

UNITED NATIONS

GENERAL
ASSEMBLY



PROVISIONAL^{*}

GENERAL

A/AC.138/SC.III/SR.42
24 July 1973

ENGLISH

Original: FRENCH



COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR
BEYOND THE LIMITS OF NATIONAL JURISDICTION

SUB-COMMITTEE III

PROVISIONAL SUMMARY RECORD OF THE FORTY-SECOND MEETING^{*/}

held at the Palais des Nations, Geneva,
on Friday, 20 July 1973, at 10.55 a.m.

Chairman: Mr. ZULETA TORRES Colombia

Rapporteur: Mr. IGUCHI Japan

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^{*/} This provisional summary record, together with the corrections to be issued in consolidated form after the session, will constitute the final record of the meeting.

INTERIM REPORT BY WORKING GROUP 2 OF SUB-COMMITTEE III

Mr. VALLARTA (Mexico), speaking in his capacity as Chairman of Working Group 2 of Sub-Committee III, noted with satisfaction that the delegations which had participated in the activities of the Working Group on Marine Pollution and of the unofficial Drafting Group had shown a remarkable spirit of conciliation, thanks to which the Working Group had been able to make satisfactory progress. It had approved a draft article on international co-operation at the regional and international levels, which dealt both with the establishment of standards and procedures and with the efforts needed for reaching agreement concerning the scientific data on which those standards and procedures should rest. It had also settled by common agreement the question of co-operation in cases of emergency, which was essentially of a regional nature. A point of disagreement had arisen in that respect but, by adopting a satisfactory procedure, the Working Group had found a solution which held out hope that it would be possible to surmount the difficulty either before or during the Conference. The Working Group had also succeeded in reviewing an article on technical assistance. With the help of the Secretariat, the Chair had been able to review the comparative table with the object of inserting those proposals which had been officially presented.

The CHAIRMAN congratulated the Working Group on the efforts it had made to achieve a positive result.

PREVENTION OF MARINE POLLUTION FROM SHIPS

Mr. LEGAULT (Canada) recalled that his delegation had on a number of occasions pointed out that the draft IMCO Convention for the Prevention of Pollution from Ships raised basic issues relating to the law of the sea which were of vital concern to the Committee. In March 1973, therefore, it had presented a working paper (A/AC.138/SC.III/L.37) with a view to drawing the Committee's attention to those issues in order to ensure full co-ordination between the work of the United Nations Conference on the Law of the Sea and the IMCO Conference on Marine Pollution, to be held in London in October 1973.

His delegation had now submitted an addendum (A/AC.138/SC.III/L.37/Add.1) to that document, containing proposals for redrafting articles 4, 5, 6 and 8 of the draft IMCO Convention and dealing essentially with the enforcement of the Convention and the residual right of coastal States to adopt and enforce special measures for the prevention of ship-generated pollution in waters within their jurisdiction.

Draft article 4(1) of his delegation's proposed amendments posited the obligation of flag-States to implement and enforce the Convention with regard to their own vessels. In his delegation's view, however, flag-States were not in a position to carry out that obligation adequately and the rôle of coastal States in the enforcement of internationally-agreed rules should be strengthened. For that reason article 4(2) of the Canadian proposals stated that when a violation of the provisions of the Convention by a foreign ship occurred within waters under the jurisdiction of a contracting State, that State should be free to prosecute the ship directly or call upon the flag-State to do so.

Draft article 4(3) stipulated that contracting States might prosecute vessels which had violated the provisions of the Convention when such vessels entered their ports or off-shore terminals. That proposal should ensure more effective implementation of international rules to prevent marine pollution from ships, since it constituted a recognition of the general interest of the international community as a whole in the preservation of the marine environment.

In both draft articles 4(2) and 4(4), his delegation had employed the neutral phrase "waters under the jurisdiction", since the precise definition of the limits of the jurisdiction of coastal States for taking measures to prevent pollution of the ocean was one of the most controversial issues the Conference would have to solve. It would therefore be wrong for the IMCO Conference to attempt to reach conclusions which might prejudice issues to be considered by the Conference on the Law of the Sea.

