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67th Plenary meeting

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12. He had presented the essential points which his Government, faithful to the position of principle it had adopted and maintained in various subregional, regional and world forums, felt should be taken into account in studying the question of the peaceful use of ocean space.

13. The PRESIDENT proposed that the list of speakers on the item be closed on Tuesday, 20 April at 5 p.m.

It was so decided.

The meeting rose at 11.15 a.m.

67th meeting

Friday, 23 April 1976, at 10.30 a.m.

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

Peaceful uses of ocean space: zones of peace and security (*continued*)

1. Mr. VALENCIA RODRIGUEZ (Ecuador), noting that the three single negotiating texts (see A/CONF.62/WP.8¹) had referred to the peaceful uses of ocean space, said that the basis for understanding the term "peaceful uses" had been laid down in 1970 in General Assembly resolution 2749 (XXV) and further refined since then. The first important conclusion had been that the principle of freedom of the high seas, to which the great Powers attached much importance since they used the seas for non-peaceful purposes as well, was not a norm of natural law, but was derived from customary law, which never had obligatory force. Hence, the Declaration of Principles Governing the Sea-bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction adopted by the General Assembly in resolution 2749 (XXV), in "recognizing that the existing legal régime of the high seas does not provide substantive rules for regulating the exploration of the aforesaid area and the exploitation of its resources", and in establishing the basis for a new law for the zone, in effect abrogated the customary law principle. Hence, by analogy, there never had existed an international custom with respect to the exploitation of the sea and its resources. All references thereto had always been made by the great Powers in order to exploit them for their own profit and to the detriment of the developing countries. The new law of the sea therefore must define the concept of peaceful uses so as to reconcile the needs and interests of the various States with the international community.

2. It had already been recognized in many international bodies and agreements that the use of the ocean space for exclusively peaceful purposes must mean complete demilitarization and the exclusion from it of all military activities. Unfortunately, the armament race conducted by the great Powers, including the race in nuclear weapons, had been extended to the ocean space and seriously threatened the peace and security of all States, especially the developing ones. Guarantees were therefore necessary to ensure that the exploration and exploitation of the sea-bed take place in accordance with the norms of international law and the provisions and principles of the Charter of the United Nations. The seas could not continue to be an arena for the armament race on which \$300,000 million were spent annually and in which 400,000 highly qualified engineers and scientists were employed in military research. The threat or use of force, and the establishment of military installations, fortifications, bases and facilities, as well as nuclear testing, had to be prohibited. The nuclear explosions being conducted on the sea-bed or on the high seas by the great

Powers, ostensibly for exclusively peaceful purposes, could easily lead to the development of devices used in the manufacture of armaments, and it was doubtful that such tests were not harmful to health and to the environment. Those tests should cease until more was known about their value.

3. The great Powers claimed that existing international law did not prohibit the use of ocean space for military purposes as long as such use was made with the purpose of fulfilling obligations under the Charter of the United Nations, and that the whole problem fell more within the scope of other United Nations bodies. The efforts of the United Nations in the past 30 years to curtail the armaments race among the great Powers had not, however, been very successful, and to leave the matter to the Conference of the Committee on Disarmament, as the great Powers wished, would produce the same deadlock that had always blocked other questions relating to general and complete disarmament. The United Nations Conference on the Law of the Sea was better equipped than any other body to consider the problem of the peaceful uses of ocean space and to establish clear and precise rules in that area.

4. A particularly important aspect of the violation of the concept of peaceful uses was the kind of economic aggression involved in the extraction of minerals from the sea-bed, which had a particularly adverse impact on developing producing countries because they depend more heavily on those minerals for their export earnings and government revenues than the developed producing countries. Only the developed countries had the resources and technology necessary to extract those minerals, while the developing countries which produced the same minerals were the first to be affected by an extractive process which was not rationally regulated. The secretariat of the United Nations Conference on Trade and Development, in its report on the implications of the exploitation of the mineral resources of the international area of the sea-bed, rightly maintained that "because fewer alternative investment and employment opportunities exist in the developing countries, compared with the developed countries, particularly heavy economic and social costs will be incurred in any re-allocation of resources that may be necessitated as a result of competition from sea-bed production".² The continuation of that kind of economic aggression "could have major adverse effects on the export position and prospects of developing exporting countries".³

5. Therefore the future convention on the law of the sea must clearly define the concept of peaceful uses and provide guarantees to prevent the ocean space from being used for nuclear confrontation. It must establish special zones of peace and security, with an emphasis on the creation of nuclear-free zones. It also had to establish that the phrase "legitimate uses" must always be "peaceful" ones, thereby

¹ *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IV (United Nations publication, Sales No. E.75.V.10).

² See document TD/B/C.1/170, para. 13.

³ *Ibid.*, para. 32.

banishing the notion advocated by certain great Powers that "legitimate uses" could include military ones.

6. Mr. GLIGA (Romania) pointed out that the peaceful use of the seas and oceans was a corollary of the principle that the ocean space must be transformed into a factor for progress and prosperity for all peoples. The new rules being established by the Conference should open the way to peaceful activity in the ocean space for the benefit of all countries, and particularly the developing countries, with due regard for national independence and sovereignty.

