

Third United Nations Conference on the Law of the Sea

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Summary Records of Plenary Meetings 41st plenary meeting

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41st meeting

Monday, 15 July 1974, at 10.50 a.m.

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

Tribute to Simón Bolívar the Liberator

1. Mr. GALINDO POHL (El Salvador) introduced a draft resolution (A/CONF.62/L.3) sponsored by 24 Latin American countries, proposing that the Conference should pay tribute to Simón Bolívar on the anniversary of his birth, which would fall on 24 July. He recalled the outstanding qualities of Simón Bolívar and his great importance for the liberation of the countries of Latin America and as a source of inspiration to the whole world. He was sure that the draft resolution would obtain the approval of all delegations and he hoped that the Conference would work out a programme of tribute. The draft resolution proposed that there should be a public tribute in a plenary meeting; the sponsors thought that there might also be a ceremony at the National Pantheon.
2. The PRESIDENT suggested that the Conference should have time to reflect on the draft resolution and that it should be taken up at a subsequent meeting, when details of a programme of tribute might also be considered.

It was so decided.

General statements (continued)

3. Mr. EL KOHEN (Morocco) said that, as the representative of an Arab African country which enjoyed friendly relations with all peoples without distinction as to ideology, system or régime and which supported the countries of the third world in their struggle for freedom and dignity, he regarded it as both a duty and an honour to be the first of the African and Arab States to congratulate the Conference on its decision to invite representatives of the national liberation movements recognized by the Organization of African Unity and the League of Arab States. That just decision was a historic milestone and the news of it would be received with deep emotion by those fighting for liberty.
4. The task of the Conference was to prepare a new legal and political instrument on the law of the sea which would ensure peace, social justice and brotherhood for present and future generations. The major problem was that of population growth, which was endangering economic development, particularly in the poorest countries. He noted that the World Population Conference was to examine the problem of population growth and that of the food resources needed for survival. Since the earth's resources were almost depleted, man was turning to the sea which could provide the natural resources needed for development. It was for the Conference to ensure that the search for natural resources was conducted in an orderly manner and for the benefit of all. The problems of development had been dealt with at the sixth special session of the General Assembly which had proclaimed its determination to establish a new international economic order. The Conference was to study one aspect of the new order: the rational use and equitable distribution of the living and mineral resources of the sea. It must help to eliminate the growing gap between the developed and the developing countries and ensure that the peoples of the developing countries could have an existence compatible with human dignity.
5. Another problem underlying the work of the Conference was that of the changes brought about by the law of life itself, namely, the technological advances which had enabled man to master nature and the new political realities which had enabled many colonial countries to become independent. Existing international law and the 1958 Geneva Conventions could no longer claim to govern international maritime relations. The Declaration of Addis Ababa (A/CONF.62/33) had stressed that many African countries had not taken part in the United Nations Conference on the Law of the Sea in 1958 and the Secretary-General himself had urged that the experience of 1958 should not be repeated. Law was often nothing more than the expression or formulation of international relations at a given time. New laws must take account of new political realities. No one should invoke ancient myths to preserve ancient privileges. The President of Venezuela had said that the Conference must remember the lesson of oil. He had urged it to be innovative and imaginative and to establish a law of the sea for all mankind, not based on selfish national interests or the urge to dominate; it must think in terms of a new ethic for the resources of the sea. He had said that the sea could not be treated with the injustice with which the earth had been treated.
6. Many delegations had referred to ancient writers such as Grotius. His delegation agreed with the speaker who had said that Grotius should be left to rest in peace. The ancient principles had been distorted and no longer served their purpose. The new law of the sea must take account of present realities and of the present ethical concepts of the United Nations. The Conference was taking place in a new context; it would succeed only if it took due account of the problems of the developing world.
7. Morocco was a maritime and a continental country, with access both to the Atlantic and the Mediterranean. It was situated at a crossroads of sea and air communications.
8. Fishing was very important for his country, since it provided a livelihood for 3 per cent of the population. His Government had established a fisheries office to combat the depletion of fish resources and to ensure their exploitation for the benefit of the people. The law of 2 March 1973 provided for a territorial sea of 12 nautical miles with Moroccan sovereignty over the air space and the sea-bed and its subsoil, and for an exclusive fishing zone of 70 nautical miles in which all the living resources of the water column were subject to Moroccan sovereignty; fishing rights were reserved for vessels flying the Moroccan flag or for Moroccan physical or juridical persons, but without prejudice to the principles of international co-operation to which his country subscribed. On the question of the straits which Morocco shared with Spain, the law recognized the right of transit and overflight in the territorial sea, in accordance with the international conventions to which Morocco was party and with the principle of innocent passage as recognized and defined in international law. His country was an advocate of international co-operation: it allowed certain foreign ships to fish its waters on reasonable terms, either by special arrangement or by association in mixed companies.
9. In practice, States accepted the limit of 12 miles for the territorial sea and there seemed to be a consensus for that limit to be incorporated in the convention. The rights of the coastal State to exercise full sovereignty over its territorial sea and ensure its security was balanced by the right of freedom of navigation in accordance with the principle of innocent passage.
10. The right of transit through straits linking two parts of the high seas was challenged neither in practice nor in law, but no right was valid unless it was exercised without abuse. The coastal States must be provided with safeguards for their own security and against accidents, pollution, damage to their beaches—with the consequent effects on the tourist industry—