Draft article 5 of his country's proposals dealt with the right of coastal States to inspect foreign vessels in their ports or in waters under their jurisdiction. Draft article 6 repeated a proposal already contained in the draft IMCO text, which should permit the effective implementation of a universal system of international standards for the prevention of ship-generated pollution.

No delegation was more eager than his own to promote the establishment of sound and effective international standards to prevent marine pollution, but he was doubtful whether such standards could ever be perfect, since there were bound to be circumstances and problems for which universal or even regional rules would not have provided. Consequently, the IMCO Convention should not derogate from the existing right of coastal States to take, in waters under their jurisdiction, special measures to prevent marine pollution. That was a fundamental right of all States. None the less, draft article 8(2) of the Canadian proposed amendment stated that any measures taken by the coastal State must remain within the strict limits of the Convention and must not be discriminatory in their application.

Some delegations had criticized what they termed the "unilateralism" allegedly sanctioned by the Canadian proposal concerning the residual right to be enjoyed by the coastal State. Those delegations would have provided for a unilateral right on the part of flag-States to adopt special measures for the prevention of ship-generated pollution. Admittedly, the unilateral action favoured by those States would be confined to adopting standards higher than those internationally approved. But who would determine the value of those standards? His delegation was not against the proposal, but simply wished to point out that its acceptance involved an element of trust and good faith, as did the Canadian proposal concerning the residual right of coastal States. It should be remembered that the interests of a ship-owner or even a flag-State might not coincide with those of a coastal State.

The purpose of his delegation's proposed amendments was not only to ensure co-ordination between the work of the IMCO Conference and the Conference on the Law of the Sea, but also to achieve the necessary balance between the interests of the flag-States and those of the international community in the preservation of the marine environment. They took no account, however, of the United States proposal to give IMCO exclusive authority to regulate pollution from vessels, since that proposal was not reflected in the draft IMCO Convention. For the time being, he did not wish to expound his delegation's position with regard to that proposal, though his country would find it difficult to accept it if the intention was to introduce a system of exclusive international standards which would bar any residual prescriptive competence for coastal States to adopt special measures in waters under their jurisdiction. The elevation of IMCO to the rank of an environmental standard-setting agency would seem to go hand in hand with the draft articles on marine pollution presented by the United States. There were many constructive elements in those draft articles, particularly the recognition of new kinds of rights of intervention by coastal States to protect their environment. However, the draft did not seem to assure a rational balance between the preservation of freedom of navigation and the preservation of the marine environment; it should give greater emphasis to the latter objective if it was to prove more generally acceptable.

It was relevant to ask whether the proposed new functions of IMCO were compatible with its present structure and constitution. IMCO was primarily concerned with navigation and the technical rules for the exercise of freedom of navigation. Its structure and constitution might therefore have to be completely revised to enable it to assume a rôle in the protection of the marine environment. The mere creation of a new Marine Environment Protection Committee within IMCO would not necessarily change that body's basic orientation. Questions regarding IMCO's structure and constitution would call for the closest study if it was desired to avoid the continuation of a system whereby some international rules and standards for the prevention of marine pollution could be described as rules and standards drawn up and enforced by the flag-States alone. As the Maltese representative had so eloquently pointed out a few days earlier, the United States proposal concerning a new environmental protection rôle for IMCO was not one of interest to IMCO alone; it also concerned the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, the United Nations Environment Programme, the Economic and Social Council and many other bodies. It was a matter requiring inter-agency consultations. Accordingly, IMCO should not take a final decision on that proposal at its October Conference and should avoid presenting the United Nations system with a fait accompli.

His delegation hoped that the proposals presented in document A/AC.138/SC.III/L.37/Add.1 would be studied by the members of the Committee, and that all the delegations participating in the IMCO Conference in October 1973 would include experts on the law of the sea familiar with the work of the Committee and prepared to discuss the legal and institutional issues involved.

The CHAIRMAN reminded the Sub-Committee that questions concerning the work of other organizations should be considered exclusively within the working groups.

