

# **Third United Nations Conference on the Law of the Sea**

1973-1982

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## **Summary records of meetings of the Second Committee 15<sup>th</sup> meeting**

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume II (Summary Records of Meetings of the First, Second and Third Committees, Second Session)*

## 15th meeting

Thursday, 25 July 1974, at 4.20 p.m.

*Chairman:* Mr. Andrés AGUILAR (Venezuela).

### Straits used for international navigation (*concluded*)

[*Agenda item 4*]

1. Mr. BA-ISSA (Democratic Yemen) said that the item under discussion was vitally important to his country, situated as it was south of the Arabian Peninsula, with territorial waters extending to the strategic strait of Bab El Mandeb at the entrance of the Red Sea, innocent passage through which had always been guaranteed for all peaceful purposes. That strait would gain in importance with the reopening of the Suez Canal. However, passage through such narrow straits could not be without regulation or control, both for the safety of the passage itself and for the security of the coastal States. The latter were greatly concerned at the possibility of misuse of the right of innocent passage; their territorial integrity and political independence must in no way be compromised.
2. Democratic Yemen overlooked the Indian Ocean, which he agreed ought to be a zone of peace, free from military bases and threats of war. His country was concerned at the massive naval manoeuvres by the imperialist countries, which constituted a direct threat to the security of the coastal States. Such security should be given priority by the international community, especially since developing coastal States were not in a position to challenge the military might of the great Powers. It was in the light of those criteria that his delegation would decide on its position on the draft articles before the Committee.
3. Although no one had yet explicitly challenged the right of the coastal States to exercise sovereignty over their territorial waters so as to ensure their integrity and security, his delegation was concerned at the qualified statements made and ambiguous terms used to conceal true intentions and render the concept of innocent passage meaningless in practice.
4. Much had been said about the need to strike a balance between the legitimate interests of the coastal States and those

of the international community. What, in fact, were the interests of the international community, and how was the balance to be attained? The Conference must not conclude a convention imposed by a few great maritime Powers, acceptable to no one. The key to success lay in whether there was genuine political will on the part of the big Powers.

5. His country differentiated between commercial vessels, which should enjoy the right of innocent passage, and non-commercial vessels, including warships and submarines, which by their very nature had nothing to do with international trade. Such vessels should require prior authorization by the coastal State and should observe the rules and regulations of that State. That was the prerequisite for the maintenance of peace, good order and security. The distinction drawn was not arbitrary: it was not against States or ships but against intentions and policies.

6. His delegation also attached great importance to the prevention of marine pollution, particularly in straits open to heavy traffic, which should be regulated so as to obviate dangers to coastal States and the international community as a whole.

7. His delegation believed that the air space covering the territorial sea, including the straits used for international navigation, formed an inseparable part of the territorial sea and was therefore under the exclusive jurisdiction of the coastal State. Overflight over such waters should be regulated through bilateral agreements between the coastal State and other States concerned.

8. International navigation and trade must be maintained and secured for the benefit of all the peoples of the world. His delegation would oppose any interference with that principle.

9. The CHAIRMAN announced that the Committee had concluded its discussion on the item under consideration.

*The meeting rose at 4.35 p.m.*

## 16th meeting

Friday, 26 July 1974, at 11.35 a.m.

*Chairman:* Mr. Andrés AGUILAR (Venezuela).

### Continental shelf

[*Agenda item 5*]

1. Mr. TUERK (Austria) said that the results of the Committee's work had so far not been as good as might have been expected or desired and he confirmed his delegation's readiness to do everything it could to help the Committee reach generally acceptable solutions.
2. The item before the Committee was of particular concern to his country. His delegation hoped that the new law of the sea would accommodate the legitimate interests of all States. That had not always been the case for certain groups of States, as could be seen from the legal norms established at Geneva in 1958, in the Convention on the Continental Shelf,<sup>1</sup> which to-

tally disregarded the legitimate interests of the land-locked countries. That was understandable considering that the Truman Proclamation of 28 September 1945, on which the Geneva text had been based to some extent, had emanated from a country which did not have to take into account the interests of any land-locked States in its geographical area. In view of the political situation existing at that time, any mitigations which some countries might have had concerning the principle enunciated in the Proclamation had not been voiced. Other coastal States had followed the example set in the Proclamation, and their unilateral declarations had been given legal sanction by the 1958 Geneva Convention. He noted that of the 86 States participating in the First United Nations Conference on the Law of the Sea, in 1958, only 10 were land-locked, while of the 149 States invited to the current Conference 29 were

<sup>1</sup>United Nations, *Treaty Series*, vol. 499, p. 312.