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

PROVISIONAL SUMMARY RECORD OF THE ONE HUNDREDTH MEETING*/

held at the Palais des Nations, Geneva,
on Monday, 13 August 1973, at 11 a.m.

Chairman:	Mr. AMERASINGHE	Sri Lanka
Rapporteur:	Mr. VELLA	Malta

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N.B. Participants wishing to submit corrections to this provisional summary record are requested to submit them in writing, preferably on a copy of the record itself, to the Official Records Editing Section, Room E.4121, Palais des Nations, Geneva, within three working days of receiving the provisional record in their working language.

*/ 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.

PROGRESS REPORTS ON THE WORK OF THE SUB-COMMITTEES

Mr. ENGO (Cameroon), Chairman of Sub-Committee I, said that as the deadline for the completion of the Sub-Committee's work had been set at 17 August, Working Group I had redoubled its efforts to complete its task within the time-limit and to submit its report to the Sub-Committee on 16 August. The Sub-Committee had encountered many procedural difficulties and he requested all its members to participate actively in the work of the Group, in order to enable those difficulties to be resolved on an informal basis, if possible, and to prevent the need for a discussion in the Sub-Committee.

Mr. KEDADI (Tunisia) reported on the work of Sub-Committee II and on the results achieved by the Working Group of the Whole, of which he was Chairman. During the previous week, Sub-Committee II had held two meetings, in the course of which some 20 representatives had made statements in which they had made clear the position of their respective Governments and submitted further specific proposals. At the last meeting, the discussion had been centred mainly on the question of straits. There were still 22 speakers on the list, which had been closed, and the Sub-Committee intended to hold six meetings the following week, the first three to be devoted to the consideration of proposals to be submitted by delegations and the remaining three to an examination of the Sub-Committee's report.

He had already summarized the work of the Working Group of the Whole on several occasions, both in the plenary Committee (see documents A/AC.138/SR.93 and 95) and in Sub-Committee II (see documents A/AC.138/SC.II/SR.57, 62, 65 and 71). Since delegations had two valuable working tools in the form of the tentative comparative table of proposals, declarations, working papers etc., relating to subjects and issues allocated to Sub-Committee II (SC.II/WG/Paper No.4) and the summary comparative table on the territorial sea and closely related questions, in particular the question of straits and that of archipelagos (SC.II/WG/Paper No.5), the efforts of the Working Group of the Whole had been directed primarily towards the subjects and issues appearing in the list adopted by the Committee at its session in the summer of 1972. At the present stage of the work, considerable progress could be still made and, on the basis of two comparative tables, delegations were endeavouring, item

by item and article by article, to give their proposals concrete and specific form in order to facilitate negotiations whether now or in the future. Thanks to a pragmatic and flexible working method, the Group had already examined some fifty draft articles, relating in particular to the nature of the territorial sea (item 2.1), the delimitation of the territorial sea (item 2.3.1), the breadth of the territorial sea and the limits of the economic zone (items 2.3.2 and 6.5), innocent passage (item 2.4), and over 100 variants had been submitted by delegations with a view to the preparation of draft articles on those various items. Such progress was all the more praiseworthy, in that the large number of problems which the Working Group had been requested to examine were closely linked to very complex and delicate questions of national sovereignty, peace and security, progress and development, regional co-operation and international solidarity, and even the survival of a State or a people. The Chairman of Sub-Committee II and he himself, as Chairman of the Working Group of the Whole, had also taken the initiative - which seemed to have already borne fruit - of requesting delegations which had submitted a great number of variants in respect of a single article to reduce them by common agreement to a reasonable figure. Lastly, during the previous week, two informal meetings had been held on the question of fishing, and other consultations would be organized if the delegations concerned thought it useful.

The report of the Working Group of the Whole should raise no major drafting difficulties, since it would be based on texts and specific draft articles in which delegations had expressed the position of their respective Governments. Therefore, the Working Group's report would be brief and objective and, without affecting the final drafting of the report of Sub-Committee II, the Working Group of the Whole should be given the time which it still needed to complete its work.