SCIENTIFIC RESEARCH

Mr. McKERNAN (United States of America) said that throughout the negotiations which had been held within the Committee, his delegation had steadily emphasized the contribution made by scientific research to mankind's knowledge not only of the marine environment but also of the earth in general. The Committee therefore had an obligation towards unborn generations to ensure that mankind might continue to benefit from new discoveries.

The question of scientific research in the seas required an accommodation of the interests of the international community and the coastal State. Ideally, scientists should be free to carry out scientific research in the seas without restriction, but on the other hand the rights and interests of coastal States must be protected. In the draft articles submitted by the United States delegation, there was a reasonable balance of those interests designed to encourage continued research in the marine environment.

Article 1 affirmed the importance of scientific research for the protection and rational and effective use of the sea. States should therefore promote and facilitate scientific research for the greater benefit of the international community. The article also enunciated the principle that all States, irrespective of their geographical situation, as well as the competent international organizations, might engage in the conduct of scientific research while respecting the rights and interests of the international community and coastal States, and in particular the interests and needs of the developing countries.

Article 3 required that scientific research be conducted with strict and adequate safeguards for the protection of the marine environment. At the present time, much of the knowledge derived from scientific research was being used to protect the ecology of the oceans, and there was universal agreement that more knowledge was necessary to enable man to understand better the effects of his actions upon the ocean space. Scientists also recognized that their research must be conducted in a manner calculated to avoid adverse effects on the ecology of the oceans. In the opinion of his delegation, States whose nationals conducted research had an obligation to ensure that such research complied with all applicable international environmental standards.

Article 5 was based on paragraph 10 of the Declaration of Principles adopted by the General Assembly in 1971. It called upon all States to promote international co-operation in scientific research. Bilateral and multilateral programmes of co-operation constituted one of the most effective means of disseminating knowledge and increasing mutual understanding of problems and needs. The United States had actively supported many international programmes of that type. Mention might be made in particular of the International Indian Ocean Expedition, undertaken under the auspices of UNESCO and IOC, and the deep-sea drilling carried out by the Glomar Challenger. Under the latter programme, the United States was actively encouraging other countries to participate in research and in the analysis of

samples, and was disseminating the results of that research to interested scientists, irrespective of nationality. The United States Government and a number of United States academic institutions were conducting bilateral programmes in co-operation with many countries in Africa, Latin America, Asia and other regions. Another means of disseminating the knowledge derived from scientific research was the publication of research programmes through international organizations such as the World Data Centres, FAO programmes and the Intergovernmental Oceanographic Commission of UNESCO. By broadening such programmes, it would be possible to ensure that the international community benefited from scientific research.

With regard to the developing countries, he had already stated in August 1972 that the United States was willing to support multilateral efforts to enable those countries to interpret and use scientific data for their own benefit, to broaden their knowledge in the field of marine scientific research, and to obtain equipment for such research. His delegation reaffirmed its willingness to consider specific proposals in that respect. He hoped that such proposals would be made during the debate on the transfer of research technology. It would also be useful to establish regional centres for training in marine science. International machinery could be established to assist the developing countries in assessing for their own interests the implications of research data and results. The United States had proposed that the flag-State of research vessels should be required to assist the coastal State in interpreting data and results when scientific research was conducted in areas beyond the territorial sea, where the coastal State exercised jurisdiction over sea-bed resources and coastal fisheries. The United States intended to continue its efforts to achieve co-operation in that sphere, and article 5 was intended to provide a basis for expanded international co-operation.

In proposing article 6, the United States delegation had endeavoured to take account of the coastal State's rights and interests in the territorial sea - rights and interests which had long been recognized in international law. It had also sought to ensure that the coastal State should for its part facilitate scientific research in its territorial sea by such means as co-operation in the loading of supplies and equipment, the shipment of data and samples to laboratories, and general support for the research programme under conditions compatible with the exercise of its full sovereignty.

