

Third United Nations Conference on the Law of the Sea

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68th Plenary meeting

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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.

4. A scholar of antiquity had said that the world with all its dimensions would not have taken the form it had today without the seas. That was entirely true, for in the past the sea had been a cradle of civilization and a means of access to it. In the contemporary world the sea was a vital channel through which all States could have access to sources of wealth and maintain their legitimate communications without hindrance. If the sea was considered as a means of communication, then it should be accessible to all without discrimination and within the limits of their legitimate interests. No nation could be allowed to block such a means of communication either by nuclear explosions, by using the sea-bed for the emplacement of sophisticated armaments which would threaten the security of mankind if delivered from such depths, by conducting missile experiments in the vicinity of maritime routes, by establishing security zones in distant areas of the high seas, by parading its maritime power in areas of tension, by storing destructive weapons in the sea-bed, by aggravating tension in sea areas where turmoil prevailed, or by exercising its rights, which were conferred on it by the rules of international law, in such a manner as to threaten the interests of States in development and progress.

5. The establishment of a new world order on the seas necessitated the achievement of a just balance between the rights and obligations of States with regard to the sea. That in turn necessitated the redrafting of the rules of international law on new bases, so as to enable them to make a real contribution to the establishment of stable relations between States, in particular those bordering on semi-closed seas.

6. Justice did not have its origin in a vacuum; rather it developed from the sound practice of all that was right. Justice in the international law of the sea consisted in balancing the rights of all States, whatever their size, social structure or geographical situation.

7. The use of the sea for peaceful purposes constituted the proper approach to the welfare and progress of humanity. It was also necessary for the exchange of scientific data among States and for the development of their technological capacities. He recalled in that connexion the Declaration of Principles Governing the Sea-bed and the Ocean Floor, and the Subsoil Thereof, beyond the limits of National Jurisdiction¹ for peaceful purposes. That Declaration had served as a natural introduction to the work of the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the limits of National Jurisdiction, which had been the preparatory committee for the Conference. The adoption of that Declaration and the implementation of its principles, either directly or through the attainment of its long-term objectives, should constitute the basis from which the overall rules of the law of the sea would emerge.

8. The rules of the law of the sea should be drafted on the basis of compatible and not conflicting interests and should ensure the equality of rights of all States. In making that statement he was not simply inviting States to redraft the international law of the sea but was appealing to them to establish international relations which would be more stable, more compatible with the realities of the age and more responsive to changing situations and to the rights and needs of developing countries.

9. The best response to the circumstances and requirements of international life would be the creation of an interdependent international community in which no one would resort to the threat or use of force.

10. The coming generation would expect a new law which would dedicate the seas and their wealth to peaceful pur-

poses. Without such a law, containing balanced provisions, all countries would find themselves involved in conflicts and would take unilateral action to assert their interests or, as the case might be, defend their capricious will or ambitious designs.

11. The use of the sea as a source of wealth could not be separated from its use as a means of communication. Since the sea as a means of communication could not be the property of anyone, its wealth in the areas beyond the limits of national jurisdiction should be a common heritage of humanity to be shared by all States instead of becoming the exclusive property of any one of them. The peaceful uses of the sea meant the use of its resources for the good of humanity, the preservation of the marine environment, the prevention of any action harming its fauna and flora or disturbing the ecological balance between the elements of that environment, the exchange of scientific information, the development of marine resources and co-operation in taking the best and most appropriate measures to manage those resources and ensure their sound exploitation.

12. The sea as a means of communication and as a source of wealth should be the ultimate objective of any legal system dealing with the seas. The legal system of governing any subject consisted in determining the objectives aimed at by the legislator in laying down such a system and the determination of the means which should be used to achieve those objectives. That rule was applicable to the law of the sea as well as to any other legislation. The ultimate purpose of an international law of the sea was to ensure the use of the seas and their resources for peaceful purposes, enhancing solidarity between States and ensuring the interdependence of their interests. The means for achieving that purpose would be constituted by the rights vested by the legislators in countries in such a way as to make them compatible with the legitimate interests of all and with the obligations of the countries concerned in respect of ocean space.