Mr. van der ESSEN (Belgium) said that Sub-Committee III, of which he was Chairman, had held one meeting on Friday, 10 August, during which it had heard an observer from the International Atomic Energy Agency (IAEA), who had given it very useful information on the Agency's activities in respect of pollution, and the Secretary of the Intergovernmental Oceanographic Commission, who had reported on the Commission's work in the field of scientific research. During the same meeting, the Rapporteur of the Sub-Committee had indicated the way in which he envisaged the drafting of the report; in spite of his appeal, however, several delegations had expressed the desire to see included in the report a summary of the general debate which had taken place on scientific research and the transfer of technology.

During the previous week, the major part of the work had been carried out in Working Groups. Working Group 2 on pollution, presided over by Mr. Vallarta, the representative of Mexico, had made much progress; it had prepared six working documents, adopted drafts on regional and international co-operation in the field of pollution and a text concerning technical assistance in pollution matters and especially the question of monitoring and warning systems. It had also reached provisional agreement on the suspension of the States' activities, which was related to the question of the liability of States in pollution matters. The informal drafting group had taken up that question and had reached agreement on the criteria to be applied in order to determine whether a State had met its obligations. In addition, it was studying the very delicate and controversial question of standards in the field of pollution.

Working Group 3 on scientific research and the transfer of technology, presided over by Mr. Olszowka, the representative of Poland, had also made substantial progress. The informal drafting group had prepared variants of draft articles on the question of the right to undertake marine scientific research and on the promotion of co-operation in scientific research. It had also examined the question of the rights and obligations of coastal States, giving special attention to the problems of consent and participation, and it hoped to prepare draft articles on the subject. Nevertheless, it should be stressed that the problems relating to the extent of the jurisdiction of coastal States, which had not all been resolved in Sub-Committee III, constituted an obstacle to the preparation of joint articles on scientific research.

ORGANIZATION OF WORK

The CHAIRMAN reminded the Committee of the decision that the working groups should complete their work by 15 August, on the understanding that they would still be able, if necessary, to meet after that date. The Sub-Committees should therefore consider the possibility of mentioning in their reports the discussions which might take place in the Working Groups after 15 August. The Sub-Committees should consider their reports starting on Thursday, 16 August, and the plenary Committee would consider its own report beginning on Tuesday, 21 August.

Given that time-table, he was concerned to learn that twenty-two representatives were still scheduled to speak in Sub-Committee II. In his opinion, it was time to close the general debate and undertake a detailed examination of draft articles. He wondered whether the Sub-Committees which still had much work to do might not concentrate their efforts on a small number of important subjects and issues with a view to formulating specific proposals. The Working Groups should not, in his opinion, try to do all the Conference's work for it, but should concentrate on identifying the main subjects and on presenting variants; it might also be desirable to envisage the establishment of small groups of five to ten persons to deal specifically with those subjects.

Mr. ARIAS-SCHREIBER (Peru) noted that the Working Group of Sub-Committee II was meeting on an informal basis, without summary records, and that the Sub-Committee had had to hold additional meetings in order to enable some delegations to submit drafts formally. His own delegation, for example, still had to submit a draft on fisheries to the Sub-Committee.

In his opinion, the task of the Committee was to propose to the Conference draft articles on the various items in the agreed list of subjects and issues, which implied the preparation of a single text of a draft convention or, if that was not possible, of variants of draft articles. It was clear that Sub-Committee II had completed only a small part of its task, having examined only five of the twenty subjects entrusted to it. That was explained both by the fact that it had first had to approve the list of subjects, which had delayed its work, and by the complexity of those subjects. His delegation thought that, in any case, it was for the General Assembly to decide whether in the final analysis the work of the preparatory Committee was sufficiently advanced to enable the Santiago Conference to be held on the scheduled date, and that the Committee should merely adhere to the provisions of General Assembly resolution 2750 C (XXV) and submit recommendations to the Assembly. The purpose of the Conference was not, in his opinion, to complete the work of the Committee; the Committee had to present to the Conference texts which would enable it to carry out its work successfully. He would therefore welcome some clarification concerning the Chairman's suggestions that the Committee should limit itself to submitting variants to the Conference and that small groups of five to ten persons should be established; in his opinion, such groups could not take the place of the Working Group of the Whole for the preparation of draft articles.