Article 7 concerned scientific research conducted in areas beyond the territorial sea where the coastal State exercised jurisdiction over sea-bed resources and fisheries. The proposals formulated so far tended to regard those areas as rather broad. It was therefore essential that scientific research should be permitted in them, but to that end the draft article set forth seven obligations incumbent on the State of which the research worker was a national. Firstly, the coastal State must receive in advance detailed notification, including a description of the research project enabling it to consider its possible participation. The coastal State would then inform the notifying State of the extent to which it intended to participate, either directly or through an international organization. It might be possible to establish a mechanism by means of which States could turn to an international organization for assistance when participating in a research project. Furthermore, all data and samples desired by the coastal State should be supplied to it, either while the research vessel was still in the vicinity of that State, or later when the necessary laboratory work had been completed. The United States proposal would also oblige the flag-State to assist the coastal State in assessing the implications of the data and results in the light of the latter's interests. In the same article, it was also proposed that the flag-State should certify that the research was being conducted by a qualified institution for purely scientific purposes. Research workers should be required to publish any significant results obtained and to send a copy of the publication to the coastal State. Only by such means could the knowledge obtained truly benefit all mankind. Finally, research vessels should comply with all relevant international environmental standards.

Article 8 provided for the compulsory settlement of disputes relating to the interpretation or application of the preceding provisions. The coastal State would thus, in particular, have a means of ensuring that the various obligations listed in article 7 were duly complied with. As his delegation had already indicated, the United States would be unable to concur in many of the proposals that had been made in Sub-Committee III unless a system for the compulsory settlement of disputes was adopted.

Some of the draft articles which his delegation had proposed might require further elaboration, and he hoped that they would give rise to a fruitful discussion.

Mr. KATEKA (United Republic of Tanzania), commenting on the United States draft articles on the protection of the marine environment (A/AC.138/SC.III/L.40), noted that that text reserved few powers to the coastal State, as opposed to the International Authority which was accorded competence to set standards which the coastal State itself would have to enforce. Moreover, it was the Authority which would be responsible for establishing the standards governing the activities conducted under the jurisdiction of the coastal State. The latter was accorded certain powers in order to protect itself against any serious shipping accidents that might occur off its coasts, against violations of the international standards, and against the non-observance of such standards by vessels flying the flag of another State. His delegation would not agree to give the international Authority responsibility for setting standards which would have to be enforced by the coastal State.

That proposal was illogical, since it was inconceivable that the coastal State should be so casual as not to adopt measures of its own to protect itself against pollution. When the international community suffered damage in the form of pollution, it was unthinkable that the coastal State should be held responsible for it. The international standards should apply exclusively to the international area. Similarly with regard to pollution caused by shipping, the United States proposed only international standards, an approach which was unacceptable to his delegation unless the coastal State was at the same time given a certain competence to ensure implementation of measures to protect itself against such damage in the territorial waters under its jurisdiction. In that connexion, he drew attention to the OAU Declaration on the Law of the Sea, and in particular to its clauses on pollution questions, which called for coastal States to be given the right to promulgate and to ensure the implementation in their economic area of regulations for the prevention of pollution.

With regard to the proposal submitted to the Council of IMCO in June for the establishment of a committee on the protection of the marine environment responsible for questions relating to pollution by shipping, his delegation shared the concern expressed by other delegations; that proposal raised procedural and substantive difficulties, since it amounted to a modification of the competence of IMCO. The proposed committee would have considerable powers, and it was difficult to see how States could raise objections to the regulations which that committee might adopt.

The United States proposed that disputes should be settled in accordance with compulsory settlement procedures, a system to which his delegation was strongly opposed. He drew attention to the ineffectiveness of the International Court of Justice in that respect and advocated settlement by arbitration, a system which had been successfully used by African countries on two recent occasions. A compulsory settlement procedure would be acceptable only if the major Powers modified the position which they had adopted thus far.

The parties primarily responsible for pollution were the very industrialized States which sought to impose uniform or absolute international standards. The only valid basis for negotiation was a determination to establish a balance between national and international interests.

DEVELOPMENT AND TRANSFER OF TECHNOLOGY

Miss MARTIN-SANE (France) wondered whether, when the transfer of technology was added to the terms of reference of the Working Group on Scientific Research in April 1973, the complexity of that new task had been fully appreciated. In order to understand the nature of that task, her delegation would like to know exactly what was meant by transfer of technology, how that transfer was to be achieved and what problems it raised, what were the kinds of technology the Sub-Committee was to deal with and how the preparation of the draft articles was to be envisaged.