7. In the past 15 years, the arms race had tended to encompass more and more of the ocean space and there had been a general intensification of military activities on the seas. That trend was incompatible with efforts to achieve international détente; it fostered the imperialist policy of might over right and interference in the internal affairs of States, and exacerbated the tensions in various parts of the world. In drafting the law of the sea, the Conference should be aware of that dangerous trend and its implications for international peace and security. The inclusion of a provision in the convention stating that the sea-bed and ocean floor and subsoil thereof beyond the limits of national jurisdiction should be used exclusively for peaceful purposes would represent a positive contribution to the development of the law of the sea. Further efforts should be made to give form to that principle and to ensure that States did not project their military interests into the area.

8. The Sea-bed Treaty, in General Assembly resolution 2660 (XXV) and which came into force in 1972, prohibited the installation of nuclear and other weapons of mass destruction in the area. Under that Treaty, the States Parties undertook to continue negotiations with a view to adopting further measures to prevent the arms race from impinging on the sea-bed and subsoil thereof. Following signature of the Treaty, however, the matter was all but abandoned. Consequently, a reaffirmation in the text of the new convention of the principle that the area should be reserved exclusively for peaceful purposes would encourage fresh efforts in the United Nations to protect it from the arms race.

9. The establishment of denuclearized zones embracing large expanses of the ocean space was a growing concern of many countries. Romania had taken the initiative in applying that concept to the geographic area to which it belonged and would support the efforts of other States towards that end. The establishment and gradual expansion of such zones would offer protection against the threat or use of nuclear weapons, with proper guarantees, and would eventually create a world in which relations between States would be based on mutual respect, trust and understanding.

10. The articles of the convention on the law of the sea should provide guarantees to coastal States that their rights in the area of national jurisdiction would be fully safeguarded. They should also ensure the rights of all States to participate in the exploration and exploitation of the resources of the sea-bed and ocean floor and in other activities in the area and the superjacent waters. The provisions of the convention should enforce the general principles of international law regarding the non-use of force or pressure of any kind in the peaceful settlement of disputes. It should promote peaceful and good-neighbourly relations among States.

11. Mr. RABETAFIKA (Madagascar) said that new concepts such as "the common heritage of mankind" and the "exclusive economic zone" gave a new dimension and importance to the Conference's task of drafting a comprehensive, global convention covering, *inter alia*, political issues relating to the peaceful use of ocean space and the creation of zones of peace and security. The decision to hold a special debate on such issues was evidence of a desire to place the Conference in the wider context of the defence of

international peace and security and the strengthening of friendly relations between States.

12. Though an important factor in the expansion of trade and the improvement of international co-operation, the sea had not always been used for peaceful purposes. Colonial Powers had devoted considerable resources to ensuring their "maritime supremacy". Great-Power rivalry on the seas was still a contemporary reality. The question was whether the international community would accept that reality.

13. As a non-aligned developing country, Madagascar could not accept a situation where its sovereignty, independence and security were subordinate to the defence interests of others, and where the rich countries used their technological superiority to weaken further the position of the developing countries in the fields of exploration and exploitation of marine resources and, in particular, in the political and military fields.

14. For those reasons, his delegation endorsed the President's view that the Conference should discuss political issues affecting the peaceful uses of ocean space and should define a unified approach to all issues within the framework of the new maritime order which the Conference sought to create. It also supported his suggestion that the current debate should be linked to and take account of the deliberations taking place at the Conference of the Committee on Disarmament, the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil Thereof, the Declaration in General Assembly resolution 2832 (XXVI) of the Indian Ocean as a zone of peace and General Assembly resolution 3477 (XXX) on the establishment of a nuclear-weapon-free zone in the South Pacific. Considerations relating to the competence of particular United Nations organs should not prevent the Conference, which, after all, represented more States than the General Assembly, from considering major problems of universal importance.

15. The convention should be an instrument for development, enabling new countries to participate in the exploitation of marine resources. Above all, it should be an instrument for improving political relations, and preserving and safeguarding the sovereignty, territorial integrity and security of the States Parties.

16. Recent experience in the Indian Ocean had shown that when the interests of the great Powers were at stake, the protests and objections of small nations, however legitimate, were often not enough to change the course of events. Articles and provisions to protect the interests of developing countries with regard to non-peaceful use of ocean space, the resources thereof and the threats which such uses constituted for those countries, should be included in the convention.

17. His delegation supported combining the concept of the exclusive economic zone with the need of developing countries to defend their sovereignty and security.

18. It also supported the consolidation in a single chapter of all existing draft articles on the peaceful uses of the high seas (A/CONF.62/WP.8/Part II, article 74), the international area and its resources (A/CONF.62/WP.8/Part I, article 8) and on the restriction of the freedom of marine scientific research to exclusively peaceful activities (A/CONF.62/WP.8/Part III, Part II, article 4).

19. In that connexion, he emphasized the need for precise definition and further development of the concept of "peaceful uses" in those articles in order to ensure that the convention would be an instrument for the promotion of peace and security in the context of the previously mentioned international efforts.

