Third United Nations Conference on the Law of the Sea

1973-1982
Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/ SR.48

Summary Records of Plenary Meetings
48th plenary meeting

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume I (Summary Records of Plenary Meetings of the First and Second Sessions, and of Meetings of the General Committee, Second Session)*

eroon. He also asked the President whether he intended to allow introduction and discussion in the plenary meeting of the additional articles referred to in the foot-notes to articles 7, 13, 18 and 19 of the document.

77. Mr. EVENSEN (Norway), Mr. TEMPLETON (New Zealand), Mr. JAGOTA (India), Mr. TELLO (Mexico), Mr. GAYAN (Mauritius), Mr. ANDERSEN (Iceland) and Mr. ANWARSANI (Indonesia) consented, in the light of the appeal by the President, to withdraw their names from the list of speakers on the understanding that they would be free to make statements on the draft articles when they were considered in the Second Committee.

78. Mr. BEESLEY (Canada), replying to the question raised by the Bulgarian representative, said that the sponsors would introduce in the plenary the various additional articles referred to in the working paper only if more than one Committee was involved.

79. The PRESIDENT, in replying to a question put by the representative of Gambia, said that there would be no discussion of the draft articles in document A/CONF.62/L.4 until the Second Committee had considered them.

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 (*concluded*)*

80. Mr. CISSE (Senegal) requested that the Seychelles Democratic Party, a national liberation movement recognized by the Organization of African Unity, should be asked to participate in the Conference. He said that its name had been inadvertently omitted from the list drawn up previously.

81. The PRESIDENT said that the Secretariat had noted the Senegalese representative's request and would comply with it.

The meeting rose at 1.15 p.m.

*Resumed from the 40th meeting.

47th meeting

Thursday, 1 August 1974, at 9.35 a.m.

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

Expression of sympathy in connexion with the recent floods in Bangladesh

1. The PRESIDENT said that Bangladesh had been struck by the worst floods in living memory just at the time when it was making a desperate effort to restore its shattered economy. Speaking on behalf of the entire Conference, he extended to the Government and people of Bangladesh and to the relatives of those who had lost their lives in the calamity his sincerest condolences. He hoped that the United Nations and the nations of the world would do all in their power to help Bangladesh recover from the disaster, repair the colossal damage that had been caused and accelerate the process of reconstruction.

2. Mr. RASHID (Bangladesh) thanked the President and the Conference for the expression of sympathy to his afflicted people. He hoped that, with the aid and co-operation of the international community, his country would soon be able to recover from the disaster.

3. The PRESIDENT said that a message of condolence would be sent, on behalf of the entire Conference, to the Government of Bangladesh.

4. Mr. CHOWDHURY (Bangladesh) expressed his delegation's deep appreciation for the message of sympathy the international community had decided to send to the Government and unfortunate people of Bangladesh. Some 15 million people had suffered hardship as a result of the floods, thousands of miles of roads and river embankments had been affected, and many thousands of houses had been destroyed and damaged. That was some indication of the magnitude of the calamity.

5. He would be grateful if leaders of delegations could inform their Governments about the tragic situation of the people of Bangladesh and the statements expressing sentiments of human solidarity and help from the United Nations family that had been made during the meeting. His Government was doing all it could but the situation called for massive international help, and he was grateful for the expression of sympathy and support from the Conference.

The meeting rose at 9.40 a.m.

48th meeting

Wednesday, 7 August 1974, at 9.25 a.m.

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

Progress of work: statements by the Chairmen of the Main Committees (*concluded*)

1. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, said that his Committee had come to the end of the second phase of its work. It had considered, at its informal meetings, the draft articles in document A/CONF.62/C.1/L.3, which, he was happy to note, provided the framework from which final treaty articles would emerge. That document was unfortunately still plagued with alternative texts, and certain fundamental questions had to be resolved before those alternatives could disappear. The most important remaining problem, that of who would exploit the international zone, had been attacked in all its aspects.

