments that might be agreed with interested neighbouring States.

29. His delegation maintained the view that historic rights over fisheries should be observed, and that any disputes regarding them should be settled amicably by the States concerned. Special attention should also be paid to the question of the proper utilization and conservation of the living resources of the sea.

30. His country recognized the need to establish adequate rules for the preservation of the marine environment. Such rules should take into consideration for the rights and duties of coastal States, particularly within the zones of national jurisdiction, and the recommendations of competent international organizations. Consisting as it did of an archipelago, Bahrain supported the right of archipelagic States to draw straight baselines which safeguarded their territorial, political, economic and national unity and within which they might exercise their sovereignty, subject to the right of innocent passage.

31. His delegation recognized the need to promote scientific research, provided that research within the area of national jurisdiction was carried out only with the prior consent of the coastal State concerned. Steps should be taken to promote the transfer of marine science and technology to developing countries, the training of nationals of such countries, and other forms of co-operation and assistance in those fields.

32. As a narrow-shelf State, his country supported the recognition of the rights of land-locked, shelf-locked and geographically disadvantaged developing States to free access to and from the sea or the high seas, free transit through neighbouring coastal States and use of their transit ports; such rights should be implemented by the transit State through bilateral or regional agreements.

33. His country adhered to the principle of the common heritage of mankind declared by the United Nations General Assembly in its resolution 2749 (XXV) and reaffirmed that the area referred to in that resolution and its resources should be administered by an international authority having all the necessary powers.

34. In conclusion, he pledged his country's full support for all efforts aimed at developing a viable and acceptable law of the sea.

35. Mr. JACOVIDES (Cyprus) said that his country firmly supported the principle that the resources of the sea-bed beyond national jurisdiction were the common heritage of mankind and favoured the establishment of machinery within the United Nations system which would effectively administer those resources for the benefit of all peoples, taking into consideration the circumstances of land-locked and other geographically disadvantaged States, especially the least developed countries.

36. His delegation was also deeply concerned by the question of pollution of the sea and believed that all appropriate steps should be taken to combat it effectively before it was too late. He drew members' attention to the situation which would be created in the Eastern Mediterranean by the increase in the number of tankers owing to the re-opening of the Suez Canal.

37. His delegation was in full agreement with the principle of a 12-mile territorial sea, coupled with a 200-mile economic

¹ *Report of the United Nations Conference on the Human Environment* (United Nations publication, Sales No. E. 73. II. A. 14) chap. I.

zone, since that solution appeared to offer the best prospects of overcoming the main problem facing the Conference.

38. As a sponsor of the relevant proposal (*ibid.*), Cyprus supported the application of the right of innocent passage through straits used for international navigation, subject to objective criteria. It also fully supported the case put forward by states consisting wholly or partly of archipelagos for the establishment of a special régime to take account of their geographical and geopolitical situation.

39. In general, in order to solve the problems to which the law of the sea gave rise, he favoured striking a proper balance by adopting new principles to take account of technological, political and economic changes and, at the same time, maintaining those rules of the international law of the sea which had stood the test of time and which were still valid.

40. Cyprus, as an island State located between three continents, was taking an active interest in two of the topics before the Conference: first, the position of islands and, secondly, the principle of the median line. Regarding the first of those topics, his delegation considered that no distinction whatsoever should be made between islands, irrespective of their size and population, and continental land masses; and that the principles for determining the territorial sea, the continental shelf and the economic zone should be exactly the same in the case of both islands and continental land masses. Cyprus was not prepared to accept any attempt at discrimination against islands in the form of artificial distinctions based on legally untenable considerations. Any deviation from the existing rule, as set out in the 1958 Geneva Conventions, should be in favour of islands, since, generally speaking, their populations depended on the resources of the marine environment for their development, and even their survival, to a greater extent than the populations of continental territories.

41. The other topic to which his delegation attached great importance was the principle of the median line, concerning which it had submitted a proposal to the sea-bed Committee (*ibid.*, sect. 7). That principle had much to commend it; in the first place, it was based on customary international law which had been codified by its incorporation into the Geneva Convention on the Territorial Sea and the Contiguous Zone.² In the second place, its application provided an element of objectivity, which was essential to any legal rule, and especially essential for the protection of the smaller and militarily weaker States. In the third place, it provided an element of flexibility, since the median-line rule came into operation only in the absence of agreement to the contrary between the States concerned.

42. It should be stressed that, while the Cypriot proposal on that principle related specifically to the territorial sea, it was also relevant to the delimitation of the continental shelf and the economic zone between States opposite or adjacent to each other, in accordance with the principle of the sovereign equality of all States, whether continental or insular.