The CHAIRMAN said that when he had spoken of closing the general debate in the Sub-Committee, he had not been thinking of the submission of new texts by delegations and that his suggestion to set up small groups of five to ten persons was merely designed to speed up the work, without preventing delegations from expressing their views. None the less, if Sub-Committee II had so far considered only five of the 20 issues referred to it, it was hard to see how it would be able to complete its work within the prescribed time; consequently, it might perhaps be better to concentrate on four or five essential issues if it was impossible to submit texts and draft articles on all the topics. However that might be, the decision was one for the Sub-Committee itself.

With regard to the plenary Committee's report to the General Assembly, the form and content of which should now be decided on, the important thing was that it should reflect the terms of reference given the Committee by the General Assembly in paragraphs 2 and 6 of its resolution 2750 C(XXV). The texts to be submitted to the General Assembly by the Committee would therefore be draft treaty articles and an agreed list of subjects and questions; that list had already been adopted by the Committee and approved by the General Assembly, and would be the backbone of the agenda of the Conference on the Law of the Sea. With regard to the draft texts, the idea had been contemplated of grouping them according to the order of the subjects adopted in establishing the list, but on reflection it seemed more logical to present them on the basis of the distribution of topics between the different sub-committees. The background of the Committee's work would be outlined in an introduction and the report would end with a statement of the Committee's recommendations to the General Assembly. Consequently, the Committee's report would differ from its predecessors in that its main purpose would be, in accordance with resolution 2750 C(XXV), to propose draft treaty articles to the General Assembly, and not, as before, a summary of the views expressed by delegations. The report by the plenary Committee would contain in an annex the reports of the sub-committees, an index to the summary records, a list of the documents before each sub-committee and a list of the statements made.

Mr. ARIAS SCHREIBER (Peru) felt that the Committee's report should not just have the reports of the sub-committees annexed to it, but should also give an account of the sub-committees' discussions, since otherwise it would be of little use either to the General Assembly or to those countries which had not attended the meetings. It was not enough to indicate which questions had been considered; the manner in which they had been considered was also important.

Mr. JAYAKUMAR (Singapore) said that, for the sake of brevity and to facilitate the adoption of the report, he agreed with the Chairman's suggestion that the report of the plenary Committee should not record the views expressed in the sub-committees. Should it be decided to include a summary of those views, however, his delegation reserved the right to offer suggestions with a view to facilitating the establishment and adoption of the summary.

GENERAL STATEMENTS

Mr. MOORE (United States of America) said that if it was to be widely accepted, the new treaty on the law of the sea would have to protect freedom of navigation and other non-resource uses. His delegation was prepared to accept broad economic jurisdiction by the coastal State in adjacent waters and sea-bed areas beyond the territorial sea, but wished to re-emphasize the importance of protecting navigational and other non-resource uses. Care should be taken not to interfere with free access to the oceans and other navigational rights by jurisdiction which, though not explicitly aimed at those rights, might indirectly restrict them. For instance, if coastal State jurisdiction over pollution included general jurisdiction over pollution from vessels, the community interest in rights of navigation could be seriously damaged.

All States needed free access to the oceans. Coastal States usually took such access for granted and thought of it as a problem only for land-locked States. But many coastal States might find themselves faced with the same problem unless care was taken to separate economic jurisdiction from jurisdiction affecting navigational rights and other non-resource uses. Under a régime recognizing some form of economic jurisdiction in an area as far seaward as 200 nautical miles, 61 coastal States would have no access beyond their own area of jurisdiction to any ocean on which they faced except through the economic area of one or more neighbouring States; they might then be termed totally "zone-locked" States. Five other coastal States would be partially zone-locked in that they would be completely cut off from access to one of the oceans on which they faced except through the economic area of one or more neighbouring States. And at least six land-locked countries would become partially zone-locked in that the State or States on which they were dependent for normal maritime access would themselves be zone-locked. There were potentially zone-locked States in all geographic regions: six in the Americas, 11 in Asia and Oceania, 17 in Europe and 27 in the Middle East and Africa. They were particularly concentrated among continental South-East Asian States, African States with

short coastlines, States bordering on the Caribbean, shelf-locked States, the Baltic Sea States, North-West European States and the Red Sea and Persian Gulf States. In other words, more than half of the 90 members of the Sea-bed Committee were potentially zone-locked.