2. He hoped that in the next three days the Committee would conclude its work on the economic consequences of exploitation and on the conditions and regulations for exploration and exploitation. Delegations had already requested that negotiations on the crucial question of exploitation should be set in motion. Since draft article 9 which dealt with the core of the problem, still provided three or four alternatives, negotiations would centre on reducing that article to two alternatives or, if possible, reaching a satisfactory arrangement on the question. When that was accomplished other aspects of the Committee's work would prove easier to deal with, although he did not wish to minimize their difficulty.

3. Mr. AGUILAR (Venezuela), speaking as Chairman of the Second Committee, said that since its report, presented at the 46th meeting, his Committee had made some progress in discharging its mandate in the light of the method it had decided to follow. It had completed the general debate on item 5 (Continental shelf), had held five meetings on item 6 (The exclusive economic zone beyond the territorial sea), and it was about to begin work on items 7 (Coastal State preferential rights), 3 (Contiguous zone) and 8 (High seas). Eight other items had still to be examined.

4. The Officers of the Committee had also prepared additional informal working papers on straits used for international navigation and the continental shelf, and had completed the second revision of the informal paper on the territorial sea. They hoped that the informal document on the exclusive economic zone would be ready during the week.

5. At the two informal meetings which had considered the first two of those informal working papers, the Committee had had the opportunity to comment on those documents and to put forward suggestions for their improvement, which would be revised after examination by the Officers, bearing in mind the Committee's decision not to prepare more than two revisions.

6. Parallel to that work, members of the Committee had been holding negotiations on specific items which he hoped would enable it to make further and more rapid progress.

7. Mr. YANKOV (Bulgaria), speaking as Chairman of the Third Committee, said that the informal meetings of his Committee were proceeding smoothly. Although a relatively limited number of meetings had been held because of the large amount of time spent in general debate, he was pleased that real negotiations had begun both in the informal meetings and in *ad hoc* or drafting groups.

8. Serious efforts had also been made to bring together delegations with identical or similar positions on key issues. He hoped those efforts would succeed in replacing the many alternative formulations on those issues with clearly defined positions. He was encouraged by the fact that the Committee had set as its main target the drafting of treaty articles rather than of statements of general principles.

9. The Committee had held two formal meetings the previous week at which several documents had been presented, including a study by the United Nations Secretariat on problems of acquisition and transfer of marine technology (A/CONF.62/C.3/L.3) prepared in compliance with a request made in Sub-Committee III of the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction, and a proposal regarding the development and transfer of technology (A/CONF.62/C.3/L.8). He wished to commend the delegation of Nigeria for submitting the latter proposal, the first to be submitted on item 14.

10. The Committee had continued its informal meetings during the previous week on item 12 (Preservation of the marine environment) and had completed its review of the texts prepared in Geneva in 1973 by Working Group 2 of Sub-Committee III of the sea-bed Committee. Among the topics and texts reviewed were a draft article on technical assistance, a draft article on monitoring, a text dealing with the consideration of economic factors in determining whether States had discharged their obligations regarding marine pollution, a text dealing with the obligation to end violations of the convention, which was being prepared by the present Conference, and alternative texts dealing with standards for land-based, sea-bed and vessel-based pollution and with the competence of individual States to establish and adopt such standards. The chairman of the informal meetings on item 12 had convened an *ad hoc* negotiating and drafting group to formulate draft articles on the basis of the texts reviewed by those sessions, amendments to those texts, and additional proposals made in official documents submitted either to the Sea-Bed Committee or to the present Conference. That *ad hoc* group had met twice.

11. During the previous week informal meetings had continued on items 13 (Scientific research) and 14 (Development and transfer of technology), and the chairman of those meetings had convened an *ad hoc* drafting and negotiating group which would try to produce one text for each subject, or at least to reduce the number of alternatives to a minimum. The remaining problems relating to items 12 and 13 included the extent of jurisdiction and relationship between the rights and duties of coastal States and other States. The Committee could not deal with technicalities until those basic problems were resolved, as he felt they would be.

12. Of the 16 remaining working days, if four were spent in plenary meetings, two or three would be left for consideration of the Committee's final document, and four or five each for items 12, 13 and 14 respectively. He was confident that even with that limited time the Committee would be able to make progress in negotiating, and even in drafting.