43. Finally, he said that his delegation would welcome the presence at the Conference of observers of the national liberation movements and that he wished to take the opportunity to express his support for Jamaica's candidacy to serve as host country to the International Authority which would be entrusted with the activities of exploration and exploitation of the sea-bed area when the relevant convention had been approved.

Mr. Amerasinghe (Sri Lanka) took the Chair.

44. Mr. BREWAH (Sierra Leone) said, in connexion with the limits of the territorial sea and the exclusive economic zone, that the majority of the States participating in the Conference had expressed their support for a 12-mile limit for the territorial sea and for the establishment of an exclusive economic

zone beyond that territorial sea whose limits should not exceed 200 nautical miles. In 1971 his country had claimed a territorial sea of 200 miles, but it was prepared to negotiate on the basis of the concept he had mentioned of a 12-mile territorial sea and a 200-mile exclusive economic zone.

45. His country was aware that fishing activities on the high seas had a direct effect on fisheries within the territorial sea and the economic zone. He expressed the opinion that the coastal State, over and above its right to regulate the rate of exploitation in its territorial sea and its exclusive economic zone, should be able to take measures, in consultation with the International Authority, to conserve the living resources of the high seas adjacent to its economic zone. Some technologically advanced countries thought that a just and equitable convention on the law of the sea would have an adverse effect on their fishing activities on the high seas. However, such fears were unjustified. The law of his country, for example, allowed foreign fishing vessels to carry out reasonable fishing activities within its territorial waters upon obtaining a licence. That licence had never been unreasonably withheld, and his country was pragmatic enough to realize that for the moment it did not possess the necessary technology to take full advantage of the fishing resources in its waters.

46. His country had the second largest and deepest natural harbour in the world, and it depended upon shipping for the export of its raw materials and for its imports of commodities and equipment. Consequently the freedom of maritime traffic and the use of the navigational lanes of the oceans, including straits, was of vital importance to his country, and his delegation would defend the freedom of navigation and overflight at the Conference.

47. Referring to what he considered to be the most crucial question before the Conference, namely, the creation of a régime for the administration of that area of the sea beyond the limits of national jurisdiction, his delegation supported the Declaration of Principles contained in resolution 2749 (XXV) of the United Nations General Assembly.

48. In that connexion his delegation agreed with those delegations which had proposed that the areas of the sea designated as international zones should be placed under the absolute jurisdiction of an international authority. With respect to the Authority, there were two contending views before the Conference. There were those who maintained that the Authority should possess wide powers, while others felt that the Authority should be merely regulatory. His delegation favoured the former view.

49. His country was a victim of ship-based pollution, and therefore would unfailingly support and strictly apply any measure which the Conference might adopt to solve that problem.

50. His delegation understood that scientific research in the sea and the sea-bed was beneficial to mankind, and was willing to support it on the condition that the following requirements were fulfilled: first, no temporary or permanent monitoring or other equipment should be placed on the surface of the sea or within the water column or in the bottom within the area of the territorial sea and economic zone of the coastal State without the consent of the latter; secondly, local scientists should be allowed to participate in all research activities within the territorial sea and the economic zone; thirdly, all information and data derived from such research should be made available to the coastal State immediately and then to the International Authority; furthermore, such information and data should be published in a recognized and reputable scientific magazine; fourthly, researchers should belong to nationally or internationally recognized independent bodies.

51. Concerning the transfer of marine technology to the developing countries, Sierra Leone supported the establishment of regional marine institutes to be administered by the Authority.

²United Nations, *Treaty Series*, vol. 516, p. 206.

52. His delegation recognized the right of access to the sea of the land-locked countries and other geographically disadvantaged States, as it did their right to participate in the exploitation of the living resources of the economic zone of neighbouring coastal States. For the benefit of those land-locked and other geographically disadvantaged States, his delegation recommended the setting up of regional areas for the exploitation and conservation of the living resources of the economic zone of the coastal State.

53. His delegation was in favour of drawing the coastline of any archipelagic State by connecting the outermost points of the outermost islands of the archipelago for the purpose of determining the territorial sea of that State. At the same time, his delegation fully supported the régime of innocent passage for straits used for international navigation. His country hoped that the Conference would work out a more satisfactory definition of the régime of innocent passage.

54. He wished to make it clear that the absence of the representatives of national liberation movements would, in his opinion, detract from the universality of the Conference on the Law of the Sea.

55. His delegation hoped that the Conference would produce a convention and a régime for the seas which would regulate the exploitation of the common heritage of mankind, and would protect it from the depredations of the avaricious.

Invitation to national liberation movements recognized by the Organization of African Unity or by the League of Arab States to participate in the Conference as observers (continued)

56. Mr. RATTRAY (Jamaica), Rapporteur-General, said that the General Committee had studied the amendments to the rules of procedure which the proposal of Senegal would require. The report of the General Committee (A/CONF.62/31) set forth the results of that study, consisting of a simple system of registration to identify the participating States, without prejudice to the powers of the Credentials Committee. Part II of the report was the text drafted by the General Committee on the basis of the Senegalese proposal to invite the national liberation movements. In the event that both those proposals were adopted, it would be necessary to renumber the rules of procedure.