20. While recognizing the efforts and concessions which had been made in the course of the negotiations on the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and the Subsoil Thereof, he considered that that text contained two weaknesses. First, it did not apply within a zone of 12 miles measured from the coast. His delegation would like to see the ban applied right up to the coast. That did not mean interference with States' exercise of their sovereignty in the territorial sea; it was rather that his delegation was opposed to the use or the threat to use nuclear weapons or other instruments of mass destruction. Secondly, the Treaty applied only to the sea-bed and ocean floor and did not cover the water column and the surface. While his delegation considered that draft article 74 covered that omission it felt that the text should specify, with a view to banning, transportation or transit of nuclear weapons or the stationing of submarines carrying such weapons.

21. With regard to draft article 8, he expressed the view that not only was the text lacking in precision but that the geographical area was less than in the Sea-bed Treaty. That situation should be rectified in order to ensure that the convention was an improvement on that Treaty.

22. The Declaration of the Indian Ocean as a zone of peace and resolution 3477 (XXX) on the establishment of a nuclear-weapon-free zone in the South Pacific reflected other efforts within the United Nations framework to give concrete effect to the aspirations of the international community for peace and security in the ocean space.

23. Those efforts were based primarily on the assumption that the concept of a zone of peace or denuclearized zone in the Indian Ocean and the South Pacific had not been accepted with all the logical consequences that such acceptance implied, as demonstrated by the current difficulty in obtaining the co-operation of the nuclear Powers, with the exception of China, in giving concrete effect to accepted objectives. Regulations, dating from the era of conventional weapons, were outdated. What was required was a genuine attempt to safeguard the short- and long-term security of the countries concerned in the light of technological advances in weapons and long-range missiles. Opposition to the idea of zones of influence or balance achieved through armaments or military alliances and the desire of the people concerned to eliminate great-Power rivalry in the zones did not appear to carry great weight. A further source of concern was that, in spite of the interest and support expressed in the General Assembly, the texts relating to the Indian Ocean and the South Pacific were restricted to clearly defined areas representing only a small part of the entire ocean space.

24. In referring to deficiencies in existing instruments within the United Nations framework and those in the draft articles his delegation wished to emphasize the importance of the Conference's role and the need to define a comprehensive approach to the question of peaceful uses of ocean space and its resources. It was the view of his delegation that such an approach should be global with regard to both the geographic extent and the uses or activities covered.

25. With regard to the former, all categories of zones covered by the convention should be subject to the rule of peaceful use, and the provisions of the Sea-bed Treaty should be applied in the territorial sea. Furthermore, activities carried out on the sea-bed could not be separated from those carried out in the water column or on the surface or even in the superjacent air space. Consequently, the proposed rule on peaceful purposes should be uniformly applied.

26. With regard to the peaceful uses of ocean space regarded as a zone of peace and security, it was the view of his

delegation that not only should all activities which might produce conflict at sea be avoided, but also that all preparations for a situation of violent conflict should be banned. Ideally, there should be a complete denuclearization and demilitarization of all ocean space including the territorial sea and straits, though such an objective was scarcely realistic in existing circumstances.

27. He proposed that the following issues, which should not be regarded as comprehensive or restrictive, might be included in the negotiations: first, the possibility of restricting the right of passage or refusing port facilities to foreign warships, particularly those carrying nuclear, chemical or mass-destruction weapons; secondly, the possibility of banning all naval manoeuvres and all missile testing in the international zone; thirdly, internationalization or multinational use of large-scale platforms or installations, including logging instruments located in the international area; fourthly, a ban on the dumping of radioactive or chemical waste at sea; and fifthly, the question of foreign naval bases.

28. It was essential not to lose sight of the concept of the common heritage of mankind, which, if interpreted in a dynamic and constructive manner could lead to the establishment of peace, security and prosperity on the high seas.

29. With regard to procedure he expressed the view that the essential principles relating to the peaceful use of ocean space should be consolidated in a single chapter. Certain provisions might more appropriately be included in the "Sea-bed Treaty". The Conference should decide whether amendments to that treaty should take account of the review conference to be held in 1977 or whether such provisions should be included in a protocol which would be annexed to the convention. In view of the importance of the issues involved, such a protocol would have to be signed by all States parties to the convention.

30. Mr. KOZYREV (Union of Soviet Socialist Republics) said that the USSR, which was consistently implementing the Soviet programme for peace and international co-operation put forward at the Twenty-Fourth Congress of the Communist Party of the Soviet Union and reaffirmed and further developed at the Twenty-Fifth Congress, could not divorce peace on earth from peace on the seas. The convention which was being elaborated should, as a whole, be a document that would strengthen peace and international security and promote the progress of peoples and international co-operation.

31. In his delegation's view, the solution of the entire range of problems of the law of the sea as a "package" and on the basis of consensus, taking into account the interests of all countries, would create the necessary conditions for peaceful and friendly co-operation among peoples in the use of the resources and spaces of the world ocean. If a law of the sea convention were worked out on such a basis and its provisions were implemented, the problems of the use of the world ocean by mankind would not be a source of friction and conflicts between States.

32. His delegation was convinced that the absolute majority, if not all, of the delegations at the Conference, including the USSR delegation, were guided in their efforts to prepare a new convention by the fundamental principle of the peaceful uses of ocean space.

33. A realistic assessment of the present international situation, characterized by a shift from tension to détente, in other words the lessening of international tension, showed that the Conference could also arrive at a mutually acceptable solution of questions relating to the world ocean régime on the basis of consensus.