and the depletion of their fish resources; the responsibility of the offender must be recognized and sanctions must be applied. The right of innocent passage had stood the test of time and should not be abandoned, but abuses by coastal States should not be replaced by abuses by users of straits. His country was one of the sponsors of document A/AC.138/SC.II/L.18 (A/9021 and Corr.1 and 3, vol. III, sect. 6) which dealt in detail with the question of international straits and constituted a useful contribution to the work of the Conference.

11. The idea of an economic zone had first been put forward in Latin America. The limit of 200 nautical miles had been proposed in several declarations and in some countries it had been established in legislation. The countries of Africa had endorsed the idea, as had the Soviet Union and the socialist world and some countries in the group of Western European and other States. Some other States had accepted the idea but had thought that there should be special rules for special geographical situations. There seemed in fact to be general support for the idea of an economic zone. His country's position was the same as that set forth in the Declarations of Addis Ababa and Mogadiscio: it favoured an economic zone of 200 miles and felt that the freedom of communications, navigation and overflight and the right to lay submarine cables and pipelines must be protected and should be balanced by the right of the coastal State to explore and exploit the living and marine resources of the zone. The coastal State should also be responsible for the prevention of pollution and control of scientific research. It was just that the many developing coastal States should be able to ensure the livelihood of their people and protect the basic resources needed for their development.

12. The rich, who could become richer because of their influence, expertise and technology, should not seek to compete with the poor. King Hassan II had said that the intention was not for the rich to become poorer but for the poor to become less poor.

13. He noted that the advocates of the economic zone did not exclude the possibility of regional and bilateral arrangements for joint exploration and exploitation and that the Declaration of Mogadiscio provided for the right of land-locked or otherwise geographically disadvantaged countries to have free access to and from the sea and to share with coastal States in the exploitation of living resources.

14. One point of particular concern to his country related to its territorial waters: certain parts of its island and peninsular territory were still occupied by a foreign Power. However, his country, which observed the United Nations Charter and the principles of international co-operation and the peaceful settlement of disputes, did not despair of recovering those territories through patience and negotiation and the friendship it had established with the occupying Power. The problem was clearly connected with the law of the sea, since it concerned the waters surrounding the territories. His country endorsed paragraph 10 of the Declaration of Addis Ababa which stated that nothing in the propositions concerning the territorial sea and the economic zone should be construed as recognizing rights of territories under colonial, foreign or racist domination.

