

Dr. _____ (woman) with heavy accent

Sasaki

Since I only attended one day of the symposium, on the 3rd of October, I appreciate that the Chairman was considerate enough to give me some time to express my views.

Listening to the reports given thus far, I could very well hear the discussions and deliberations in the sessions. And it was very helpful. When we read the Single Negotiating Text in regard to the freedom of ocean ^{resources} ~~resources~~ in regard to Article I, there is a very good principle established but in the latter half, the good principle sometimes seems to disintegrate into various thoughts involving various contradictions and difficulties, and it is that we do not want those contradictions to obscure our efforts. One of the solutions to that problem is the establishment of some kind of committee with adequate authority and pur vie. And have that committee make the scientific judgments. We emphasize the necessity for the establishment of that kind of ad hoc committee. But in establishing that committee, the membership should be adequately scrutinized, otherwise that committee would not have the chance to be effective. And in the Single Negotiating Text, it was pointed out that seven or eight members may be recommended who are on the list of IOC (Intergovernmental Oceanographic Commission). IOC should be retained in its present form . for some time.

I would say the other members outside of IOC should be recommended to the members of the internationally recognized organization related to the ocean so that the committee would be constituted of as many people as possible

of varied background so that this issue of scientific research could be adequately taken up in a committee of adequate authority.

As was pointed out, once polluted, it is very difficult to restore the ocean environment. And if a mistake in the management is committed it will harm the common heritage of the entire of humanity. Of course, there are various issues involved in this matter, so there should be inter-disciplinary approaches to this, but at the same time, I feel that the scientific consultation would be provided to the adequate extent.

Lord Caradon

I am very grateful for being allowed to say a word on behalf of those attending this remarkable conference. I have already explained that I have not, like most of you, followed each step of these complicated procedures as the subject has unfolded over the years. I was there at the beginning on that great day when the resolution was thus passed unanimously in the General Assembly and I have followed since then as well as I can, what has taken place, and this evening there are only three general comments I would make to you: One is perhaps natural for someone who has not done the work. I have been enormously impressed, sometimes almost appalled by the amount of detail which has rightly to be considered. When we voted for the original resolution, I do not think we knew that we should be led into such a labyrinth of detailed definition of the seas. There is obviously a task for a master or superdraftsman to take the work which has been done and bring it down to an exercise which is acceptable and understandable. Otherwise there is the great danger that we may go on increasingly bogged down in extending detail and never come to the surface again. It is just obvious, I am sure, to all of us, and more obvious to those who have been not so closely involved, and I myself as I say here, have not been following this in depth, that this is a token observation.

The second point is a simple one, which I should like to emphasize to you again. It is the international interest. We have, have we not, seen in the last two decades a tremendous advance of practical international effective action. The work of the World Bank, and the work of the United Nations

Development Program, ^{and,} following the environment conference, the establishment under the dynamic leadership of Maurice Strong, ^{of} the United Nations Environment Program. And then the work being done over the years, ~~of which I am a very great admirer, of Raephael~~ _____ in the United Nations Fund for Population Activities, which has greatly increased since the population conference in Bucharest. In all the international discussions taking place in the great distances of the world, some thing has emerged in the sense of a common international endeavor which has changed the whole prospect for the uses of the world. And now we come to a subject which is surely most susceptible ~~of~~ to international action, indeed, all the subjects of race, poverty, population, and the sea, perhaps most of all, cry out for international action, and the danger is going to complexities. And I am sorry to say, owing to the narrowness of national interests, that in this great subject we may not see an effective authority emerge with the power not only to staff but also to expand its activities in the future. We should constantly bear in mind that however we work, whatever we have done, that there should in the end be an international authority capable of exercising on behalf of us all ^{with} the care and the constructive effort which is so vitally necessary. All these things are obvious to you, I am sure, but to someone who comes from other interests and activities, it may be worthwhile stating them here.

Lastly, as far as I am concerned, I have the very pleasant duty of referring to those who have given us leadership in this conference and before. And to pay my respects to them and also of course, on behalf of all of us, to say how enormously grateful we are to our hosts and the Club of Rome for the way which we have been received. None of us can possibly forget the magnificent surroundings

and background of our discussion, with the brilliant exposition for which we have been able to see just a little, and all of us, I am sure have been able to appreciate what is a very remarkable effort of the sea in presenting the sea to the world. There could not have been a better display. We could not have been received more kindly and we could not go back to our own countries with more rejoicing in the happiness of your generous reception.

Perhaps you will permit me on behalf of the representatives of this conference, to say a word about our own leadership. Of my friend Ambassador Pardo I knew that he made the initial effort. He gave us the original inspiration. But what has struck me in this is that he has not been content with that. In every detail he has given his mind - to every question he has brought a thoughtful approach. He never wished to push us too far in the direction that he may have decided himself is the right direction, but always has been prepared to put this question fairly to us. Sometimes, I admit there was a suggestion of how we might solve the question which he explained. I think that he has given since the year 1967, when the first vote took place, he has made a continuous constructive contribution. I think some of you know the strange tribal customs of the English is that we sometimes take people and send them to the House of Lords. This we do and we give them strange titles. Usually indicating where the main contribution ~~ix~~ was directed. We may come to a time when we may hear of the Baron Pardo or _____.