General statements (*concluded*)*

13. Mr. COSTA FRANCKE (Permanent Commission of the South Pacific) said that in the 1940s the seas adjacent to Chile, Ecuador and Peru had been exploited by fishing fleets from distant countries which had almost caused the extinction of some valuable species. In an attempt to find a fair solution Chile, Ecuador and Peru had issued in 1952 the Santiago Declaration. He quoted sections of the Declaration giving the reasons for the proclamation by the three countries of their sole sovereignty and jurisdiction over the area of sea extending not less than 200 nautical miles from their coasts.

14. At the same time, the Permanent Commission of the South Pacific had been established to co-ordinate action by the three countries. The Commission was accountable to the national sections of the respective Ministries of Foreign Affairs; it had legal and scientific subsecretariats and advisory committees.

15. The tripartite régime had scored some notable successes. In 1951 the total amount of fish, shell-fish and other species landed had been less than 1 per cent of the world total; in the period 1968–1972 it had been 16.1 per cent. In 1953 the catch in the "fish" classification had been only 1 per cent of the world total; by 1960 it had risen to 13 per cent and during the period 1968–1972 the annual average had been 19.7 per cent of the world catch. By 1968–1972 the crustacean catch had risen by more than 22 times over the 1953 figure, representing an increase from 0.3 to 3.5 per cent of the world catch. There had also been a large increase under the heading of molluscs.

16. Those figures bore witness to the significance assumed by fishery activities and related industries in the life of the three countries. He noted that Peru had become the world's foremost producer of fish-meal; Chile had become the ninth largest fish-producing country in the world and one of the leaders in fish-meal production; Ecuador had greatly diversified its fishery activities, had quintupled its production of tuna and had increased its production of other species 20 times over. The three

*Resumed from the 46th meeting.

countries had made far-reaching plans for the development of the fisheries sector, including plans for the intensification of research on resources and on the environment, the development of the infrastructure, the training of appropriate staff for fisheries administration, and diversification in the use of resources.

17. Surely every encouragement should be given to three developing countries which had shown themselves capable of such a great effort to provide for the basic needs of their peoples. Their achievements had been made possible by the maritime policy they applied to the 200-mile area and by their efficient tripartite system of co-operation.

18. During the past two decades, the Commission's aims had been: to defend and guarantee the 200-mile principle and to participate in the preparation of a new law of the sea based on justice; to acquire a better knowledge of marine resources and the marine environment; to promote the rational exploitation of those resources through the application of technology; and to adopt scientific and technical measures to preserve the marine environment and control contamination.

19. At its 12th regular meeting in January 1974 the Commission had made plans for: the holding of seminars on contamination of the environment, development of fishery resources, promotion of small-scale fishing and improvement of legal norms and marketing systems; the co-ordination of research on and utilization of fishery resources; the study of oceanographic phenomena and the preparation of temperature charts; the publication of the results of joint scientific research; and co-ordination with international agencies. Much of the work carried out had been reported in major publications.

20. What he had said gave some indication of the useful work which the Commission had been able to accomplish thanks to the tripartite policy. Although the 200-mile proposal had not been considered at the United Nations Conference on the Law of the Sea in 1958 at Geneva, it had been accepted at the present Conference, in one form or another, by a large majority of countries, in the conviction that they were defending a more equitable distribution and exploitation of resources as a means of development and for the welfare of their peoples.

21. Mr. Vargas CARREÑO (Inter-American Juridical Committee of the Organization of American States) said he wished to describe the contribution which Latin American institutions, including the Committee he represented, had made to the development of international maritime law.

22. Although the Inter-American Juridical Committee was formally an organ of the Organization of American States, its major importance lay in the fact that it was the centre in which significant Latin American juridical institutions had originated, and in the contributions it had made to the formulation of legal norms representing Latin American thinking, many of which were now universally recognized.