34. An inspiring example of how to solve pressing international problems constructively on the basis of consensus was the successful completion of the Conference on Co-

operation and Security in Europe, held on the initiative of socialist States and with the support of all the peace-loving forces of the European continent which had long been an arena of conflicts and international tension.

35. The Soviet Union, guided in its foreign policy by the principles of peaceful coexistence, always actively advocated measures aimed at maintaining and strengthening international peace and security. He referred, by way of example, to the formulation and signing of the Treaty on the Prohibition of Emplacement on the Sea-bed and Ocean Floor and in the Subsoil Thereof of Nuclear Weapons and other Weapons of Mass Destruction in 1972.

36. The leaders of the Soviet Union had repeatedly expressed their approval of the initiatives also taken by other countries to create zones of peace and security in the world ocean. In November 1973 the Soviet-Indian Declaration had emphasized that "both Parties confirm their readiness to participate with all States concerned on an equal basis in finding a favourable solution to the question of making the Indian Ocean a zone of peace". Only recently, at the Twenty-Fifth Congress of the Communist Party of the Soviet Union, L. I. Brezhnev had said that the Soviet Union had never had, and had no intention now, of building military bases in the Indian Ocean.

37. The General Assembly had in recent years, on the initiative of the USSR, adopted a number of important resolutions on limitations of the arms race, the banning of the development and manufacture of new weapons of mass destruction and the prohibition of interference with the environment for military purposes. The Soviet Union had been guided in all those initiatives by the Peace Programme put forward at the Twenty-Fourth Congress of the Communist Party of the Soviet Union and by the new targets set at the Twenty-Fifth Congress for the further struggle for peace and international co-operation and for the freedom and independence of peoples. It would be of particular importance in that connexion to give effect to the proposal supported by the overwhelming majority of States Members of the United Nations to convene the World Disarmament Conference.

38. It was obvious that the problem of the peaceful uses of ocean space and of establishing zones of peace and security in it could not be dealt with in isolation from the other problems relating to the maintenance of international peace and security, the ending of the arms race and general and complete disarmament. That was why the solution of such complex and important issues relating to the world ocean in the context of strengthening peace on the seas, creating zones of peace and security in them, eliminating naval bases etc. was beyond the scope of the work facing the Conference on the Law of the Sea. A complete and constructive solution of those issues would be possible only within the framework of the appropriate United Nations bodies or at other international conferences and forums dealing with the problems of disarmament, international security and world peace.

39. The Conference's contribution to the attainment of that noble goal should be the preparation of a mutually acceptable legal régime for the use of the world ocean.

40. The role of the Conference had been convincingly described by the Secretary-General when he had said, at the opening meeting of the Conference, that "a just, viable and lasting agreement on law of the sea issues is of the greatest importance for the maintenance of peace for future generations".

41. His delegation firmly believed that the solution of the law of the sea issues on the basis of consensus and in a "package" would promote the uses of the world ocean for peaceful purposes, the further relaxation of international tension, the prevention of situations of conflict between States and the creation of the necessary conditions for

peaceful and friendly co-operation between peoples on the seas. Such a solution of the law of the sea issues would be the Conference's contribution to the common struggle of the peoples to strengthen international peace and security.

42. Mr. AL-SAAD (Iraq) said that it was important to seek genuine peace and security, so as to reassure the peoples of the world. Admittedly, there were other United Nations organs which were competent to consider questions in the field of disarmament. The Conference, however, was equally entitled and competent to deal with the question of peace and security within the context of the peaceful uses of ocean space. The hesitation on the part of some representatives to discuss a topic of such paramount importance was unwarranted.

43. The basic purpose of the convention would be to safeguard the welfare of humanity and to ensure adequate economic resources for all. Every nation was entitled to a fair and equitable share of the resources of the sea, which were the common heritage of mankind. The convention would of necessity be a peace convention, since its formulation was being guided by essentially human concerns, and should reaffirm the principle of the peaceful uses of ocean space. Part I of the informal single negotiating text had stressed that activities should be carried out exclusively for peaceful purposes (A/CONF.62/WP.8/Part I, articles 8 and 10). Additional provisions of that nature were required.

44. The convention should provide for the establishment of zones of peace and security in which rockets, nuclear weapons and military installations with a nuclear capacity would be prohibited. Those armaments were a threat to the security of peoples and impeded the course of free international navigation. Efforts should be made to demilitarize the Indian Ocean, which should be allowed to become a zone of peace in the true sense of the word. The reservations expressed by some States with respect to the Declaration of the Indian Ocean as a zone of peace were unjustified. The convention would guarantee the interests and rights of all States in the free seas and oceans, without posing a threat to the security of any nation. Military bases in the Indian Ocean should be dismantled so as to ensure the freedom and safety of international navigation. Such a move would be in keeping with the peaceful aspirations of the peoples of that area and would make the possibility of conflict between the major Powers more remote. Consideration should also be given to the idea of establishing zones of peace and security in other regions.

45. The denuclearization of the economic zone would be consistent with the spirit of the convention. It was only logical that nuclear tests should be prohibited not only in the territorial sea but also in the economic zone. In the interests of all peoples, his delegation hoped that the convention would include provisions making it possible to establish a peaceful world free from threats, fears and conflicts.

Mr. Barnes (Liberia), Vice-President, took the Chair.