The problem illustrated very clearly the danger to the common interest - and particularly to coastal States - if an expansion of economic jurisdiction was accompanied by an expansion of jurisdiction capable of affecting navigation. If, for example, jurisdiction for the protection of the marine environment were extended generally to pollution from vessels, all seaborne commerce and other maritime traffic to and from zone-locked States could, in effect, be subject to the control of another State. Whether or not the judgment of those neighbouring States was always related to environmental concerns, it would not necessarily reflect the interests of the zone-locked State. Nor would such jurisdiction permit the zone-locked State to participate in decisions affecting its ocean lifeline. For zone-locked States, that loss of control would extend to all ocean shipping and other maritime transit to or from their countries, not just to their flag vessels or vessels owned by their nationals. Reliance on bilateral solutions would be a frail reed for so important an interest.

National jurisdiction extending to pollution from vessels within a 200-mile zone could result in restrictions on navigation which would apply to over one-third of the total area of the world's oceans. Jurisdiction over such pollution zones would, to be effective, need to include authority to promulgate detailed regulations concerning vessel construction and operation. Such regulations might even include detailed enforcement régimes permitting forfeiture of ship and cargo under certain circumstances.

The threat to zone-locked States was only the most obvious indication of the importance of fully protecting navigational freedoms in an over-all agreement on the law of the sea. Whether coastal or land-locked, all States would be affected by expanded unilateral jurisdiction capable of affecting navigational freedoms. The major shipping routes of the world passed within 200 miles of many different coastal States. Thus it would not be uncommon for a vessel to pass through the zones of 10 to 15 States on one voyage. Moreover, since many vessels were designed for a wide variety of shipping routes, during their productive lives they would be potentially subject to the jurisdiction of as many as 120 coastal States.

The cost of an effective international system for the control of vessel-source pollution was not burdensome; however, the cost resulting from a welter of conflicting national measures might well be great. It should be emphasized that exporting and importing nations, as well as maritime States, would bear those unnecessary costs, which would be passed on in the form of increases in the cost of shipping or a slowing down of international trade. The United States had a clear interest in avoiding such unnecessary costs, as did all exporting and importing countries. The impact on developing countries heavily dependent on exports, however, could be particularly severe.

A new agreement on the law of the sea would, of course, have to protect the environmental and other needs of coastal States as well as of the international community as a whole. If the choice were between effective environmental protection and pollution jurisdiction by the coastal State capable of impeding the access of a majority of coastal States to the oceans, it would be a difficult one. Fortunately, both environmental and navigational considerations militated in favour of international as opposed to piecemeal solutions to the problem of pollution from vessels; a piecemeal solution was not appropriate to the nature of the problem, since vessels moved through all parts of the marine environment and their discharges were widely dispersed by winds and currents. Furthermore, the threat to the common interest suggested the importance of fully preserving freedom of navigation and other non-resource uses in any extension of the coastal State's economic jurisdiction. By maintaining a clear distinction between those economic issues on the one hand, and other non-resource issues on the other, the chances of achieving a widely accepted treaty on the law of the sea would be enhanced.

Mr. JAYAKUMAR (Singapore) reminded the Committee that at its 96th meeting, his delegation had referred briefly to the report by the Secretary-General entitled "Economic significance, in terms of sea-bed mineral resources, of the various limits proposed for international jurisdiction" (A/AC.138/87) and had said that it intended to revert to the matter. After studying that document more closely, his delegation wished to express its satisfaction with the work done by the Secretariat. Singapore was among the many unfortunate countries which would be unable to benefit from any extension of national jurisdiction and had always emphasized the concept of the common heritage of mankind. It had advocated that the area and the resources belonging to