15. With regard to the proposed international zone his delegation endorsed the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof beyond the Limits of National Jurisdiction,¹ and the moratorium on private or national appropriations in the zone. The idea of the common heritage of mankind was full of promise for peace, harmony and co-operation among peoples. However, the ideas of the international zone and the common heritage would not bear fruit unless they were embodied in concrete, not theoretical, provisions in the convention. The content of such provisions had already been set forth in the Declaration of Principles and in the Mogadiscio Declaration, as well as in the

statements in the general debate. His country thought that the international authority should be financially independent and should have an international legal character, with broad powers based on the Charter and should take account of the interests of the poor countries.

16. In view of all the different geographical conditions to be found in the world, it would be better for the Conference to adopt flexible principles and to include the idea of regional or bilateral arrangements for the solution of specific problems.

17. The *Torre Canyon* disaster had shown that currents could spread pollution over wide areas of the high seas. People were now aware that pollution was a universal problem. Some conventions on pollution had already been concluded, but they were not enough. Some countries had already adopted measures to protect their coasts and living resources, and the Canadian delegation had quite justifiably proposed measures to increase the powers of the coastal States in that respect. In the present anarchic situation and until an international organization could be established, the coastal States had every right to police their own shores; they were acting as an auxiliary force for the United Nations in the service of the whole international community. The Executive Director of the Inter-Governmental Maritime Consultative Organization had stated the problems of the regulation of pollution very clearly; any future regulations must take account of pollution both from the land and from ships.

18. On the question of scientific research, he referred the Conference to the Declaration of Addis Ababa which set forth the position of the African States and would form a useful basis for the work of the Conference.

19. In conclusion, he pledged that his delegation would work for the success of the Conference in a spirit of co-operation and compromise. The Conference must not provide new means for domination of man by man but rather a convention based on universal justice and freedom.

Mr. Andersen (Iceland), Vice-President, took the Chair.

20. Mr. VARVESI (Italy) said that Italy had a lengthy maritime tradition dating back to long before it had achieved its national unity. All coastal States bordering on seas such as the Mediterranean, the resources of whose sea-bed already fell entirely under their jurisdiction, must recognize that their rights were inevitably accompanied by well-defined obligations and that other States and the international community also had rights, particularly with regard to the freedom of the high seas. All States in the world—ocean Powers and States whose coasts bordered on internal or semi-internal seas—were increasingly conscious of the interdependence between their own interests and those of other States. The reply to be given to the challenge of the modern technological society must not be purely national but must take account of the interests of the international community as a whole, and the present law of the sea was a good basis upon which to build a broader agreement.

21. Rather than an extension of national jurisdiction, the needs and realities of the modern world called for the encouragement of economic and social development, the conservation and effective management of the resources of the sea, the preservation of the marine environment and the furthering of international trade through free passage along international waterways and through international straits.

22. Italy recognized the trend in favor of a territorial sea with a maximum limit of 12 nautical miles from the baseline of the territory over which the State exercised its sovereignty, without distinction between its continental and insular parts. The right of unimpeded passage through international straits should be reaffirmed by the Conference and the régime of innocent passage should continue to be applied in straits of essentially national importance. It had been said that the extension of the territorial sea could be justified for primarily functional reasons of State security. There were even stronger reasons for

¹General Assembly resolution 2749 (XXV).

taking a strictly functional approach in the case of the renewable or non-renewable resources of wider zones adjacent to the territorial sea, to which it was hardly conceivable that the sovereignty of coastal States should be allowed to extend. The approach followed in the Geneva Convention on the Continental Shelf² was still valid, but the definition of the continental shelf given in that Convention must be revised.