57. The PRESIDENT said that it would also be necessary to change the title of rule 40 so as to read "Meaning of the phrases 'representatives present and voting' and 'participating States.'"

58. He likewise suggested that the paragraph proposed in part I of the report of the General Committee should become paragraph 2 of rule 40 of the rules of procedure.

It was so decided by consensus.

59. Continuing his intervention, he said, in reference to the second proposal contained in the report of the General Committee, that before proceeding to a vote it would be necessary to have the register referred to in the paragraph just approved. Since that might unduly delay the Conference's work, he suggested that that register should be taken to comprise the list of delegations to the Conference which included States which had arrived later: Ethiopia, Guinea-Bissau, Mali and Paraguay. The States which still did not appear on the list were: Central African Republic, Chad, Gabon, Liechtenstein, Malawi, Maldives, Nauru, Niger, Rwanda, San Marino, Jordan, and the Democratic Republic of Viet-Nam. If there were no objections, he would take it that the suggestion was approved.

It was so decided.

60. The PRESIDENT requested that the proposal to invite the national liberation movements in the capacity of observers should be approved by consensus. Consultations had been held with groups of States and with individual delegations, and he had been solemnly assured that the presence of the national liberation movements would not be used to divert the attention

of the Conference from its fundamental work. Their presence would be determined by the fact that, as a part of mankind, they had a right to share in the common heritage of mankind, and that in the future they would be the masters of the destinies of their respective countries. For the purpose of interpreting the second proposal contained in the report of the General Committee, the President suggested that that paragraph should not be understood as making provision for the Organization of African Unity or of the League of Arab States to call for the participation of national liberation movements of countries or territories situated outside their respective regions.

It was so decided.

61. Mr. NAJAR (Israel) stated that he had listened attentively to the President's appeal but that so far it had not actually been possible to create the harmonious atmosphere which had been mentioned. Furthermore, he felt it necessary to remind members that the question at issue had not been the subject of a substantive debate in the Conference, which until then had confined itself to a debate on the question of competence. The current debate therefore included the substantive debate which had not taken place.

62. His delegation was opposed to the group called the Palestine Liberation Organization being invited to participate in the work of the Conference in any capacity. The aims of that group differed from those of other national liberation movements. The Palestine Liberation Organization, set up in 1964 by the League of Arab States, had as its main and declared objective the destruction of the State of Israel and the denial of Israel's right to live as a nation, as could be seen from the text of the 1968 Palestine Convention. That objective had been reaffirmed three times, in June 1974 at the Palestinian Conference at Cairo, at the Islamic Conference at Kuala Lumpur and in the Palestine Liberation Organization joint communiqué at Tripoli. The objective of the Palestine Liberation Organization was thus "politicide", i.e. the destruction of a State which had been a Member of the United Nations for more than 25 years.

63. The Conference on the Law of the Sea had stated that it could accomplish the task assigned to it only through mutual understanding, negotiation and agreement. It would be ironic if elements whose political philosophy was based on non-recognition, exclusivism at any price, opposition to negotiation and discord elevated to the level of dogma and carried to the extreme of homicidal intent should be invited to participate in its deliberations.

64. In order to achieve its absurd, senseless, criminal objectives, the Palestine Liberation Organization resorted to absurd, senseless, criminal methods such as terrorism, kidnapping, the destruction of civil aircraft and the murder of women and children and other defenceless persons, as demonstrated by the massacres at Munich, Lod, Athens and Rome. The representatives of a "politicidal" organization whose raison d'être was murder and sabotage had no place at the Conference.

65. It should be emphasized that those murderous activities had been intensified still further in recent weeks; in that connexion, he mentioned the incidents which had occurred in certain places in the northern part of Israel, resulting in over 50 dead and many wounded. As the Prime Minister of Israel had pointed out, the purpose of those attacks had been to frustrate the hopes and the positive developments which had followed the conclusion of separation-of-forces agreements with Egypt and Syria. The Conference would therefore be taking a grave responsibility upon itself if it extended an invitation to the Palestine Liberation Organization.

66. Mr. AL-HADDAD (Yemen), speaking on a point of order, requested that the representative of Israel should confine his remarks to the immediate problem under consideration.

67. Mr. NAJAR (Israel) observed that peace in the Middle East would not be achieved by majority votes. It would require recognition of Israel and negotiations with Israel.