46. Mr. LAI Ya-li (China) said that many small and medium-sized countries were resolutely demanding the replacement of the old maritime order based on colonialism, imperialism and hegemonism by a fair and reasonable new maritime order which would safeguard the sovereignty and security of all countries and protect their national resources from plunder. The high seas, which had become an area of wanton aggression and plunder with the emergence of imperialism, were still an arena for fierce rivalry between the two super-Powers. They were competing with each other in building up huge naval forces and installing naval bases everywhere, each trying to overwhelm the other. They had made a show of force to intimidate and threaten other countries in all parts of the world. The obstacles to the peaceful uses of ocean space came mainly from the two super-Powers.

47. Ambitious Soviet social-imperialism, in particular, had always made its pursuit of maritime hegemonism an important part of its global strategy in its contention with the other super-Power for world hegemony. It had frantically stepped up the expansion of its naval forces, developing nuclear submarines, building offensive ocean-going fleets whose strength had surpassed that of its rival, and also building huge fishing fleets, merchant fleets and fleets for scientific research and study. It had sought overt or covert military bases and access to port facilities everywhere. It had conducted many major naval manoeuvres aimed at gaining mastery by striking first. It had forcibly occupied other countries' territories, which it refused to return, and turned them into strategic naval strongholds. Its ultimate objective was to gain complete command of the seas with a view to dominating the world.
48. The Soviet Union had done its utmost to advertise its naval might, arguing that the Soviet fleets would navigate wherever the interests of national security so required. The questions which arose were what kind of interests the Soviet fleets were defending thousands of miles away from the Soviet coast, and who was threatening whose security and interests.
49. Reference by Soviet representatives to the need to extend détente to the oceans of the world was sheer deception. Many people still recalled the extensive global naval manoeuvres organized by the Soviet Union early in 1975. His delegation wondered what the Soviet Union understood by "détente", and whether those manoeuvres were for the purpose of extending détente to the oceans of the world. It was in order to conceal its expansionist ambitions and the truth concerning its arms expansion and war preparations that the Soviet Union spoke so volubly about "détente" and "disarmament", in a vain attempt to deceive the people of the world.
50. Mr. KOZYREV (Union of Soviet Socialist Republics), speaking on a point of order, said that the representative of China should address himself to the item on the agenda.
51. The PRESIDENT requested the representative of China to confine his remarks to the question of the peaceful uses of ocean space.
52. Mr. LAI Ya-li (China) asserted that all his remarks had been related to the question of the peaceful uses of ocean space. He was fully entitled to express the views of his Government without interruption. The establishment of a new law of the sea was an important part of the establishment of a new international economic order. It was therefore not surprising that the super-Powers should attempt to sabotage efforts to establish a new law of the sea.
53. The Soviet Union was practising power politics with respect to maritime rights. It considered those countries which had declared that their territorial seas extended beyond 12 nautical miles to be "violating international law". It had condemned as extremist the just demands of the third-world countries for maritime rights extending up to 200 nautical miles, singing the same old tune about "freedom of the high seas". Actually it wanted to dominate the seas all by itself. It had tried hard to dilute the essence of the exclusive economic zone so as to maintain its "rights" to military activities and economic plunder. The "freedom of navigation", "freedom of fishing" and "freedom of scientific research" so loudly advocated by the Soviet Union were its freedom to send fleets speeding across every ocean, to plunder the fishery resources of other countries and conduct espionage activities. Its intention was to deny the many small and medium-sized countries their freedom to defend their sovereignty and security and safeguard their maritime rights and marine resources.
54. The Government and people of China had always firmly supported the struggles of all peoples against super-Power aggression, intimidation, interference and bullying. They firmly supported proposals for the establishment of zones of peace and the demands by many countries for the withdrawal of troops and military bases.
55. The Conference had to choose between a fair and reasonable new law of the sea and an old law of the sea which continued to serve the interests of maritime hegemonism. Many small and medium-sized countries had become increasingly aware that in order to ensure that the ocean space was reserved exclusively for peaceful purposes, it was essential to combat resolutely arms expansion, war preparations and maritime hegemonism on the part of the super-Powers. At its current session, and at its previous sessions, the Conference had heard many just and reasonable proposals aimed at combating and resisting such hegemonism and safeguarding the sovereignty and security of the small and medium-sized countries. Those proposals should be explicitly provided for in the Convention.
56. The super-Powers were endeavouring to obstruct and sabotage the struggle for the establishment of a new maritime order. His delegation was confident, however, that the third world and all peoples, steadily strengthening their unity and persisting in the struggle, would eventually frustrate the ambitions of the super-Powers and establish a new maritime order corresponding to the fundamental interests of the people of the world.
57. Mr. KOZYREV (Union of Soviet Socialist Republics) said that his delegation wished to exercise its right of reply in order briefly to refute the allegations made by the representative of China.
58. The PRESIDENT asked the representative of the Soviet Union to note that under rule 27 of the rules of procedure, rights of reply were exercised after the last speaker on the list had spoken.
59. Mr. YANKOV (Bulgaria) expressed regret at the attempt to inject a note of discord into the discussion.
60. His delegation agreed with the President's assessment in his introductory statement regarding the consideration of item 22: "Peaceful uses of ocean space: zones of peace and security".
61. His Government had always attached great importance to the fundamental principle of peaceful uses of the world's oceans and therefore held the view that that principle should determine the activities of all States with respect to the utilization of the ocean space and the exploitation of its resources. The decision to include item 22 in the list of subjects and issues to be considered by the Conference on the Law of the Sea was interpreted in that context by his delegation.
62. It believed that the debate on the item would reaffirm the basic concept that the principle of peaceful uses of the oceans should be substantiated in pertinent provisions throughout the convention of the law of the sea. He noted that all three single negotiating texts contained specific articles embodying that principle which constituted the very foundation of the convention as a whole. Moreover, a viable and comprehensive convention on the law of the sea could be an important prerequisite and an effective instrument for maintaining international peace and security over the world oceans.
63. It was his delegation's view that by virtue of General Assembly resolutions 2750 C (XXV), 3067 (XXVIII) and other subsequent resolutions pertaining to the law of the sea the Conference could not overlook the problem of the peaceful uses of the sea in elaborating a comprehensive