23. In the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, the Italian delegation had often supported separate solutions for each specific category of problems. It considered that the rights of coastal States over the resources of the sea-bed should be clearly distinguished from their fishing rights. That would enable third States which engaged in fishing to recognize certain economic rights of coastal States over the fishing resources in a well-defined area. Those rights should be clearly specified and should take account of the fishing interests of other neighbouring or distant countries and reserve an adequate role for relevant regional or sectoral organizations. His delegation had opposed the notion of the economic zone in the sea-bed Committee. Apart from the question whether some of the implications of that notion might not be unfavourable to its national interests, his delegation had always had misgivings about danger to freedom of navigation and the risks of creeping jurisdiction over superjacent waters outside the territorial sea, which should in all cases remain part of the high seas. It might also give rise to international disputes.

24. In any case, his delegation had come to the Conference with the firm intention to find generally acceptable solutions to all the problems before it and was sure that other delegations felt the same. In that connexion, it supported an effective international régime for the mineral resources of the sea-bed. It was not desirable that the international zone should be reduced by an excessive extension of the maximum uniform limit of national jurisdiction. His country's interest in the international régime, which concerned all mankind and in particular the least favoured countries, was shown by the draft articles which his delegation had submitted on the system of exploration and exploitation of the resources of the international zone and on the structure of the International Authority.

25. His delegation was deeply concerned about the serious pollution of the seas and especially of those, like the Mediterranean, which were technically disadvantaged because of the very slow renewal of their waters. It had therefore taken an active part in the work leading up to and during the United Nations Conference on the Human Environment and in the negotiations which had resulted in the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.³ It had welcomed the idea of special zones which required particular regulations and would make every effort to see that that idea was fully applied to the Mediterranean. It was in favour of regional agreements on pollution but was convinced that for the special zones, all coastal and land-locked countries must co-operate if their action was to be effective. It was to be hoped that all States would ratify the existing Conventions on pollution and try to negotiate others for sectors to which the present accepted standards did not yet apply. It was also necessary to establish an international machinery for the continuous surveillance of marine pollution.

26. The Conference had a unique opportunity to consolidate an international legal order which recognized wide economic and vital interests and included efficient machinery for the settlement of disputes.

Mr. Kusumaatmadja (Indonesia), Vice-President, took the Chair.

27. Mr. BONILLA AYBAR (Dominican Republic) said that Latin America had been the pioneer and precursor of the progressive development of the law of the sea. As an island, his

country attached particular importance to the problems of the sea and two important meetings—the Inter-American Specialized Conference on Conservation of Natural Resources, the Continental Shelf and Marine Waters in 1956 and the Specialized Conference of Caribbean Countries on Problems of the Sea in 1972—had been held in its capital. The concepts resulting from the former Conference concerning the continental shelf had been adopted by the First United Nations Conference on the Law of the Sea, but amendments were called for in order to conform to modern requirements. The present Conference must agree upon a new international legal order representative not of national interests but of those of the whole world, which would harmonize the rights of coastal States with those of the international community. The great Powers were no longer supreme in international law.

28. The Declaration of Santo Domingo, adopted by the Specialized Conference of the Caribbean Countries on Problems of the Sea in 1972⁴ could constitute a useful basis for discussion of the problems before the Conference. For instance, it stated that the breadth of the territorial sea should be the subject of an international agreement and implicitly supported the present tendency to establish a limit of 12 sea miles. Within that territorial sea, the ships of all States, including the land-locked countries, would enjoy the right of innocent passage.

29. The essential and most original aspect of the Declaration was the new concept of the patrimonial sea, in which the coastal State exercised sovereign rights over the renewable or non-renewable natural resources found in the waters, sea-bed and subsoil of an area adjacent to the territorial sea. In and over that sea, the ships and aircraft of all States had the right of freedom of navigation and overflight and States had the right to lay submarine cables and pipelines.

30. In order to raise the standard of living of its inhabitants, the coastal State should in principle hold exclusive rights to the exploration, exploitation and conservation of the resources of that zone, but could grant licences to third States to undertake such activities. Such an obligation should be incorporated in the future convention. In that area, the coastal State's jurisdiction should be confined to the control of the resources and their exploitation. That purely economic control had been favourably received by many delegations, which realized the essentially social and human nature of any new law of the sea.