mankind under the common heritage concept should include areas of the sea-bed which could be exploitable in the immediate future. The extent of the international zone and of the common heritage was, of course, dependent on the limit for national jurisdiction to be agreed upon at the forthcoming conference, and the Secretary-General's report would enable delegations to consider the issue on a more rational and objective basis. The report stated that, of the four limit-figures considered (the 200-metre or 3,000-metre isobaths for the depth criterion, and limits of 40 or 200 nautical miles for the distance criterion), the 200 nautical miles limit would leave the least area for the common herigate, the most favourable one being 40 nautical miles. Admittedly, it was not the extent of the area per se which mattered, but rather the resources it might contain; it was none the less true, however, that the wider the international area the greater would be its resource potential.

Of the mineral resources to be found in the sea-bed and its sub-soil, hydrocarbons appeared to be the most valuable and immediately exploitable; the report stated that depth and distance imposed severe limitations for the petroleum industry. He quoted from the report certain conclusions regarding the percentages of the total resources which would become the common heritage of mankind depending on the limits established for national jurisdiction, and noted that the 3,000-metre isobath limit would leave for the common heritage only 7 per cent of the total hydrocarbon resources (page 36).

Technology was not yet sufficiently developed as to permit the exploitation of hydrocarbons at great depths and, even if it were, the costs involved would be too high to enable exploitation to be contemplated for a long time to come. Although deep-water drilling techniques might perhaps offer no major difficulty, completion and production operations at great depths still raised many technical and economic problems (page 16). Moreover, the costs of exploration increased very rapidly with the increasing depth of water and the economic possibilities of developing off-shore fields, particularly in the case of natural gas, also depended on the distance from the coast since there were no viable means of transport to shore installations other than pipelines (page 17). The report by the Secretary-General showed, therefore, that neither the limit of 200 nautical miles nor the 3,000-metre isobath would leave the international area with any significant hydrocarbon resources to be shared among mankind. On the other hand, the 200-metre isobath or the limit of 40 nautical miles would permit the delimitation of an international area reasonably rich in immediately exploitable hydrocarbon resources.

With regard to manganese nodules considered as mineral resources and not as reserves, it had been confirmed that they were found mainly in the deep ocean floor well outside the limits proposed for national jurisdiction. However, that was of little solace since the economic potential of those nodules was still very much in doubt. The average grade of the nodules was still unknown, although information published by enterprises which were studying the matter suggested that the first generation of mines would be based on nodules having an average of at least 1.2 per cent nickel and from 0.8 to 1.0 per cent copper. From table 3 on page 21 of the report, it appeared, despite the Secretary-General's reservations regarding the information contained therein, that the prospects for exploiting nodules in the various oceans were not very encouraging owing to the low nickel and copper content found in them.

In conclusion, his delegation wished to express its concern about the implications involved if limits of 200 nautical miles or the 3,000-metre isobath were adopted as the limit for national jurisdiction. Such an extension of natural jurisdiction would leave very few resources for the common heritage area; that would be a negation of the Declaration of Principles governing the Sea-Bed and the Ocean Floor, and the efforts of Sub-Committee I to formulate draft articles establishing international machinery would have been in vain.

Mr. ANDERSON (Iceland) said that while, in his view, the Committee had made progress, its report might give the contrary impression and might cause the General Assembly to conclude that the Santiago Conference should be postponed for lack of sufficient preparation. His delegation considered that all that was required to remedy the situation was for Sub-Committee II to submit consolidated texts, with alternatives, for the territorial sea and the exclusive economic zone. It appeared that a meeting of sponsors had already succeeded in greatly reducing the number of texts on the nature and characteristics of the territorial sea; efforts should be continued with regard to other aspects of the question. There was substantial agreement, for example, on a maximum breadth of 12 nautical miles for the territorial sea and it might be possible to find a formula to safeguard the interests of the few countries which considered that limit insufficient. The 12-mile limit was closely linked to the idea of an exclusive economic zone of up to 200 miles and to the question of the rights of coastal States with regard to the sea-bed of the continental shelf

beyond 200 miles. The fact that the economic zone concept was supported by a large number of countries throughout the world made it extremely important to produce a consolidated text.