23. It was therefore not surprising that in recent years the Inter-American Juridical Committee had undertaken the study of problems raised by a new régime for the seas. Its work in that regard had been facilitated by its members' thorough legal training and knowledge of problems relating to the law of the sea. That was best attested by the outstanding contribution to the present Conference of two of its members, the distinguished Jamaican jurist Mr. Rattray, and Mr. Galindo Pohl of El Salvador, the President of the Committee, who was also the Chairman of the meeting of Latin American States attending the Conference, a signal honour for the Committee Mr. Vargas represented. The basic purpose of the Inter-American Juridical Committee where the law of the sea was concerned had been to lay down principles and norms which reflected the common ground of the positions of the American States by coupling elements of what might be called a Latin American doctrine on the law of the sea, the principal sources of which were parallel unilateral acts and multilateral instruments to which Latin American States were parties.

24. In describing the principal trends of that Latin American doctrine on the laws of the sea he was not claiming to represent any State, since despite many common elements in the maritime laws and practices of Latin American countries there was no official instrument of uniform interpretation linking all the States of the region. However, the majority of Latin American countries shared common goals and interests, and that made the occasion a propitious one to describe, at the Third United Nations Conference on the Law of the Sea, the main aspects of Latin America's contribution to the law of the sea, particularly since at the current United Nations Conference Latin American countries were witnessing how institutions, principles and norms which had originated on their continent were being accepted by the entire international community.

25. It was especially fitting that that was happening in Venezuela, whose pre-eminently Latin American character stemmed from the very thoughts and deeds of the Liberator. Another Venezuelan to whose talents his own country was also indebted had been the precursor of the modern concepts of the law of the sea which inspired the Latin American countries today. As early as 1832, in the heyday of the principle of freedom of the seas, Andrés Bello, anticipating future developments, had written in his work *Principles of International Law:*

> "There are many marine resources which are confined to certain areas, and great as the abundance of nature may be with respect to other species, there can be no question that competition of many peoples will make it more difficult and less profitable to harvest those resources, and in the end will exterminate them. . . . Since those resources are thus not inexhaustible, it would seem legitimate for one people to appropriate to itself the areas, not presently possessed by others, in which they are found."

26. It would be difficult to synthesize the Latin American position on the law of the sea better than that eminent Venezuelan had done almost a century and a half earlier. The basic principles which the Latin American States were invoking today—namely the exhaustibility of the natural resources of the sea and the relationship between the territory of a State and the maritime space adjacent to it—in asserting the pre-eminent right of the coastal State to exploit the resources in such adjacent maritime areas were similar to those set forth by Andrés Bello. During the past three decades that doctrine had found expression in parallel unilateral acts or in multilateral instruments to which the Latin American countries were parties.

27. Two proclamations issued in 1945 by President Truman concerning the exercise of maritime jurisdiction by the United States had opened the way for various Latin American countries, through unilateral acts, to begin to regulate matters which had been held to be subject only to regulation by international law. In the years immediately following those proclamations of the President of the United States, Argentina—whose first decree had actually been issued a year prior to that of President Truman—Mexico, Panama, Nicaragua, Guatemala and Brazil had claimed their respective continental shelves which they had come to regard as an integral part of their territories. Chile, Peru, Costa Rica, Honduras and El Salvador, for their part, had established 200-mile maritime zones under their sovereignty and jurisdiction.

28. In 1952, in the Santiago Declaration on the Maritime Zone, Chile, Ecuador and Peru had proclaimed as a principle of international maritime policy the sole sovereignty and jurisdiction of each of them over the seas adjacent to their coasts, up to a distance of 200 nautical miles.

29. The reasons given by those three countries of the American South Pacific were mainly economic and social: the obligation of Governments to ensure for their peoples access to necessary food supplies and to furnish them with the means of

developing their economy, and hence to ensure the conservation and protection of their natural resources and to regulate the use thereof to the greatest possible advantage of their respective countries.

30. Subsequent to the adoption of that tripartite instrument, Nicaragua, Argentina, Panama, Uruguay, Brazil and Costa Rica by individual decisions and in various forms had extended their respective maritime jurisdictions to 200 miles.