68. He noted that at the diplomatic conference convened at Rome by the International Civil Aviation Organization to strengthen efforts to combat aerial terrorism, the Palestine Liberation Organization and its friends had for readily understandable reasons not requested permission for the Palestine Liberation Organization to attend. He mentioned that because the Palestine Liberation Organization had used maritime space for many of its attacks and had just recently violated Israel's territorial sea for that purpose.

69. Mr. ABDEL HAMID (Egypt), speaking on a point of order, and supported by Mr. EL-KOHEN (Morocco), and Mr. KEDADI (Tunisia), recalled that the President had appealed to representatives to speak in moderate terms and not to refer to secondary matters. He therefore called on the President to ensure that the rules of procedure were complied with and deplored the attitude of the representative of Israel.

70. Mr. NAJAR (Israel) mentioned specific examples of criminal activities carried out by the Palestine Liberation Organization at sea and observed that, taking such activities into account, it would be surprising for the Conference on the Law of the Sea to invite the Palestine Liberation Organization to participate in its work. For those reasons he requested that formal note should be taken of his opposition to the proposed invitation.

71. Mr. CISSE (Senegal) read out the list of national liberation movements recognized by the Organization of African Unity or the League of Arab States, which were the following: for Angola, the People's Movement for the Liberation of Angola (MPLA) and the National Liberation Front of Angola (FNLA); for Mozambique, the Liberation Front of Mozambique (FRELIMO); for Namibia, the South West African People's Organization (SWAPO); for Rhodesia-Zimbabwe, the Zimbabwe African National Union (ZANU) and the Zimbabwe African People's Union (ZAPU); for South Africa, the African National Conference of South Africa (ANC); for the Comoro Islands, the National Movement for the Liberation of the Comoro Islands (MOLINACO); for the Seychelles Islands, the Seychelles People's United Party (SPUP); for the Somali Coast, the National Front for the Liberation of the Somali Coast (FLCS); finally, for Palestine, the Palestine Liberation Organization (PLO).

72. Mr. GODOY (Paraguay) proposed an amendment to the text submitted by the General Committee for insertion after rule 62 of the rules of procedure. In paragraph 1, after the words "national liberation movements", the words "in their respective regions" should be added. With reference to the same paragraph, he asked whether the expression "without the right to vote" meant by inference that the representatives of those national liberation movements could speak during the discussions. If that was the case, the provisions of paragraph 2 would mean discrimination against delegations whose statements were not distributed to representatives but were included in summarized form in the summary records.

73. The PRESIDENT said that, in accordance with paragraph 2 of the new rule of procedure, written statements by the national liberation movements would be distributed only when

representatives of those movements did not speak during the discussions.

74. Mr. KEDADI (Tunisia) said that the text submitted by the General Committee complied with the provisions of rule 63 of the rules of procedure, and that accordingly, the national liberation movements would be treated as observers in the same way as non-governmental organizations.

75. The PRESIDENT put to the vote the oral amendment proposed by Paraguay.

The amendment was approved by consensus.

76. The PRESIDENT put to the vote the draft new rule contained in part II of the report of the General Committee (A/CONF.62/31).

The draft new rule was approved by consensus.

77. Mr. STEVENSON (United States of America) said that in view of his country's role in the search for a permanent and lasting peace in the Middle East, he dissociated himself from the decision to issue the invitation and regretted that political matters had been introduced into the deliberations of the Conference.

78. Mr. BOTHA (South Africa) wished to place on record his disagreement with the consensus.

79. Mr. JEANNEL (France) said that, at the time of the previous vote, his delegation had abstained for obvious legal reasons. With regard to the decision now taken, his delegation had not wished to prevent a consensus, but had there been a vote it would have abstained. In any event, the groups of persons styling themselves "National Liberation Movement of the Comoro Islands" and "Liberation Front of the Somali Coast" could in no way claim to represent the peoples of the French Territory of the Comoro Islands and the French Territory of the Afars and the Issas.

80. Mr. BELLIZZI (Malta) commended the consensus and said that his delegation had not been present at the time of the vote on the previous day, but that had it been present it would have voted in the affirmative.

81. Mr. DE CARVALHO (Portugal) said that had there been a vote, his delegation would have abstained.

82. Mr. TORRAS DE LA LUZ (Cuba) felt that the consensus which had just been reached constituted an act of justice and represented a further step towards the universal character which the Conference should have. He regretted the fact that the Puerto Rican liberation movement had not been included. He also hoped that the next session of the Conference would correct the discrimination against the Provisional Revolutionary Government of South Viet-Nam, thus achieving universality.

83. Mr. RASHID (Bangladesh) said that his delegation whole-heartedly supported the resolution on the invitation to the national liberation movements, which, it believed, represented a great act of justice. It hoped that all the participants could now work together to elaborate a law of the sea for the benefit of mankind as a whole.

The meeting rose at 6.40 p.m.