31. Another interesting aspect of the Santo Domingo Declaration was its recognition of the duty of the coastal State to promote and control scientific research in the patrimonial sea and to adopt all necessary measures to prevent pollution of the marine environment. The interests of coastal States and the international community were thus closely linked and protected. The States parties to the Declaration had considered that the breadth of that economic zone or patrimonial sea should not exceed 200 sea miles.

32. The 1958 Geneva Convention on the Continental Shelf favoured the interests of the highly advanced countries to the detriment of those of the developing countries. Failure to define the continental shelf was hardly compatible with the statement in the Declaration of Principles appearing in General Assembly 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. The Government of the Dominican Republic fully associated itself with that declaration of solidarity. At a time of diminishing international resources, the ultimate legacy of the earth should be shared by the whole international community.

33. The Authority to be established to administer that common heritage must be fully representative of all States and

³Document A/AC.138/SC.III/L.29.

⁴Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21 and corrigendum, annex 1, sect. 2.

²United Nations, *Treaty Series*, vol. 499, p. 312.

must establish effective guarantees that the developing countries should participate in the resources of that area. Any use of that common heritage which was not peaceful and beneficial to all mankind should be forbidden.

34. His Government attached particular importance to the problem of pollution of the marine environment, which called for urgent action by the Conference. Action by individual States and by the international community must be fully co-ordinated. Not only did the Dominican Republic depend on income from tourism to speed up its development process; its inhabitants also obtained much of their food from the sea. It therefore welcomed the opportunity to inform members of the Conference that its coasts were in danger of contamination through the indiscriminate discharge of oil.

35. Owing to their geographical situation, the Caribbean States were among the geographically disadvantaged countries. His delegation therefore supported any international measures adopted in that respect, while not overlooking the role that could be played by regional and subregional co-operation. It appealed to the Caribbean countries to support the establishment of the Caribbean Oceanographic Institute recommended by the Specialized Conference of the Caribbean Countries on Problems of the Sea.

36. His delegation also fully supported the just claims of land-locked countries, which were a matter for international solidarity.

37. Mr. HARRISON (United Nations Educational, Scientific and Cultural Organization), speaking at the invitation of the President, stressed the need for the delegates to keep uppermost in their minds the dominant role of science and technology in modern life while they carried out the demanding task of formulating a legal régime for the wise use of the resources of the seas and sea-beds for the benefit of mankind. To establish laws of the sea without taking into account the natural laws of the oceans and the sea-beds would be not only unwise, but might even be harmful. In the last generation an enormous amount of information had been accumulated making possible a better understanding of the natural régime of the oceans. UNESCO had contributed in that realm by stimulating and supporting training and study courses, international surveys such as the Indian Ocean Expedition, and more recently, by stimulating and assisting the development of research and survey capabilities in the less developed world. The largest percentage increase in the Science Sector of UNESCO's next biennial budget was planned for the field of oceanography.

38. In 1960 the UNESCO General Conference had established the Inter-Governmental Oceanographic Commission (IOC) to serve as a focal point for the stimulation of ocean research and to provide the co-ordinating mechanism to carry it out. The primary concern of the IOC was, however, scientific monitoring and the co-ordination of scientific activities. Thus the IOC could prove the kind of co-ordinating and monitoring mechanism for scientific problems of the ocean that would be needed in the aftermath of the Conference on the Law of the Sea.

39. The Intersecretariat Committee on Scientific Programmes relating to Oceanography (ICSPRO), of which FAO, the World Meteorological Organization, the Inter-Governmental Maritime Consultative Organization, and UNESCO were members, was another United Nations body concerned with the oceans. The Secretary of the IOC was also the Secretary of ICSPRO and that direct link made for more effective co-ordination. Furthermore, the agencies that participated in ICSPRO seconded professional and general service help to the IOC at their own expense, providing yet another link between the IOC and those agencies.