The transfer of technology included factors of initiation, training and co-operation. It concerned all States, but at present the developing countries needed it most. For some time, the question of the transfer of technology had been studied by various organizations within the United Nations system, such as UNESCO, FAO, UNCTAD, etc. On that subject, she mentioned in particular the work of the Inter-Governmental Oceanographic Commission of UNESCO regarding training, education and mutual assistance in the field of science and technology. France was taking an active part in the work of that Commission, which had adopted in Paris in March 1973 certain recommendations concerning in particular the needs of developing countries in personnel and in scientific and technical equipment, the compilation of handbooks on training institutes and experts, on the use of UNDP funds for an enlarged training programme, and other matters.

France considered the development of training and education as the main means for the transfer of technology. Listing France's efforts in that field, she

mentioned the Seminar on Population Dynamics and Appraisal of Different Species of Fish, organized with the help of FAO, now being held at the Centre océanographique of Brest: many research workers from developing countries were taking part in that seminar. Furthermore France had made a contribution of FF 100,000 to the reserve fund of IOC and that sum would be used for training and education, to enable nationals of developing countries in particular to join survey ships on scientific expeditions. That contribution would be increased next year to FF 120,000.

It went without saying that the transfer of technology also required equipment. It was necessary to supply such equipment to beneficiary countries and to train the technicians in its use and maintenance, for instance, by setting up instrumentation centres. In that regard, she mentioned the work of the Office de recherche scientifique et technique (Scientific and Technical Research Board) which had established research institutes in several countries in Africa and in Madagascar.

Scientific and technical personnel should also be trained in data processing and use. In that connexion, she emphasized the importance of the lectures organized at Washington by the National Oceanographic Data Centre, from which a great many students from both developing and developed countries had benefited. She hoped that the French counterpart of that centre would follow the example when it had a large enough staff.

The transfer of technology should be viewed in the context of a global strategy and medium or long-term plans should be worked out, providing in particular for the necessary technical assistance and the services of experts.

To perform useful work, the Sub-Committee should only deal with the technology of scientific research and leave aside industrial and commercial technology, which raised very sensitive problems regarding patents. In most cases, those patents were the property of private companies over which governments had little control. On the contrary, there were few instruments or means of research which were at present protected by patents.

Lastly she wondered how treaty articles on the transfer of technology would be worked out in an outline convention. It seemed to her that the answer would be to formulate general provisions on the need to foster the transfer of scientific research technology and that there was no need at present to go any further; the Sub-Committee should leave to specialized bodies the task of dealing with detailed arrangements.

Mr. PARDO (Malta) said that in order to contribute usefully to the discussions on the transfer of technology, his delegation must explain what it understood by the term "technology", since it feared that various delegations might use different definitions when jointly preparing draft articles. His delegation understood technology to mean the practical application of scientific discoveries for the achievement of goals appropriate to society - military, economic and social. That application could take place not only in precise sciences such as physics, but also in the social sciences. Thus, under that definition, the application of the fundamental principles of State or business administration would be included under technology.

In that wide sense technology was of vital importance and no State could survive without it. There were many examples in history of social groups losing their independence or even ceasing to exist, because their technology was markedly inferior to that of other groups. Furthermore, the introduction of new technology always caused social changes, generally difficult in character - there were also examples of that in history. Today, the phenomenon could be observed on a large scale: modern medical technology was an indirect cause of the population explosion; the introduction of new agricultural technologies had been an important factor in the exodus from the countryside; and so forth. In spite of those difficulties, any State, if it was to survive, must maintain its technology at a sufficiently high level in relation to those societies with which it was in contact - and today that meant the whole world. That was the dilemma which all States faced, to a greater or lesser extent.

His comments were especially relevant to the marine environment and ocean space. The orderly exploitation of the resources of the seas and oceans would certainly have a tremendous impact on the world economic system; but in that context, those States which were at present placed at a technical disadvantage were in danger of suffering a worsening of their handicaps. The "injection" of technology into disadvantaged countries was not enough to solve that problem: the transfer of technology involved a whole economic, social and political process.