convention on the subject. That, in its view, did not mean that the Conference should now embark on the consideration of all preventive and prohibitive measures of a specific political and technical character in the field of disarmament, which had been considered by other bodies within or outside the institutional framework of the United Nations. It was common knowledge that since 1959 the General Assembly had considered various aspects of general and complete disarmament and had adopted a number of resolutions with a view to halting the arms race and prohibiting the production and use of weapons of mass destruction. The Moscow Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water and several other important treaties and resolutions constituted an important legal and political framework in the field of disarmament and arms control relating directly or indirectly to the uses of the seas. In that context, the World Disarmament Conference assumed particular importance.

64. His delegation agreed with the President that in considering item 22 the Conference on the Law of the Sea should take into account the international agreements and commitments that had already been undertaken by States and the international negotiations that had been carried out in the field of disarmament. It also agreed that the Conference should avoid the confusion and duplication that would inevitably result from discussions of the same issues in other bodies and forums within or outside the United Nations.

65. Moreover, the time factor must be taken into consideration. At the current stage of its deliberations, the Conference on the Law of the Sea must concentrate and accelerate its efforts in preparing a comprehensive convention which would in specific provisions reaffirm and implement the fundamental principle of peaceful uses of the seas. The Conference should not turn its attention to disarmament measures proper which had been the subject of other international negotiations.

66. He suggested that in the preamble of the convention, there should be a paragraph stating that the contracting parties considered the peaceful uses of ocean space to be the fundamental principle governing the activities of States in the uses of the seas and the exploration and exploitation of their resources.

67. The self-appointed spokesman for the small and medium-sized countries had tried to introduce a negative element into a positive and responsible debate, without making a single constructive proposal concerning the item under discussion. The slanderous attack thinly concealed a desire for domination. He wondered how many General Assembly resolutions dealing with peace and security had been supported by the country to which that representative belonged and how many international instruments in that field it had ratified.

68. In conclusion, he reiterated his Government's commitment to the concept of a régime on the uses of the seas based on the principles of justice and equity, with a view to promoting universal prosperity and ensuring peaceful co-operation among nations.

Mr. Rabetafika (Madagascar), Vice-President, took the Chair.

69. Mr. TORRAS DE LA LUZ (Cuba) said that few countries were more interested in the peaceful uses of ocean space than Cuba which had been the victim of armed intervention from the sea. Even today, its fishing boats were being sunk by armed attacks which were hailed in radio broadcasts from the country hosting the Conference.

70. His delegation agreed with the President of the Conference that during the debate on peaceful uses of ocean space,

it should not be forgotten that international peace was being discussed in other forums and bodies. Only countries with aggressive intentions could be opposed to the peaceful uses of ocean space which could be achieved only in the context of general disarmament and other matters such as putting an end to colonialism. While the matter could be discussed in the Conference, it should be borne in mind that it was a complex issue. For example, his delegation wondered how certain activities would be qualified, such as the manner in which weapons had been provided to the heroic Vietnamese people. Would such activity be considered as being contrary to the peaceful uses of the oceans? Anyone who took that position would be defending the *status quo*. Another example was that of the countries fighting for their independence; such countries could be aided only by way of the sea. The Conference should therefore ask itself, in the light of current realities, what was the purpose of certain activities. In short, while the Conference had a right and a duty to discuss the matter, it should be aware of the limitations imposed by international realities.

71. His delegation agreed with the representative of Bulgaria that the convention should contain a paragraph emphasizing the general principle of peaceful uses of ocean space. To attempt to go further, however, would be to go beyond the scope and possibilities of the Conference. A case in point was the zones of peace referred to by several delegations. No country could be against zones of peace and security unless it had aggressive intentions. However, differences did arise because certain countries which advocated zones of peace and security opposed the dissolution of foreign bases on their territories. That should lead participants to understand that the Conference was not the forum in which to solve all military and disarmament problems.

72. With that understanding, members of the Conference should realize that time was of the essence and progress was needed to obtain a convention on the law of the sea.

73. Mr. GAUCI (Malta) agreed with the President that certain aspects of the item under discussion were being negotiated elsewhere. The Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and the Subsoil Thereof was of particular relevance. Its deficiencies, however, had already been apparent when the negotiations had been concluded. The Treaty was a useful first step. Recommendations by the Conference for improvements to the existing provisions would be a positive contribution.