31. Parallel with these legislative activities, the inter-American system, in which most American countries were represented, had begun to concern itself with the problems of the new, emerging law of the sea, thus contributing to the consolidation of common Latin American positions. One of the most noteworthy resolutions adopted by its organs was a resolution on the conservation of natural resources, entitled "the Continental Shelf and the sea-waters," which had been adopted in Caracas in 1954 at the tenth Inter-American Conference, reaffirming the American States' interest in the national declarations or legislative acts proclaiming sovereignty, jurisdiction, control or rights of exploitation or supervision at a certain distance from the coast over both the continental shelf and the waters of the sea with the natural resources existing in them.

32. Also important were the principles known as the Mexico Principles on the legal régime of the sea, adopted at the third meeting of the Inter-American Council of Jurists held at Mexico City in 1956. That meeting had recognized *inter alia* that the 3-mile territorial sea was inadequate and was not a general rule of international law, and that the extension of the belt of sea traditionally known as the territorial sea was therefore justified. It had also decided that each State was competent to fix a reasonable limit for its territorial sea, taking into account geographical, geological and biological factors, and the economic needs and the security and defence of its people.

33. Recognition had also been given at Mexico City to the right of the coastal States to exclusive exploitation of the species connected with the coast, the life of the country or the needs of the coastal population, such as species which were spawned in the waters under coastal State jurisdiction and then migrated to the high seas, and their rights in cases where the existence of certain species was important for an industry or essential activity of the coastal State, or in cases where the latter was carrying out important permanent work for the purpose of conserving species or increasing stocks. The 1956 Mexico Principles were an important precedent in that they recognized that the coastal State had the right to extend its marine jurisdiction in order to assume a predominant role in exploiting the wealth of the sea adjoining its coast.

34. Some years later three important meetings of the Latin American States on the law of the sea had been held at Montevideo, Lima and Santo Domingo respectively, under the banner of a new Latin American economic nationalism that had begun to emerge, which was expressed mainly in the reaffirmation of permanent sovereignty over natural resources, meetings at which the participants had striven to find a common position which would serve as a justification for the proclamations of jurisdiction over the sea and, could, because of their general acceptance, unite the largest number of states of the region around similar purposes and principles relating to the law of the sea. At the Montevideo and Lima meetings, both held in 1970, the right of the coastal State to explore, conserve and exploit the resources of the sea, the sea-bed and subsoil adjacent to its coast and the continental shelf in order to stimulate its economy to the maximum extent and improve the living standards of its people, had been reiterated as a basic principle of the law of the sea. The instruments adopted at those meetings thus recognized the right of the coastal State to establish the limit of its maritime sovereignty or jurisdiction in accordance with reasonable criteria based on geographical, geological and biological characteristics and the need for a rational management of its resources. The corollary of those principles was the right of the coastal State to adopt regulatory measures for the above-mentioned purposes applicable in the area of its maritime sovereignty or jurisdiction without prejudice to freedom of navigation by ships and overflight by aircraft of any flag. The Lima Declaration also included the right of the coastal State to prevent pollution and to authorize, supervise and participate in all scientific research activities carried on in the maritime areas under its sovereignty or jurisdiction. The Declarations of Montevideo and Lima had had the advantage of revealing the fundamental consensus existing in Latin America on the law of the sea, which there had been every reason to put into effect at the time those Declarations had been formulated.

35. Two years later the Ministers of the Specialized Conference of the Caribbean countries, meeting at Santo Domingo, had put forward more specific formulae concerning the powers of the coastal States. At that meeting, 10 States in that area had agreed, in an international instrument that was world-wide in scope, that the breadth of the territorial sea should be 12 nautical miles and that in the area known as the patrimonial sea, extending to a distance of 200 nautical miles including the 12 miles of the territorial sea, the coastal State could exercise sovereign rights over renewable and non-renewable natural resources in the waters, sea-bed and subsoil, without prejudice to the freedom of navigation and overflight by ships and aircraft of all States.

36. That new concept of the patrimonial sea, which it had been his task to seek to formulate in the Inter-American Juridical Committee, sought to reconcile the legitimate rights of communication of all countries in the international community with the equally or even more legitimate economic aspirations of the developing coastal States.