13. Mr. INGLÉS (Philippines) said that on 27 November 1971 the Ministers for Foreign Affairs of the Association of South-East Asian Nations (ASEAN) had issued a Declaration in Kuala Lumpur to exert initially necessary efforts to secure the recognition of, and respect for, South-East Asia as a zone of peace, freedom and neutrality. The intention was to exclude interference by outside Powers and to insulate the region from great-Power rivalry, to eliminate foreign military bases and to prohibit the presence, passage, storage or testing of nuclear weapons or the use or threat of use of such weapons in the area. While the interdiction of nuclear weapons was aimed at the nuclear Powers, it carried with it an obligation on the non-nuclear Powers in the area not to manufacture or acquire control over nuclear weapons. The concept had been approved by the Heads of State or Government of ASEAN at a summit meeting on 23 and 24 February 1976.

14. In a number of resolutions, the General Assembly had stressed the need for establishing nuclear-free zones to prevent the proliferation of nuclear weapons and help to eliminate the danger of a nuclear holocaust. It had recognized the importance of nuclear-free zones in preventing the testing of nuclear weapons in all environments. His delegation was aware of the close relationship between the question of disarmament and the issues now before the Conference and it appreciated the President's admonition on the need to avoid the confusion and duplication that would inevitably result from a discussion of the same issues in different bodies and organs of the United Nations. Nevertheless, the Conference had a mandate from the General Assembly and could not avoid discussing the basic issues relevant to the peaceful uses of ocean space and zones of peace and security.

¹ General Assembly resolution 2749 (XXV).

15. There were obvious lacunae in the negotiating texts being considered by the appropriate committees, precisely because the item under consideration had been reserved for the plenary Conference. While it might be true that the negotiating texts already attempted to regulate what it was conceded might be allowed in the territorial sea, in straits used for international navigation, in the economic zone and on the high seas, they did not exhaust the broad question of what could not be done, and what should not be allowed to be done, in order to preserve the peaceful character and ensure the peaceful use of ocean space. That the convention or conventions on the law of the sea resulting from the deliberations of the Conference ought to contain such clear-cut prohibitions should no longer be in dispute.

16. Zones of peace and security provided the guide-posts, if not the framework, for international legislation to achieve that objective. Such zones did not impinge on disarmament resolutions adopted by the General Assembly, but on the contrary supplemented them, being more specific in nature and more limited in application. At the present stage of disarmament negotiations, which were concerned primarily with the limitation rather than the abolition of both conventional and nuclear arms, zones of peace and security had an important role to play in promoting the prohibition of all weapons of mass destruction. It could not be said, however, that zones of peace and security were so linked to the question of disarmament that they could not stand by themselves or be discussed in connexion with the law of the sea. A reading of General Assembly resolutions endorsing zones of peace and nuclear-free zones in Africa, the Indian Ocean, Latin America, the Middle East, South Asia and the South Pacific would suffice to disprove that allegation.

17. The indifference of actual and potential nuclear Powers to the aspirations and appeals of regional groups concerning the establishment of zones of peace and security in their respective areas of the globe argued for the need to include in a single statute the generally accepted principles applicable to zones of peace and security. The universal membership of the Conference qualified the future convention as the most appropriate instrument to embody uniform and universal principles to govern zones of peace and security. His delegation agreed that a declaration in the form of general articles rather than detailed technical particulars would be sufficient for the purpose of the Conference. It would be more appropriate, however, to include the general articles in the body of the convention rather than in the preamble, so that there would be no mistake as to their legal and binding force. Such a declaration should provide that the primary condition for the use of ocean space should be peaceful use.

18. His delegation agreed that the law of the sea should not prohibit all military activity on the high seas or in the zones of peace and security outside the national jurisdiction of States. In that connexion, the provisions of General Assembly resolution 2832 (XXVI) should be borne in mind.

19. Another article of the declaration should provide for the interdiction of military activity within zones of peace and security by warships, including submarines, and military aircraft for any threat or use of force against any State contrary to the purposes and principles of the Charter of the United Nations. The freedom of the seas should also be subject to at least three other principles embodied in General Assembly resolutions endorsing the establishment of zones of peace and nuclear-free zones as well as in the ASEAN Declaration of 1971. Those principles were the withdrawal of all foreign troops, the elimination of all foreign military or naval bases or installations and the total absence of nuclear weapons in all zones of peace and security.

20. He suggested that the President of the Conference should prepare a preliminary negotiating text, in order to

expedite the proceedings and that he should give consideration to the five principles submitted by the Philippine delegation and whatever suggestions had been or might be made by other delegations on the item.