40. He had gone into that matter in some detail because it had become commonplace to criticize the lack of co-ordination between members of the United Nations system. The present

example illustrated a serious and whole-hearted attempt to overcome some of the difficulties occasioned by different general conferences giving their respective secretariats instructions which duplicated those given to other secretariats. He wanted to make the Conference fully aware that the Inter-Governmental Oceanographic Commission already existed and could take up the challenges that would undoubtedly stem from the deliberations of the Conference.

41. UNESCO with its staff of specialists covering a broad spectrum of human activities was in a unique position to assist the Conference in pursuing an integrated approach to ocean studies so that the man-made laws of the seas would be the best, wisest and most workable possible.

Mr. Kazemi (Iran), Vice-President, took the Chair.

42. Mr. OGISO (Japan) said that the survival of an insular country like Japan was inextricably linked with the seas. Because of its geographical position, many of Japan's national activities were sea-oriented. Not only was his country heavily dependent on shipping and commerce for the supply of basic materials for its national economy, but with limited potential for raising livestock, Japan depended on fish and fish products for about half of the total animal protein in its diet. About 45 per cent of its total catch of fish came from seas which would fall within the proposed 200-mile economic zone, while 90 per cent of the catch taken within the 200-mile zone came from the waters of the North Pacific off the coast of developed countries. It was with reason therefore that Japan was greatly concerned with the question of the 200-mile economic zone. Japan's primary interests with regard to the seas were to ensure a normal and efficient flow of goods across the oceans and to obtain the food it required.

43. Japan's vital dependence on the seas and their resources did not necessarily imply that its interests regarding the uses of the seas conflicted with the interests of other States. On the contrary, its basic interest lay precisely in increasing international co-operation in that area. Japan would be the first to suffer from any breakdown of international co-operation on the seas.

44. Increasingly intensified and diversified uses of the oceans, sea-bed and subsoil made it necessary to develop and supplement the traditional law of the sea so that it reflected more adequately the reality of the modern world. The Conference had to accommodate to the greatest extent possible all the various interests of the participating countries whether developing, coastal, land-locked or otherwise geographically disadvantaged, as well as of those countries which were traditionally dependent on the sea and its resources.

45. Japan was prepared to support the 12-mile limit for the breadth of the territorial sea if the Conference could generally agree upon a comprehensive arrangement on a régime of the sea which would be fair and reasonable to all States.

46. Freedom of navigation for international traffic, particularly through straits used for international navigation, should be ensured to the maximum extent. Regarding international straits, Japan, nevertheless, recognized the special need for accommodation of interests. While safeguarding the freedom of navigation, the Conference should also pay due regard to the legitimate interests of the coastal State with regard to the prevention of pollution and the safety of navigation. At the same time, the question of the security interests of the coastal States concerned should be given due attention.

47. The situation of archipelagos was a matter of great concern for several countries in the Pacific Ocean basin. It would be contrary to the interests of the international community if a proliferation of claims to that status should occur as a result of a vague and open-end definition on what an archipelago was. The Japanese delegation emphasized the need for adequate protection of navigational interest through archipelagic waters, particularly through routes used for international navigation,

and hoped that a solution mutually acceptable to the archipelagic countries and the rest of the world would be found encompassing a clear and precise definition of the archipelagic concept, safeguards for navigation, and adequate provisions for conventional uses of the sea—such as fishing and the laying of submarine cables and pipelines.

48. Because of the inherent differences in the nature of mineral and living resources of the sea, different régimes should be applied to their exploration and exploitation. The extent of the sovereign rights of the coastal State for the purpose of exploring and exploiting the mineral resources of the sea-bed should be clearly defined in accordance with a distance criterion permitting the coastal State freely to determine that distance which should not exceed 200 nautical miles.