74. The results of disarmament negotiations were not exceptionally encouraging, as could be seen from the fact that weapons systems were more often discarded through obsolescence than through negotiation. His delegation did not believe that at the present stage of its work the Conference would do justice to the overriding and fundamental concept of the peaceful uses of ocean space, especially if important countries were showing reticence in discussing the matter in depth. His delegation could understand that reticence, given the admitted complexity of disarmament negotiations and the vicious cycle of counter-reaction which seemed to be out of control. For example, the latest nuclear strategic submarines under construction would cost \$1.8 billion each and would carry 24 missile tubes, each missile containing at least eight hydrogen bombs. It had recently been reported that the effects of the first atomic bombs dropped 30 years before were still being evaluated, that at least a quarter of a million people had died and that radiation effects had lasted long after the explosion. Weapons systems currently in use were enormously more powerful. Against that background, his delegation sympathized with the observations made by the representative of Peru at the 66th meeting and by other

delegations which had spoken earlier at the current meeting. The dangerous current situation did not mean that the Conference should ignore the fundamental aspect of the matter under consideration. The least it could do was to highlight certain considerations which deserved emphasis and recommend that they be duly taken into account at the first available opportunity when the matter could be considered in depth.

75. Despite the lack of progress in disarmament negotiations, some comfort could be derived from the results which the combination of economic, social and ecological factors could achieve. For example, it was clear that the military vessels of former colonial Powers with wide-ranging interests had tended to remain static and even to decline in the post-war period. That welcome trend was not yet universal but even the richest and most powerful nations could not indefinitely defy the logic that at some stage the pursuit of military over-abundance became dangerously counter-productive. The major Powers could therefore all subscribe to a commitment of the need for balanced military restraint in ocean space.

76. Another consideration was that the new horizon of ocean space utilization offered a unique opportunity to build confidence and to promote mutual understanding and co-operation among States. That concept had tremendous evolutionary political importance to which the major Powers had already committed themselves in what had been until recently, the most sensitive area in the world. What had been agreed to in a sensitive area was even more relevant to an area which offered unlimited scope and as yet unexplored opportunities for co-operation in a peaceful venture. The major Powers, which would be commensurately represented on the International Sea-bed Authority, could usefully contribute towards giving the Authority a constructive role in that respect.

77. A third consideration was the importance of all conferences constantly keeping in mind that the uses of ocean space were inextricably interrelated and must therefore be treated as a whole. The common objective was to maximize beneficial use of the marine environment while preserving it from degradation and from potential sources of conflict.

78. A fourth consideration was that the ocean space was fast becoming a scarce resource through multiplying and intensive utilization. Priorities should therefore be established in order to derive maximum benefit from it and, in that connexion, peacetime commercial activities should take precedence over military ones, to the extent that they could be identified and separated. In areas under coastal State jurisdiction, the coastal State would determine priorities, bearing in mind the legitimate peaceful interests of the international community. In other congested areas, it would be the primary responsibility of the States in the region to determine priorities by agreement among themselves on a regional basis. Such a course had been followed by the Mediterranean States and Malta firmly believed that the Mediterranean should be used as a corridor of peace serving international trade and communications. To that end, a modest but important first step had already been taken; a far-reaching convention and two protocols on the protection of the marine environment⁴ had been adopted by Mediterranean States on 13 February 1976 at Barcelona, Spain. In that connexion, Malta appreciated the efforts of the United

Nations Environment Programme, the Inter-Governmental Maritime Consultative Organization and the Food and Agricultural Organization of the United Nations and other agencies and the co-operation of the States in the region. It was important to stress that a pattern had been set, and political will had been demonstrated effectively and peacefully in defence of the marine environment.

79. Even if all recommendations made could not be expressed in precise treaty language in the proposed law of the sea convention, it should still be possible to stress in an appropriate manner certain fundamental considerations relating to peaceful uses at the time that the convention was signed.

Mr. Amerasinghe (Sri Lanka) resumed the Chair.

80. Mr. LEARSON (United States of America) said that the United States of America had consistently supported texts stating that activities under consideration in various Committees should be conducted for peaceful purposes.

81. The term "peaceful purposes" did not, of course, preclude military activities generally. The United States had consistently held that the conduct of military activities for peaceful purposes was in full accord with the Charter of the United Nations and with the principles of international law. Any specific limitation on military activities would require the negotiation of a detailed arms control agreement. The Conference was not charged with such a purpose and was not prepared for such negotiation. Any attempt to turn the Conference's attention to such a complex task could quickly bring to an end current efforts to negotiate a law of the sea convention.

82. Mr. KOZYREV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that his delegation rejected the attempts of the Chinese representative to use the Conference in order to pervert the USSR position on the issue under discussion.

83. The intent of the Chinese delegation was to mask its reluctance to co-operate with the world's peace-loving forces in strengthening peace and international security and in disarmament. China rejected all proposals on those problems, because the main direction of its foreign policy contradicted the yearning of the peoples of the world for a relaxation of international tension and for disarmament. The Peking leaders also disliked those proposals because they came from the USSR.

84. The peace-loving peoples of the world, including the people of China, whatever the wall by which they were intended to be isolated, knew well that the peaceful initiatives of the Soviet Union and socialist countries, supported by the world's progressive forces, had served decisively to further the normalization of the international situation with regard to the maintenance and strengthening of peace.