37. In the development of the law of the sea in Latin America, which he had tried to summarize in his statement, there were a certain number of constants and features which meant that it could appropriately be called a real Latin American doctrine of the law of the sea. It was of course founded on economic and social considerations: the extensions of maritime jurisdiction proclaimed or put forward by the Latin American States were governed by the need for rational use of the marine resources in the areas adjacent to their coasts. In accordance with that position, the link between the land territory of the State and the adjacent maritime space, and the impact on the former of the geological and biological factors characteristic of the latter, determined the paramount right of the coastal State to exploit the natural resources in those maritime areas and hence to fix their limits in accordance with geographical conditions and rational criteria.

38. In practice, the great majority of Latin American countries had given expression to that concept of the use of marine resources by unilaterally adopting maritime jurisdictions extending to 200 nautical miles or by recommending their adoption on the basis of international agreements so that the coastal State could exercise its sovereignty over the natural resources, both biological and mineral, of the waters, sea-bed and subsoil within the 200-mile limit. Those decisions could not be considered violations of international law. On the contrary, it had been a major concern of the Latin American countries not to take any action that would affect those norms or imperative principles of a general character constituting *jus cogens*, such as the principle of *jus comunicationis*. Accordingly, the Latin American countries maintaining or advocating the 200-mile limit, in legislation or in practice, respected within that area or a large part thereof the freedom of navigation and overflight and the laying of submarine cables and pipelines.

39. In its resolution of 9 February 1973, the Inter-American Juridical Committee had made those principles even more explicit so that the Latin American States might consider them with a view to submitting them to regional or world conferences on the new law of the sea.

40. He wished to refer briefly to the most important of those proposals formulated by the Committee, since they were intended to define Latin America's interest in relation to the law of the sea. What, then, was of special interest to Latin America? First, that the international community should recognize the validity of the 200-mile limit. Although the Latin American countries might have legitimate differences of opinion on the nature and characteristics of that ocean space, their purposes and the interests they wished to safeguard were the same. All believed that the 200-mile limit, a concept which had originated on that continent, was the best means whereby the developing coastal States—and all the coastal States of Latin America were developing countries—could derive rational benefit from the marine resources in the areas adjacent to their coasts and thus serve the interests of their peoples. In its 1973 resolution the Inter-American Juridical Committee had therefore stressed the validity of the 200-mile limit, adopted or to be adopted by American States, making the legality of such acts subject only to the provision that freedom of navigation and overflight should be respected beyond the 12-mile limit in accordance with international law.

41. Moreover, the Latin American States wished to recognize the aspirations of the land-locked countries so that they too could benefit from the resources of the seas. The 1973 resolution of the Inter-American Juridical Committee, the first multilateral instrument in the region which reflected concern for the land-locked countries, proposed that the land-locked States should have special rights over the resources in the area between the 12-mile and the 200-mile limits in accordance with criteria to be laid down in multilateral, regional or bilateral agreements.

42. The Latin American countries were also interested in preserving the legal concept of the continental shelf. It was true that with the acceptance of the 200-mile zones in which the coastal States would exercise their powers over the natural resources of the sea-bed and its subsoil, and with the establishment of an international sea-bed area, the prevailing concept of the continental shelf as laid down in the 1958 Convention on the Continental Shelf [1] had lost much of its force. Nevertheless, since the shelf, in addition to being a legal concept, was a prolongation or continuation of the land mass of the State, as the International Court of Justice had determined some years before the current conference, it would not seem advisable to formulate legal norms which would change that twofold legal and geomorphological reality. The Inter-American Juridical Committee had therefore agreed that the continental shelf should be extended beyond the 200-mile limit to the edge of the continental rise and that in that area the coastal State should exercise its sovereignty for the purpose of exploration and exploitation of the natural resources of the sea-bed and its subsoil.