He then referred to the decision taken in March by the Committee that Sub-committee III would consider item 14 of the list of subjects and issues, "development and transfer of technology". At that same session, Sub-committee III had decided to refer to the Working Group on Scientific Research the fourth sub-item under that heading, "transfer of technology to developing countries". He considered that decision as regrettable, for all the sub-items of item 14 should be considered

together. It was now difficult to determine exactly what the Sub-committee should deal with: the technology of the exploration and exploitation of the sea-bed? the technology of all activities conducted on the sea-bed? or the technology which enabled man to use the ocean space? He was not sure whether the fact that the sub-item of item 14 in question had been turned over to the Working Group on Scientific Research meant that it was interested only in technology as related to scientific research.

Lastly, a certain number of organizations within the United Nations system were already considering the transfer of technology. Consideration of the subject by the Sub-committee would serve a useful purpose only if it was based on new concepts, in particular on the concept of institutions dealing with all aspects of the ocean space beyond national jurisdiction, and enjoying an independent source of income.

His delegation was of the opinion that the Sub-committee, in order to accomplish a worthwhile task, should either set up a distinct Working Group to deal with the four sub-items of item 14 of the list of subjects and issues, or reserve consideration of that item to plenary meetings.

Accordingly his delegation would like to have guidance concerning the precise nature of the subject to be discussed.

The CHAIRMAN assured the representative of Malta that due account would be taken of the questions which he had just raised.

Mr. REPETTO (Chile) said that in his delegation's view, the transfer of technology could not be neglected in the preparatory work for the Conference on the Law of the Sea. A developing country such as Chile, which was vitally dependent on the ocean, was very well aware of the fact that scientific and technological know-how was the basis of the economic prosperity of certain peoples and that others, being deprived of it, were doomed to dependence and underdevelopment with all the resultant economic and social consequences.

The sea, with the immense potential resources concealed in its waters, its bed and its subsoil, offered the under-developed countries a genuine opportunity of escaping from their condition. They had, however, to acquire the necessary technology, especially through transfers. There were three major aspects of such transfers for the developing countries, that of coastal resources (offshore fisheries and the

resources of the continental shelf), that of the fishing resources of the adjacent area, and that of mineral resources. With respect to the exploitation of coastal resources, it should be remembered that the coastal State had the right to dispose of the resources of the sea adjacent to its coasts and that it needed technology in order to become conversant with those resources, whether piscine or mineral. As for fisheries in the adjacent area, it was a notable fact that, since his country and Peru had extended their maritime areas to 200 nautical miles, they had multiplied their catches by 20 and by 200 respectively. The fishing technology to be transferred concerned the assessment of the living resources and the techniques for increasing catches. Lastly, in respect of the mineral resources of the continental shelf and the abyssal depths, the transfer of technology comprised assessment of the available wealth, participation, and the training of experts to explore that wealth.

Chile's experience in respect of the transfer of technology had not been conspicuously positive, and hers was not an isolated case. The cost of such transfer was generally well above the price officially stated, and studies carried out on the penetration of foreign capital into Chile had revealed the extent to which the transfer of technology remained under the control of foreign capital. The best example was the copper industry, which used an advanced technology but the profits from which did not benefit the country. Fortunately, that situation had been changed.

The chief obstacles encountered by the developing countries in their search for the coveted technology took the form of export restrictions, sale of technology in the form of participation in capital - thus enabling international enterprises to obtain increased control over the national economy - discrimination with respect to the purchasers of licences (some paid more than others), limitation of the licensee's choice of suppliers, excessive length of contracts, and so forth. Consequently, if the transfer of technology was to lead to effective assistance to the recipient countries, it would have to be established on a new basis and action would be required to ensure respect for decisions taken by developing countries concerning the process selected to guarantee their independence.

In that connexion, his delegation recalled a proposal made to the Economic and Social Council that an oceanographic data centre be established to assist the developing countries and extend their knowledge of the sea, especially by the grant of technical assistance for the development of fisheries. For its part, his Government favoured the establishment of a marine technical assistance bureau within the framework of the United Nations. The international machinery envisaged in General Assembly resolution 2749 (XXVI) should be given the technical assistance it would need to explore the sea-bed and ocean floor beyond national jurisdiction - the common heritage of mankind - and to exploit its resources. With respect to the waters in the extra-jurisdictional area, provision should be made, as in the ten-year programme established by the Intergovernmental Oceanographic Commission of UNESCO, for the sharing of oceanographic knowledge and for a greater participation by the developing countries.