His delegation therefore appealed for more time to be given to consultations and for the number of formal meetings to be reduced. Only through informal consultations would it be possible to reduce the number of divergent proposals. The question of whether a further preparatory meeting would be required to attend to the final details and polish up the texts of certain alternatives was one for the General Assembly. But that procedure should not delay the Conference, which could be held in Santiago as scheduled.

It was known that dangerous conflicts, which even involved warships, were taking place in certain maritime zones. Further delay in the preparatory work for the Conference would be entirely inexcusable. His delegation appealed to the Committee to redouble its efforts to clarify the situation and to harmonize the various texts on the territorial sea and the economic zone.

Miss MARTIN-SANE (France) said that she would like to reserve her Government's position on the United States proposal for a new classification of zone-locked and non-zone-locked States. It was for each Government to determine which category its country was in. In view of the concavity of its coastline, France might be among the zone-locked States.

Mr. CASTANEDA (Mexico) said that he fully supported the Icelandic representative's comments. The representative of Peru had expressed doubts about whether the Conference could be held on the date proposed. While the Committee's formal meetings had failed to produce satisfactory results, promising informal efforts were being made and important consultations were taking place. A number of countries were negotiating with a view to producing a single text on the territorial sea, the economic zone and related questions. Efforts to reconcile opposing views were being made by a small group of countries which supported the basic idea of the economic zone. The group was a representative one, including countries in all parts of the world. If those countries reached agreement, others might join them and their number might thus grow. Only if such efforts were unsuccessful could there be any question of postponing the date of the Conference. He had great hopes, however, that an informal document representing a single position would be submitted. That position would be an interim one which could facilitate the work of the Conference while not finally committing the Governments which subscribed to it.

The Committee still had two weeks at its disposal. Since a large number of delegations considered the informal meetings to be promising, he would like to know whether more time could not be devoted to them in the hope of producing results.

Mr. HARRY (Australia) agreed with the Icelandic and Mexican representatives' comments. The progress achieved should not be underestimated and the adoption of any method which might hamper further progress should be avoided.

He was concerned at the United States proposal to introduce a new category of zone-locked countries whose interests might be prejudiced by the efforts of coastal States to prevent pollution. Since 100 per cent of its external trade was carried by sea, Australia was obviously interested in maintaining freedom of navigation and would have no desire to increase the cost of sea transport. It considered, however, that coastal States should have the right to enforce internationally agreed standards and to take any necessary steps to protect themselves against pollution, although abuse should obviously be prevented and any threat to the free movement of merchant ships avoided. In its proposals on the protection of the marine environment, Australia had stressed that coastal States should have the right to take reasonable steps to control activities within a broad area adjacent to their coasts and that any dispute which might arise in that connexion should be brought before an international judicial body. The recognized right of a coastal State would constitute no threat to freedom of navigation in those circumstances.

Mr. ZULETA (Colombia) said that he fully supported the observations of the Icelandic and Mexican representatives and hoped that the Chairman would take the necessary steps for the informal negotiations to continue.

The CHAIRMAN said that since the work programme had been drawn up in consultation with the chairmen of the sub-committees, they were responsible for taking the necessary decisions to speed up the progress of their work. He would therefore have to leave the matter to them and to the judgment of the members of their committees.

Mr. BEESLEY (Canada) said that he shared the views of the Icelandic and Mexican representatives on the procedure to be followed. Despite the many difficulties to be overcome, there was no cause for pessimism. Progress had undeniably been made, particularly on such questions as the territorial sea and the economic zone. That was encouraging, because, in his delegation's view, the success or failure of the Conference would depend on the extent to which those ideas were accepted.

A large number of delegations now supported the idea that the coastal State had the right to exercise a certain jurisdiction over the living and non-renewable resources of the economic zone, i.e. over fisheries and the resources of the sea-bed, and that they also had certain rights in the question of pollution and scientific research. It was also to be noted that States were increasingly recognizing the need to take other countries' interests into account.