21. Mr. BAVAND (Iran) noted recent developments in undersea technology, which had been accelerated by changes in the strategic competition between the great Powers and the gradual shift of the arms race from land-based systems to submarine-based systems. Efforts to control the militarization of the ocean had so far met with little success. 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 Thereof² prohibited the deployment of moored nuclear mines and mobile nuclear carriers which could move only in contact with the sea-bed. However, it did not prohibit the temporary stationing of nuclear missile submarines on the sea-bed or the installation of non-mass-destruction devices, such as nuclear-power reactors supporting military underwater stations. The Treaty banned something which did not exist and which, even in the absence of the Treaty, was unlikely to develop; indeed, the Treaty was not likely to limit the military uses of the ocean floor or the deep ocean. It did not restrict the operations of ballistic missile submarines, nor did it prohibit manned military underwater stations and anti-submarine-warfare detection systems. Since it permitted the placement on the sea-bed of facilities serving free-swimming nuclear weapon systems, the Treaty would be no obstacle to the development of a nuclear arms race in the whole of the ocean environment.

22. The Treaty did have, however, political and psychological significance. It had increased concern about the peaceful uses of ocean space and paved the way for more relevant measures in the future. In that connexion, the conference scheduled for 1977 to review the operation of the Treaty had an important role to play. Furthermore, new developments in weapons technology, the strategic arms limitation agreements and the increasing pressure for continued international negotiations on further demilitarization of the sea-bed had increased prospects for future arms control.

23. The United Nations had been concerned since 1968 with the question of reserving the international sea-bed area exclusively for peaceful purposes. Provisions to that end were contained, for instance, in article 8 of Part I of document A/CONF.62/WP.8.³ Article 21 stated that the International Sea-bed Authority was "the organization through which States Parties shall administer the Area, manage its resources and control the activities of the Area in accordance with the provisions of this Convention."

24. Three trends of thought seemed to emerge from the discussions on the peaceful uses of ocean space. Many States had taken the view that "peaceful purposes" meant the prohibition of all military activities, including activities by military personnel, on the sea-bed. Other States interpreted the principle as prohibiting all military activities for offensive purposes, but not, for instance, the use of military means of communication or the use of military personnel for scientific purposes. A third group of States maintained that the test of whether an activity was peaceful was whether it was consistent with the Charter of the United Nations and other obligations of international law. His delegation felt that the question whether the non-civilian aspect of the principle of peaceful purposes was to be considered at the Conference

² General Assembly resolution 2660 (XXV).

³ See *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).

on the Law of the Sea or in other international forums was of secondary importance at the present stage. What was urgently important was the appearance in the convention of an article requiring the consideration of the non-civilian aspect of the principle of peaceful purposes in an appropriate international forum. Furthermore, concerted efforts should be made to review and update the Treaty on the Prohibition of the Emplacement of Nuclear Weapons, with a view to widening the scope of the prohibitions contained in it to cover more weapon systems than merely fixed weapons of mass destruction. He noted that some delegations had already presented a list of conventional weapon systems which they felt should be banned from the sea-bed.

25. The establishment of zones of peace and nuclear-free zones in various oceans should be encouraged. An important step in that direction had been taken with the Declaration of the Indian Ocean as a zone of peace⁴, which reflected the determination of many States to direct the efforts of the United Nations towards the achievement of the fundamental objective of peace and security in a part of the world which constituted a very vital international maritime route. Iran's active participation in the preparation and adoption of the Declaration had been inspired not only by his Government's recognition of the Declaration's relevance to a number of important international issues but also by its importance in the context of Iran's national policy and interests. The measures advocated in the Declaration were fully in accord with the basic principles of the foreign policy of his Government and with its desire to help to make the area an effective zone of peace. From the very outset, however, his Government had emphasized that steps taken by individual States would not by themselves fulfil the aims and objectives of the Declaration. Its effective implementation would also require a number of collective measures to be agreed upon at the regional and international levels. One step in achieving that objective would be for the littoral and hinterland States to maintain a constant exchange of views in order to promote movement towards the implementation of the Declaration.