43. Another point of essential interest to the Latin American countries which had been mentioned by the Inter-American Juridical Committee in its 1973 resolution was that the sea-bed beyond the 200-mile limit and the continental shelf, together with the resources extracted therefrom, were the common heritage of mankind. To the Latin American countries, many of which were large-scale mineral producers, the establishment of a suitable régime for the international area was of fundamental importance, particularly because of the impact which the exploitation of sea-bed minerals would have on their economies. That was why those States were insisting that the international régime and machinery for the sea-bed beyond national jurisdiction should be sufficiently dynamic to make that area and its resources truly the common heritage of mankind through suitable participation by the international community in their administration and exploration.

44. It was for those reasons that the Latin American countries were insisting that the International Authority should have sufficient powers to carry out exploration and exploitation activities in the zone beyond national jurisdiction on its own or in association with other enterprises or entities under service contracts.

45. The Latin American countries hoped that a just and more efficient international order which would meet the urgent needs of the developing countries would emerge from the Third United Nations Conference on the Law of the Sea. It was for that reason that they had made the significant contributions which he had endeavoured to summarize as objectively as possible, purely to serve the interests of Latin America as a whole, considered as an integral part of the developing world, and without arrogating to himself any authority other than that conferred upon him by the Inter-American Juridical Committee, which he had the honour to represent at the Conference.

46. Mr. ZULETA TORRES (Colombia) paid a tribute to the Inter-American Juridical Committee and proposed that the statement made by its representative should be reproduced *in extenso* in the summary record.

47. The CHAIRMAN said that, if there were no objections, he would take it that the Conference agreed to that suggestion.

It was so decided.

48. Mr. OTSUKA (International Atomic Energy Agency) quoted sections from the International Atomic Energy Agency's Statute relating to its objectives. The Agency was required to enlarge the contribution of atomic energy to peace, health and prosperity. To that end it was authorized to assist the practical application of atomic energy for peaceful purposes, acting, if requested, as an intermediary in securing the performance of services or the supplying of materials, equipment or facilities by one of its members to another; to make available scientific information; and to establish, in consultation or collaboration with organs of the United Nations and the specialized agencies, standards of safety for protection of health, life and property. It was required to take due account of the needs of the under-developed areas of the world.

49. Concern about the impact of nuclear energy on the environment had led to an expansion of the Agency's work on nuclear safety and environmental protection in the second half of 1973. Ten countries had made special contributions totalling $152,941 for such activities in 1973. The Agency had given particular attention to the problem of waste disposal in the oceans and to other questions of waste management.

50. The need for internationally acceptable standards and regulations for preventing pollution of the sea by radioactive materials had been recognized in article 25 of the Convention on the High Seas.[2] The United Nations Conference on the Law of the Sea in 1958 had also adopted a resolution recommending that the Agency assist States in controlling the discharge of radioactive materials into the sea. The Agency's secretariat was currently preparing material in connexion with the Convention on the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter,[3] under which it had been assigned the task of defining high-level radioactive wastes unsuitable for disposal at sea and of making recommendations to govern the dumping of other radioactive wastes not included in the definition. Parties to the Convention were required to take full account of the relevant recommendations of the Agency. In carrying out its task the Agency had convened a meeting of consultants in April 1973 and a meeting of a panel of experts in June 1973. The resulting draft document had been submitted to member States and appropriate international organizations for comment. The comments received and the views expressed in the Agency's Board of Governors had led to the convening in

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

[2] *Ibid.*, vol. 450, p. 82.

[3] Document A/AC.138/SC.III/L.29.

July 1974 of a working group of experts which had revised the document. The revised document, comprising a provisional definition and recommendations together with background information, would be submitted to the Board of Governors and, subject to the Board's approval, would be made available to the Conference.

51. The Inter-Governmental Maritime Consultative Organization was preparing procedures designed to minimize pollution damage to the marine environment by accidental spillage of noxious substances. The Agency would study the possibility of contributing to the preparation of such procedures to be applied in cases of accidental release of radioactivity at sea and of procedures for cases of release arising from inland operations and transport. It proposed to convene in 1976 an advisory group on the procedures to be followed in the event of accidental release of radioactivity during transport of radioactive materials.