Further to the transfer of technology, his delegation thought that consideration should be given to the proposals put forward in the light of resolution TD/L.69 of the Third United Nations Conference on Trade and Development and, more particularly, to the revision of international agreements on patents and licences. Similarly, it would be impossible to ignore the effect of restrictive trade practices on the development process, which depended on the transfer of technology. A general convention promulgating legislation in that field would be justified. Of the ideas put forward by other delegations, the Chilean Government supported the proposal to allocate, through international organizations, a proportion of the resources that the developed countries earmarked for scientific and technical research for the establishment of special centres in the developing countries. It also endorsed the idea of encouraging the exchange of experts and experience, and of promoting technical co-operation in general. It thought that the ideal solution would be to declare scientific and technical progress the heritage of all mankind, thereby undoubtedly facilitating the process of technology transfer. His delegation reserved the right to make a further statement on that subject.

Mr. McKERNAN (United States of America) said that his Government regarded the transfer of the technical knowledge necessary to profit from scientific research as a two-stage process. In the first stage, developing countries should receive assistance in interpreting data about marine areas of concern to them in a manner favourable to their interests. In the second stage, means would be devised to enable all countries not only to interpret the data for themselves, but also to engage in scientific research in the marine environment. The United States had already submitted proposals to the Sea-Bed Committee in 1970. In 1971, his delegation had announced that its Government was willing, in principle, to commit funds to support multilateral efforts by all appropriate international agencies to create and enlarge the ability of developing States to interpret and use data for their economic benefit and other purposes; to augment their expertise in the field of research; and to obtain scientific research equipment. That offer still held good.

At the same time, his delegation had invited other countries to make concrete proposals to further the idea of sharing technical knowledge in the area of scientific research. Assistance in the interpretation of data could be very valuable, and article 24 of the draft sea-bed treaty submitted by the United States included a commitment by States to support international co-operation in marine science, in accordance with General Assembly resolution 2749 (XXVI). His Government thought that to put such co-operation into effect, a mechanism should be established within an appropriate international organization whereby a coastal State could seek assistance in interpreting data and samples obtained from scientific research conducted in areas where the said State exercised jurisdiction over sea-bed resources and fisheries. In such a case, the State should have a right to participate or be represented in the research and to have access to the data and samples obtained. With respect to the interpretation of data, the coastal State should be in a position to receive assistance from an international or regional organization participating in the scientific research on its behalf. The coastal State could thus determine its priorities for the benefit of the scientists taking part in the project on its behalf and could then obtain assistance from the organization to analyse the data.

That proposal called for some reservations: not all scientific research projects generated data with immediate relevance to the coastal State, and the data might emerge in a form that could not be used for more than one purpose. In that connexion, the assistance of the proposed international or regional organization would be helpful in determining the immediate relevance of the data for the coastal State. In addition, assistance with respect to the interpretation of data and participation in research appeared to constitute a satisfactory interim solution until the coastal State acquired the ability to interpret the data itself, as a result of specialized education and training in marine sciences.

Such marine education and training should not be provided exclusively in the developed countries but also in the country or region most directly affected, so as to ensure that the training reflected the priorities, interests and needs of the developing States. Regional centres might be set up, as proposed by his delegation in its draft treaty. For such centres to function effectively, there would have to be a commitment by the developed and developing user countries to bear the cost.

To conclude, his delegation would state that it was in the interests of science and of mankind to support efforts to increase the scientific and technical capabilities of the developing countries. An idea by a single scientist could give the impulse for a major scientific and technical breakthrough. The transfer of marine scientific research capability was thus directly linked with an increase in knowledge and with the potential contribution of marine science to the international community. His Government was in favour of broad discussions on such issues with a view to finding prompt and effective means of achieving those objectives.

The meeting rose at 1.0 p.m.