He shared the Australian representative's view that it was necessary to recognize, and try to reconcile, the rights and responsibilities of all States, whether coastal or flag States, and that to recognize those rights and responsibilities was no threat to freedom of navigation. All States were interdependent. They should therefore apply the principle of reciprocity and show good faith. The difficulty of defining the functions of the Authority, for example, was one of the results of the interdependence of problems.

The Santiago Conference should take place whether or not the Committee had completed its work. An attempt should be made to reconcile the various views in the informal negotiations at present taking place. The work was proceeding well and efforts in that direction should be continued with a view to ensuring a large measure of success for the Santiago Conference.

Mr. ARIAS-SCHREIBER (Peru) said that he had been surprised at the United States delegation's proposal on zone-locked States. The proposal amounted to an ingenious device for opposing the adoption of the 200-mile limit and for presenting the exclusive economic zone as a closed circle from which the activities of other countries and all international co-operation would be excluded. That was a false interpretation of the economic zone concept. The proposal deserved no consideration.

As could be seen from the report of the Secretary-General on the economic significance, in terms of sea-bed mineral resources, of the various limits proposed for national jurisdiction (A/AC.138/87), if the 200-mile limit was not adopted, the economic zone would obviously be at the mercy of a very small number of Powers. The 200-mile limit would permit the utilization of the biological and mineral resources of the economic zone by most countries, and particularly by the poorer countries. His delegation intended to submit a draft on fisheries.

He had great sympathy for the efforts being made to reconcile divergent positions and hoped that the negotiations would be successful. He regretted the fact, however, that many delegations had spoken in favour of a kind of global political solution which involved a large number of unknown factors. That was not in line with the Committee's terms of reference, which were to draw up draft articles on the law of the sea. The Committee should use all its available time in trying to accomplish its proper task.

Mr. ZEGERS (Chile) said that the discussion had shown that it would be premature to discuss whether or not the Conference should be postponed. As he had said in an earlier statement, Chile was ready to welcome the Conference on the agreed date. He supported the delegations which had asked for a little more time to hold unofficial consultations, which were extremely important.

The delegations which had spoken during the debate had agreed that the jurisdiction of the coastal State should be extended to the 200-mile limit and that that position could be the basis for an international solution; they had also stated their willingness to discuss the various existing drafts and to negotiate in order to try to reconcile the different points of view. His delegation was among those which considered that the coastal State should have rights with regard to pollution control.

It was therefore encouraging to note that many delegations could support that international solution. The Committee should accordingly give a new impetus to its work and the delegations which wanted to continue consultations should be given the opportunity to do so.

Mr. MAHMOOD (Pakistan) did not agree with the representative of Singapore, who, with reference to the Secretary-General's report (A/AC.138/87), had said that the establishment of the 200-mile limit would deprive the international zone of almost all the hydrocarbon resources, which would be a denial of the idea of the common heritage of mankind. That was not so; the establishment of an exclusive economic zone should in fact make it possible to keep the benefits to be derived from the zone's resources for the coastal States, in other words the majority of the international community.

STATEMENT BY THE DEPUTY EXECUTIVE DIRECTOR OF THE UNITED NATIONS ENVIRONMENT PROGRAMME

Mr. TOLBA (Deputy Executive Director, United Nations Environment Programme) said that UNEP had been following the negotiations of the Committee with great interest and wished the Third Conference on the Law of the Sea every success. The Conference would be of vital importance to all mankind because it would create a legal régime for the protection of the marine environment and the rational management of the oceans, which covered 70 per cent of the earth's surface.

UNEP had been created by General Assembly resolution 2997 (XXVII), upon the recommendation of the United Nations Conference on the Human Environment held at Stockholm in June 1972. In that resolution, the General Assembly had emphasized that the problems of the environment constituted a new and important area for international co-operation and that the complexity and inter-dependence of such problems required new approaches. The primary mandate of UNEP was to serve as co-ordinator of United Nations activities in the field of the protection of the environment. The Programme had a Governing Council of 58 member States elected by the General Assembly, a secretariat headed by an Executive Director and an Environment Fund constituted by voluntary contributions, which had reached some $100 million for the first five years. The first session of the Governing Council had been held in Geneva two months earlier and the second session would take place in March 1974 at the new UNEP headquarters at Nairobi.