49. There was a clear and growing need for international co-operation in the conservation and management of the living resources of the sea and in the creation of a system of just and equitable distribution or allocation of those resources. Regional fishery commissions provided one example of such international co-operation, and Japan favoured any proposal aimed at increasing the role of international or regional bodies in the promotion of wise and effective conservation and management of the resources of the sea. With regard to fishing, Japan had consistently expressed its opposition to any claims by coastal States to exclusive rights over fishery resources in a zone extending far beyond the limits of the territorial sea, since such claims benefited the limited number of countries having fertile fishing grounds off their coasts at the expense of all others.

50. With respect to the economic zone, there was a growing awareness among the delegations of the need to avoid under-utilization of fishery resources and to provide for a proper accommodation of the interests of land-locked or otherwise geographically disadvantaged States and distant-water fishing States within the bounds of scientifically established measures for conserving fishery resources. Some delegations stressed in this regard that the new rights of the coastal State must accompany balancing obligations or that the fish not utilized by the coastal State should be open for access by nationals of other States. His delegation had carefully listened to these suggestions and considered it of utmost importance that the interests of traditional fishing countries like Japan had to be respected in the future convention on the law of the sea.

51. With regard to the question of anadromous fish, Japan did not agree that management and exploitation of those species should remain exclusively in the hands of the coastal States in whose rivers they spawned. Existing regional fishery commissions had dealt with the question of conservation and man-

agement of those species for many years, and the resolution of that question should be left to the small number of countries directly involved.

52. The new international régime for the sea-bed beyond the limits of national jurisdiction could promote the welfare of all nations by providing for equitable sharing of the benefits to be derived among all members of the international community, taking into account the special need of developing States, land-locked and other geographically disadvantaged States. Other means for achieving that goal included effective participation by such States in the development of deep sea-bed resources through the transfer of technology from the technologically advanced States to the developing States and an appropriate system of an annual quota of the licences to be issued to each State by the Sea-Bed Authority. Provisions to that effect should be included in the Convention.

53. With regard to marine pollution, the international community as a whole had an interest in preserving the marine environment. Japan was ready to co-operate in any way to achieve that goal. The standards to be applied for the prevention of ship-based pollution should be internationally agreed on and accepted. Japan supported the traditional principle whereby the flag State was primarily responsible for enforcing pollution control standards. However, in order to protect the legitimate interests of the coastal State, the coastal State or the port State could be granted a degree of qualified competence in cases of violation of those international standards with respect to discharge and dumping in the areas off its coast. Those international standards and the system for their enforcement should facilitate the prevention of marine pollution without causing undue restriction to the freedom of navigation. With regard to pollution, the concept of a so-called "specially vulnerable area" merited careful examination by the Conference.

54. Japan attached great importance to the establishment of a satisfactory procedure for compulsory settlement of any disputes which might arise out of the interpretation or application of the new convention. The duty of States to submit such disputes either to arbitration or judicial settlement should be clearly formulated in order to ensure that the newly established régime would be interpreted and applied uniformly and in a fair and just manner around the world. The International Court of Justice should naturally have a major role in that respect, but in view of the diverse and often technical nature of the problems of the sea, there might be a need to establish special tribunals or commissions to which States would be obliged to submit disputes and whose decisions would be binding on the parties to a dispute.

The meeting rose at 1.10 p.m.

42nd meeting

Monday, 15 July 1974, at 3.20 p.m.

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

*In the absence of the President, Mr. Kazemi (Iran),
Vice-President, took the Chair.*

General statements (continued)

1. Mr. ARSENIS (United Nations Conference on Trade and Development) said that the Secretary-General of UNCTAD greatly regretted his inability to be present owing to pressing commitments.
2. The Conference encompassed issues of great importance and considerable complexity, particularly that of the exploita-

tion of mineral resources beyond national jurisdiction, an issue that had been the subject of intergovernmental discussions and secretariat studies within UNCTAD.

3. It was now generally agreed that the greater availabilities and presumed lower costs associated with the production of minerals from the sea-bed would bring benefits to the world as a whole. The central question that arose in that connexion was: how would those benefits be distributed among the member States?

4. The General Assembly had recognized that those new resources were the "common heritage of mankind" and that they