85. The Soviet Union had proposed to convene a world disarmament conference. China was opposed to the convening of such a conference. Yet that proposal was also based on the recommendations of five conferences of non-aligned States, held in Cairo, Belgrade, Georgetown, Lusaka and Algiers, which had unanimously supported the convening of a world disarmament conference and had called for a speedy resolution of the problem.

86. Proclaiming itself as a self-appointed defender of the interests of developing countries and even trying to include itself in that group, the Chinese leadership in fact ignored the vital aspirations of the peoples of the third world and sabotaged proposals aimed at strengthening peace and international security and at solving the problem of disarmament. As had been stressed at the Twenty-Fifth Congress of the Communist Party of the Soviet Union, the policy of the

⁴ Convention for the Protection of the Mediterranean Sea against Pollution; Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency.

current leaders of China merged directly with the position of the extreme reactionaries all over the world. Of great danger to all peace-loving peoples were the feverish attempts of Peking to frustrate détente, i.e. the relaxation of international tension, to prevent disarmament, to create distrust and hostility among States and to provoke military conflicts, from all of which they hoped to benefit. Such policies of Peking were obviously completely opposed to the interests of all peoples.

87. Mr. ARIAS SCHREIBER (Peru), speaking in exercise of the right of reply, said that the representative of a friendly country had stated that those delegations that had requested that the item under consideration be included in the agenda had not made any constructive contribution or proposals. That representative either had not attended the 66th meeting or had not read the summary record of that meeting. Both at the 66th meeting and during the current meeting, delegations desiring the peaceful uses of ocean space had referred to articles of the single negotiating text which needed to be more precise. They had also mentioned specific provisions which should be in the convention. For example, they had proposed that the single negotiating text specify the acts from which foreign ships and aircraft must abstain in passing through straits serving international navigation and that it forbid the installation of facilities for other than economic purposes in areas under national jurisdiction without the express authorization of the coastal State. Furthermore, at the present meeting, the representatives of Madagascar, Iraq, China and Malta had made constructive proposals.

88. His delegation agreed that the Conference was not the forum for a discussion on disarmament. The convention must, however, lay down provisions on the duty of States not to threaten the peace and security of other States. Those opposing such provisions in the convention were demonstrating a negative attitude to others in the world who expected a convention on the law of the sea that would ensure justice, peace and security for all.

89. Mr. LAI Ya-li (China) said that the representative of the Soviet Union had not dared to respond to the many facts

showing how the Soviet Union had pursued maritime hegemonism, as exposed by the Chinese delegation. Instead, he had made unfounded countercharges, slandering and attacking the Chinese delegation, thus revealing the extreme weakness of those countercharges.

90. The Soviet delegation had spoken of "peace", "détente" and "disarmament" to give the impression that it was concerned about peace on the oceans. If the words of the Soviet delegation were not hypocritical and deceptive, then it would have the courage to undertake the following explicit obligations with respect to maritime rights: not to stage military manoeuvres in the economic zones of other countries or interfere in and disrupt the normal economic life of other countries; to pledge that its warships would not arbitrarily pass through the straits in other countries' territorial seas without authorization from the coastal States; to discontinue its military espionage and spying activities carried out under the name of scientific research in the off-shore seas of other countries; not to carry out military activities and set up military installations in the international sea-bed area and, in particular, agree to the prohibition of nuclear submarine activities therein.

91. The PRESIDENT informed the representative of China that the debate on the item had not been intended to call on certain countries to undertake specific obligations. The debate was on the peaceful uses of ocean space.

92. Mr. LAI Ya-li (China) replied that everything that his delegation had stated related to the item under discussion.

93. The Soviet delegation did not dare to undertake the above-mentioned obligations and that fully revealed the true features of Soviet social-imperialistic, maritime hegemonism. It also revealed that the "peace", "détente" and "disarmament" preached by the Soviet delegation were meant to deceive.

The meeting rose at 1.10 p.m.

68th meeting

Monday, 26 April 1976, at 12.15 p.m.

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

Peaceful uses of ocean space; zones of peace and security (concluded)

1. Mr. AL-MOUR (United Arab Emirates) said that throughout history the sea had been a vital means of communication used in transferring knowledge to human beings everywhere. In addition the sea had been and continued to be a source of immense wealth, both on the sea-bed and in the water column. The efforts which had been made by States to extract mineral resources from the sea amounted to little more than scratching the surface of the existing possibilities.

2. Grotius had defended the freedom of the seas, maintaining that it was in the interest of international trade. Consequently, the principle of the freedom of the seas was related to the interests of the international community and

respect for that principle redounded to the benefit of mankind as a whole. The right of innocent passage in territorial seas had also been acknowledged as a logical and natural consequence of the principle of freedom of the seas. That principle and the right of innocent passage had thus become two complementary rules of international law operating together in the interests of international trade and communication between States.

3. Communication between States increased the interdependence of their interests, opened the boundaries between them, ensured their coexistence and instilled a fraternal spirit in their peoples. Freedom of access to the seas, the establishment of security and stability on the seas, measures to ensure that they did not become the scene of conflicts and to prevent a race for their wealth, and the use of the seas for purposes compatible with their nature were all factors connected with the freedom of communication between States.