At its first session, the Governing Council had decided to make it its goal to detect and prevent serious threats to the health of the oceans through controlling both ocean-based and land-based sources of pollution, and to ensure the continuing vitality of marine stocks. With that objective in mind, the Governing Council had further decided that action should be started by the Executive Director in the following areas: first, to carry out objective assessments of problems affecting the marine environment and its living resources in specific bodies of water; second, to develop a programme for the monitoring of marine pollution and its effect on marine ecosystems; third, to stimulate international and regional agreements for the control of all forms of pollution of the marine environment; fourth, to prepare a survey of the activities of international and regional organizations dealing with the conservation and management of the living resources of the oceans; fifth, to assist nations in identifying and controlling land-based sources of pollution.

That list of topics was not exhaustive and UNEP greatly hoped that its responsibility for co-ordinating United Nations activities in the field of the protection of the marine environment would be recognized by the forthcoming Conference on the Law of the Sea.

UNEP considered that the Conference and Convention on the Law of the Sea should have a two-fold objective with regard to the environment: to develop a legal régime for the peaceful uses of the oceans, including the exploration and exploitation of ocean resources, and to develop a legal régime for the protection of the marine environment. In order to achieve those objectives, existing international law would have to be re-examined and re-adjusted. At present, there existed no treaty provision explicitly laying down the general responsibility of States to protect the marine environment, although some Conventions represented specific applications of that fundamental principle. The Committee had before it a number of proposals which might serve as the basis for the development of an effective régime for protecting the marine environment.

UNEP believed that any legal régime for the exploitation and management of ocean resources should be based on a firm commitment to preserve the health of the marine environment and protect its resources. It also considered that the Convention should strengthen the legal basis for the development of the law of State responsibility for environmental damage and of compensation for the victims of pollution and other environmental damage. It should also establish adequate international prescriptive competence, including authoritative development of international minimum standards with respect to vessel-based ocean pollution. As to pollution from land-based sources, a start should be made in formulating policies and recommendations for future action. The broad legal mandate of UNEP and the absence of any other international institution specifically concerned with land-based sources of pollution required UNEP to assume a leading role in that area. Finally, viable and effective means of implementation must be developed.

UNEP was at present developing various international co-operation programmes on the oceans. A brief outline of those programmes might help to clarify the possible role which UNEP could play in supporting the Committee's efforts to develop a legal régime of the oceans.

UNEP's ocean programme comprised assessment, management and support activities. The objective of the assessment activities was to improve man's knowledge about the physical, chemical and biological state of the oceans and their ecosystems. Management activities aimed at the establishment of environmentally sound planning and management of ocean living resources. Marine pollution programmes included pollution monitoring, scientific assessment, control of land-based sources of marine pollution and the promotion of regional and international agreements on the prevention and control of all forms of marine pollution.

Scientific assessment efforts were directed not so much towards the initiation of new basic research but rather towards the co-ordination of existing or planned international marine assessment programmes. Special efforts were made to monitor methods and techniques for harmonizing data.

The programmes on the control of land-based sources of marine pollution included continuous scientific review of harmful chemical and other substances, collection of data and statistics on the production, transport, uses and disposal of dangerous pollutants, identification of significant industrial sources, assessment of river inputs into the oceans and development of international guidelines and criteria for the control of dangerous pollutants.

An important aspect of UNEP's activities in that area was the promotion and development of international and regional agreements for the control of all forms of marine pollution. Therefore, close co-operation with the forthcoming Conference on the Law of the Sea and the IMCO Marine Pollution Conference was one of the most urgent priorities.

UNEP also intended to co-operate with groups of coastal States in their regional efforts to develop scientific guidelines for the control of marine pollution. With regard to the conservation and management of living resources, its present programmes included studies on the harmful effects of pollutants and guidelines for the management of ocean resources and the conservation of aquatic mammals.

In view of the broad mandate given to UNEP by the General Assembly, it would certainly take an active interest in the Conference on the Law of the Sea. UNEP would therefore do its utmost to support the Committee's efforts to ensure the success of the Conference.

The meeting rose at 1.30 p.m.