52. The International Laboratory of Marine Radioactivity in Monaco was also conducting scientific research on the pollution of the marine environment. Its aim was to promote the inter-comparability of radioactivity measurements made in national institutions for marine radioactivity studies, to develop reference analytical methods and techniques for investigating the behaviour of radioactivity in the oceans, and to obtain the information needed for the assessment of the impact of waste disposal and nuclear power generation on the marine environment. The Laboratory's activities were being extended to include studies on non-radioactive marine pollution.

53. During the period 1975–1980 the Agency would carry out the following work: preparation and updating of safety standards and recommendations for the safe performance of nuclear activities; promotion and co-ordination of research related to the protection of man and his environment against the effects of releases from nuclear facilities, and collection, exchange and dissemination of information about the results of such research and about developments in corresponding techniques; assistance in the elaboration and implementation of measures concerning radiation protection, waste management and nuclear safety. Work would continue on the preparation and harmonization of standards and recommendations for the radiological protection of workers, the general public and the environment; the Agency would assist Member States in applying the standards and recommendations.

54. An advisory group from countries in the catchment area of the Danube would be convened in 1975 and 1976 to study mutual co-operation in relation to the radiological safety aspects of nuclear power programmes in the region. An attempt would also be made to establish a co-ordinated research programme to study the behaviour of selected radioactive contaminants in the area.

55. Those who wished to acquaint themselves in detail with the Agency's work might use the papers published in its *Safety Series*.

56. The Agency undertook nuclear research and scientific studies on a wide range of topics and was therefore interested in the freedom of scientific research, without which the marine environment could not be successfully protected.

57. The Agency had given member States technical assistance in dealing with marine pollution problems by providing fellowships, experts and equipment. It could assist in the drafting of regulations concerning all aspects of the use of atomic energy. It would also act as an intermediary in securing emergency assistance in the event of a radiation accident and would send staff members to help at the site of an accident or as observers. The Agency was also prepared to help coastal States which did not have sufficient technical knowledge to cope with marine pollution by nuclear substances. It was important that the measures taken by States for the prevention of such pollution should be uniform. Consequently, the rules and standards involved should be established within the framework of the Agency. The document to be drawn up by the Conference should therefore reflect the competence of the Agency with regard to the pollution of the marine environment by nuclear substances.

The meeting rose at 10.55 a.m.

49th meeting

Tuesday, 27 August 1974, at 9.30 a.m.

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

Report of the General Committee

1. The PRESIDENT said that since the last plenary meeting, the General Committee had met on several occasions and prepared a number of recommendations. He invited the Rapporteur-General to present an oral report on the recommendations of the General Committee.

2. Mr. RATTRAY (Jamaica) said that the General Committee recommended that the following statements, declarations and documents should be drawn up to conclude the session: a concise, factual, informative and non-controversial statement to report on the activities of each of the main Committees; an oral statement by the Chairmen of the Main Committees summing up the progress of the work to date; a statement by the Rapporteur-General summarizing the activities of the plenary Conference; a final oral statement by the President of the Conference summing up the results of the work accomplished by the Conference to date; and a letter from the President of the Conference to the President of the General Assembly transmitting a request for the holding of one or more further sessions of the Conference and informing the General Assembly of the steps taken by the Conference to invite national liberation movements and of any other recommendations which the Conference might wish to make.

3. Mr. DONIGE (Australia) said that he was speaking in his capacity as a representative of the emerging nation of Papua New Guinea in order to put forward the claim of Papua New Guinea to participate in future sessions of the Conference. The new law of the sea would be of profound importance for the new nation, particularly with regard to archipelagos, islands, the economic zone, including fisheries in particular, and possibly the problem of delimitation. A representative of Papua New Guinea, at the 36th meeting had already stressed the importance of the question of archipelagos to that territory in the Second Committee. Consequently, Papua New Guinea considered that it would be preferable for it to join in the work of the Conference as a separate entity as soon as possible. The Australian Government fully shared that view.

4. Papua New Guinea had not yet formally exercised its right to become independent, but the date of independence was under consideration and would probably be in the near future. If independence came before the next session, Papua New