26. If the principle of the peaceful uses of ocean space was to be effectively upheld, the following factors should be taken into consideration. First, the passage of foreign ships, particularly warships, through territorial waters, including those of straits, should be subject to the principle of innocent passage and conducive to the development of international commerce and communications. Secondly, all foreign military installations should be excluded from the economic zones and continental shelves of the coastal States and any activities in that connexion should be subject to their consent. Thirdly, the convention should include a mandatory article stipulating that the non-civilian aspect of the principle of the peaceful uses of ocean space would be considered in an appropriate international forum. Fourthly, negotiations on further demilitarization of the sea-bed in accordance with article V of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons should begin as soon as possible, and the review conference should closely consider the relationship between the Treaty and the future convention on the international régime for peaceful uses. In that connexion, the International Sea-bed Authority should assume verification responsibilities. Fifthly, one way to lessen suspicion about the offensive purpose of military and scientific research on the sea-bed and the ocean floor might be the internationalization of such research, which could take place under the auspices of the International Sea-bed Authority. Sixthly, the International Sea-bed Authority, in co-operation

with the International Atomic Energy Agency, should regulate and control the dumping of nuclear waste and biological and chemical agents on the sea-bed, with a view to reducing the danger of leakage.

Mr. Arias Schreiber (Peru), Vice-President, took the Chair.

27. Mr. HUSSEN (Somalia) drew attention to the impelling need to reconcile the power of the bigger States with the political independence of the smaller and weaker States. The continuous deployment of missile-bearing nuclear submarines on the high seas threatened world commerce and the sovereignty of nations. It was of the utmost importance to free the oceans from dangerous big-Power rivalries.

28. Unless the high seas could be reserved for peaceful purposes, mankind would face a constant threat to its existence. It was therefore necessary to establish well-defined obligations for all States prohibiting the use of the oceans for non-peaceful purposes, to ensure the use of the international sea-bed area for peaceful purposes only, and to create a nuclear-free ocean space in order to secure international stability and peaceful development in a spirit of co-operation among all nations.

29. Despite the malicious and persistent attempts of certain Powers to misinform the world about the situation in his country, Somalia had fully supported the Declaration of the Indian Ocean as a zone of peace. As in the case of nuclear-free zones, the establishment of the Indian Ocean as a zone of peace depended primarily on the willingness of the great Powers to refrain from imposing their military presence in the area in the context of military rivalry. His Government therefore strongly deplored the actions of those Powers which were bent on expanding their naval bases in the Indian Ocean, especially through the uprooting of indigenous populations, and of those which still clung to colonial Territories in order to establish naval bases and to display their aggressive and militaristic strength in the Indian Ocean. Such activities constituted a threat to the sovereignty, well-being and peaceful development of all States in the area. It was most unfortunate that, in the final stages of decolonization, a number of colonialist and imperialist States were scrambling for a foothold in the Indian Ocean, deporting whole populations or denying self-determination to Non-Self-Governing Territories, so that they could intimidate the independent but weak States in the area.

30. Such events represented clear evidence of a non-peaceful use of ocean space, examples of which abounded, and of the danger that big-Power rivalries in the oceans constituted for developing nations. It was therefore necessary, within a new convention on the law of the sea, to reserve a prominent place for the denuclearization of the oceans, and the establishment of zones of peace in ocean space. His delegation pledged its utmost co-operation in the formulation of provisions on the peaceful uses of the sea-bed.

31. Mr. BAKHTIAR (Pakistan) said the information currently available indicated that veritable mobile arsenals, stocked with the deadliest of weapons, had been placed on and under the high seas. Thus, the utilization of ocean space for warlike purposes threatened the existence of humanity as a whole. Since that area was now regarded as the common heritage of mankind, it was the duty of the international community to eliminate the arms race in the oceans and to turn them into zones of peace. While his delegation welcomed the bilateral action taken by the United States of America and the Soviet Union to control the nuclear arms race in general and to restrict the utilization of the ocean for those purposes in particular, it took the view that those

⁴ General Assembly resolution 2832 (XXVI).

problems should be tackled with the participation of the world community as a whole.

32. To that end, it would seem extremely desirable that a comprehensive scheme, with a time-table, should be devised for the restriction and elimination of the arms race in ocean space. Such restrictions should be in terms both of area and of types of weapons, in accordance with a definite time-table. First, for example, the high seas, particularly the Pacific, Atlantic and Indian Oceans, could be excluded from the testing of nuclear weapons. Simultaneously, the ocean space beyond national jurisdiction around parts of Asia, Africa and Latin America could be declared nuclear-free zones and the installation and deployment of nuclear weapons in those areas could be prohibited under reliable international arrangements—possibly under international conventions. The Indian Ocean in particular could and should be declared a nuclear-free zone without further delay.

33. The Pakistan delegation's proposal, at the twenty-ninth session of the General Assembly, that the Indian Ocean should be declared a nuclear-free zone was in complete harmony with the basic concerns underlying the need to reserve ocean space for peaceful purposes, and his Government was confident that eventually the proposal would be generally accepted. Encouraging efforts were being made to extend zones of peace or nuclear-free zones to various areas of the world.

34. Secondly, all ocean space beyond national jurisdiction could be subjected to restrictions on the deployment of nuclear weapons. While it would be too idealistic to hope that such space could be rendered free of nuclear weapons in the near future, it was entirely conceivable that the zones of peace could be steadily enlarged and restrictions on the type and quantity of nuclear weapons could be expanded. Concurrently, States should base their relations on the principles of the Charter of the United Nations.

35. There was also an urgent need to restrict the use of the ocean floor beyond national jurisdiction to peaceful purposes. New types of submarines and carriers had turned the ocean floor into launching pads for weapons of mass destruction. His delegation welcomed the conclusion of 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 scope of its application should be extended to other weapons of mass destruction.

36. As the ocean space beyond national jurisdiction emerged as a common heritage of mankind, the world community must devise ways to reserve it for peaceful purposes. Where the implementation of commonly agreed plans was concerned, the greater responsibility must rest with those nations which had appropriate technical means and which were, in fact, using that space for non-peaceful purposes. Despite national security considerations, it was the duty of those nations to curtail their own national programmes for the utilization of ocean space for warlike purposes.

37. The most immediate task was to seek measures of nuclear disarmament relating to ocean space. At the same time, however, studies should be undertaken and measures devised to control the conventional arms race in ocean space, despite prospects of slow progress.

38. Another imperative for ensuring peace in the oceans was strict respect for areas under national jurisdiction. The emplacement of installations in the exclusive economic zone came under the jurisdiction of the coastal State and should require its express consent.

39. He would like to emphasize that the discussions and formulations of plans aimed at reserving ocean space for peaceful purposes should not be confined to disarmament negotiations in organs such as the Conference of the Committee on Disarmament, since that question concerned not only the major Powers or a limited number of nations; rather, it should be before the whole international community for constant review.

40. Mr. DRISS (Tunisia) noted that two divergent but not entirely irreconcilable viewpoints had emerged from the discussions. The first was that it would be inappropriate to open a debate on the substance of the problem. On the one hand, it was emphasized that demilitarization of the oceans raised very complex problems which could be resolved only within an existing framework such as the Conference of the Committee on Disarmament, or through machinery still to be established. On the other hand, it was pointed out that, to the extent that the future convention on the law of the sea and the question of the maintenance of international peace and security were linked, the single negotiating text contained a number of provisions which proclaimed the will of the international community to restrict ocean space to peaceful purposes and which were calculated to reassure world public opinion on that point.

41. The opposing view was that the Conference on the Law of the Sea should tackle the problem and incorporate in the future convention the requisite measures aimed at attaining that prime objective. It was argued that the Conference had been given a mandate to deal with the question and that, furthermore, the global nature of the convention necessitated the inclusion of the appropriate provisions. Various constructive proposals had been made to that end. The Conference must seek to reconcile those two points of view in a manner satisfactory to all concerned. It was true that efforts to solve the extremely complex problem of disarmament within the context of the Conference might upset the established order of priorities and might seriously jeopardize the future convention. It was equally true that the Conference would betray its mandate if it did not show its concern to contribute to the solution of that problem and its determination to do its utmost to consolidate international peace and security in ocean space.

42. While a realistic approach was called for, the solution must be a comprehensive one and must be sought with an eye to the long-term future. Realism required that the international community should take cognizance of the current situation and the ratio of forces; the will to secure a better future for mankind required it solemnly to undertake to seek the necessary solutions. Although many provisions in the single negotiating text specifically covered the use of ocean space exclusively for peaceful purposes, they were dispersed among the other provisions and did not highlight the importance of that fundamental objective or the unequivocal will of States to seek its attainment.

43. To assist in reconciling the views on that question, his delegation wished to propose two measures. First, as some speakers had suggested, the preamble of the convention should contain a special paragraph expressing the will of the participants in the Conference to establish friendly and peaceful relations among all States and to place the convention within the framework of the constant efforts of the United Nations for the maintenance and consolidation of international peace and security. Secondly, as a confirmation of the will of the international community to pursue its efforts, the miscellaneous provisions of the convention should include a formal commitment by the signatory States to take the necessary measures to contribute, as speedily as

possible, to the formulation within an appropriate framework of conventions that would guarantee and consolidate international peace and security in ocean space.

44. Such an approach should make it possible to avoid sterile debate and to preserve the future by laying the corner-stone of an edifice to which mankind attached the

greatest importance. It would also contribute, in the short term, to the formulation of the long-awaited convention on the law of the sea.

45. The PRESIDENT announced that the general debate on the item had been concluded.

The meeting rose at 1.30 p.m.

69th meeting

Friday, 7 May 1976, at 11.35 a.m.

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

Organization of work at the next session of the Conference

1. The PRESIDENT pointed out that he had arranged for the circulation of the text of the statement he had made at the 20th meeting of the General Committee concerning the organization of the next session of the Conference. He hoped that delegations would be able to decide now on the date, the venue and the duration of the next session.

2. Mr. UPADHYAY (Nepal), speaking on behalf of the Group of 77, said that the previous day he had stated the position of the Group of 77 concerning the holding of the next session. He pointed out, however, that participation in the many conferences which were being held during the current year required a considerable effort on the part of delegations which formed part of the Group. For that reason, those delegations could not consider any venue for that session of the Conference other than New York, where the missions of most of them had their headquarters. Taking into account the appeal made by the President, those delegations were therefore prepared to participate in the next session of the Conference if it were held in New York. As for the exact date of the session and the organization of its work, he thought that each delegation should give its views individually.

3. Mr. JACHEK (Czechoslovakia), speaking on behalf of the Group of Eastern European countries, confirmed that the delegations in that Group agreed that the next session of the Conference should be held in August in New York, as the President has proposed, since that solution would enable many countries which would be unable to be represented at Geneva to participate in it.

4. Mr. MANNER (Finland), speaking on behalf of the Western European and other States, said that most of the countries for which he was speaking were in favour of the President's proposal.

5. Mr. LEARSON (United States of America) said that his delegation agreed that the next session should be held in New York on the dates proposed.

6. Mr. BAVAND (Iran) said that the Group of Asian States, which shared the views set forth by the Chairman of the Group of 77, also agreed to that solution. He felt, however, that it would be premature to decide on the organization of work at the current stage and that it would be better to wait until the beginning of the next session to do so.

7. The PRESIDENT said it appeared that most delegations were in favour of holding the next session of the Conference in New York, on the dates he had proposed, namely from 2 August to 17 September 1976.

It was so decided.

8. Mr. TÜNCEL (Turkey) said that it was difficult for his delegation to state its views on the proposals submitted by the President regarding the organization of the next session since the text of his statement had not yet arrived.

9. Mr. DRISS (Tunisia) said that it appeared in general that there was agreement not to discuss the question of the organization of work until the beginning of the next session. Between the sessions, the various groups could then study the proposals submitted by the President and any other proposals which might be made. As the representative of Egypt had announced the previous day, the Group of Arab States, which would meet shortly in Tunis, intended to return to the next session of the Conference with specific proposals.

10. Mr. KOZYREV (Union of Soviet Socialist Republics) outlined the position of his delegation on the organization of the work of the next session. His delegation agreed with the President that the four parts of the informal single negotiating text should be consolidated in a unified text. It believed, however, that since the consolidation might affect the contents of the texts, it should be carried out by the President of the Conference in collaboration with the Chairman of the Main Committees who were the authors of the various parts. Thus, there should no longer be any question of revising the revised texts. The Rapporteur-General of the Conference and the Chairman of the Drafting Committee might also perhaps participate in that work. It would be better to wait until the Committees had finished discussing outstanding questions before beginning the work of consolidation. It would also be preferable in theory for the Committees to conclude the discussion of the corresponding parts of the draft text.

11. His delegation also believed that the preparation of the preambular and final clauses of the convention should be carried out under the leadership of the President of the Conference, in collaboration with the Chairman of the Drafting Committee, the Chairman of the Main Committees and the Rapporteur-General. Following the same principle, work on the revised text at the level of the Main Committees could be done collectively by the Chairmen of the Committees in collaboration with the other members of the bureaux of the Committees. That would alleviate the burden placed on the President and would contribute to the success of the work since the bureaux were representative of the Committees as a whole.

12. As to the decision-making process, his delegation was of the opinion that the principle of consensus should be fully observed, in other words that only generally accepted decisions should be taken. If that principle was established, the question of voting should not arise, even if it was only a