We share the vision they have seen, he is the Baron, she is the Queen, with their example, may we find the way to work for all mankind.

Address at the Opening
of
the International Symposium on Ocean

by Tetsuya Senga, Managing Director, Keidanren

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Mr. Chairman, distinguished guests, ladies and gentlemen:

It is a great honor and privilege for me to address a distinguished audience such as this.

I am very pleased that the 6th International Conference of the International Ocean Institute meets here in Okinawa to coincide with the International Ocean Exposition currently under way. Let me extend a most cordial welcome to those of you who have come from abroad and congratulate Mrs. Borgese and those of you from the Institute on the excellent work you have done in organizing this symposium.

I had the pleasure of attending the 1st symposium held in Malta in 1970. My observations on the Malta meeting can be summarized as follows:

In the first place, there was a growing world-wide recognition that resources deposited in the deep sea bed are a common heritage of mankind. In the second place, the necessity to work out a solution to ocean pollution was assuming greater importance as vital to the survival of mankind. In the third place, how to deal with jurisdiction over fishing operations came up as a major topic of discussion.

"Peaceful uses and development of the ocean" must apply to all domains of the ocean, not to mention the resources in the deep sea bed. This is an inevitable and irreversible trend of the times.

The ocean is often compared to a hidden treasure house. It has in store many fields still veiled in mystery. How to utilize the ocean for peaceful purposes and how to ensure a harmonious development of the ocean are a task for us and for the generations who come after us. In other words, it is a task for all mankind.

The United Nations Conference on Law of the Sea has been deliberating on the subject with a view to establishing in this spirit a new order of the ocean. The discussions at the Caracas and Geneva conferences have centered on matters of importance such as territorial waters, international straits, economic zones, development of deep sea bed mineral resources, ocean pollution, scientific studies and surveys. Every one of these topics is a complex problem.

Because of this complexity, the complication and conflict of national interests, the meetings failed to produce tangible results, the only exception being a single negotiating text proposed by the Chairman of the Geneva Conference toward the close of it.

Literally a draft, the text does not necessarily represent the demands and views of the parties concerned. As such, it will have to be substantiated through further discussions and consultation. Nevertheless, this marks a significant step forward. It is expected that this will have an important bearing upon the outcome of the New York conference scheduled in March next year.

Law of the sea designed to provide a legal framework for a new international order of the ocean is currently in the making at the United Nations. In connection with this, I would like to make a few suggestions.

The first concerns the proposed economic zone. Until substance is imparted based on the consensus of world opinions, no country should make any unilateral declaration and effectuation of such a zone by resorting to a one-sided interpretation to suit its own convenience.

Mrs. Borgese once pointed out aptly that problems of the ocean are destined to create a stir. I am in full agreement with her. There is a possibility that an action of a given country can lead to a chain reaction among other countries. If such a situation is produced, the deliberation on law of the sea will not serve its purpose.

My second suggestion calls for thorough discussions of these many problems of common concern at private international forums in the full view of the world audience, in parallel with government level meetings. The International Symposium on the Ocean which opened today will have an important role to play in this sense. It is my sincere hope that the meeting will prove a great success as in the past.

Thank you very much.

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Mr. Harlan Cleveland

I think that all of us who have touched this subject, and I like Lord Caradon have not followed all of its turns and twists, must be struck by the fact that so many nations have on so many parts of this problem, persisted in what any reasonable independent observer must see as being against their own interest. This is certainly true, for example, of the enormous emphasis that has been placed in the United Nations by most countries on the sovereignty of natural resources when even a cursory glance at what is likely to be found over the next few decades on land and at sea reveals that most of what will be found will be found in the large, most of them already rich countries, and not in the small mostly poor countries. And yet somehow this determination to have the rich nations get richer by having sovereignty over their natural resources persists in international debate. Another striking example was of course the rejection of the 1970 United States proposal for revenue sharing on the Continental Margin and beyond. So I guess the prejudice which I am sure that all the people in this room share, is prejudice for a more international way of handling these resources, which will be more widely shared as national leaders and international leaders do their homework about their own interests.

The condition in which the Law of the Sea discussions now find themselves does not give us very much hope. In these conferences, there emerges a quazi-rational way of handling the enormous complexity of a comprehensive treaty. A failure here is destined to produce nothing more than a heavily bracketed draft of a new treaty. And as things stand, a failure, or continued

stalemate in these negotiations could result, and may well result, in an essentially nationalistic international ocean regime, the 'grab' that Elizabeth Borgese has written about. The question I would like to raise is: Is the only fallback from a failure of Caracas and beyond a national regime, an every nation for itself concept. I should like to suggest another fallback, that is, to take the largest ocean, the one with the most potential resources, and the one with the least history of things being done wrong already with it, the Pacific Ocean, and build around the Pacific, with the countries of the Pacific and of the Pacific Rim, a kind of experiment station of demonstration farm of what ought to be done globally when the nations globally get around to it. In other words, to set-up the kind of licensing, monitoring, management regulating scientific research and development and environmental function in a continuing conference, for specific resources. We could try to do on a regional basis what may well not get done if we insist in moving at the global level with so little political consent as there is, at least as of today.

I am submitting to Elizabeth Borgese a paper which will give in detail the reasoning of this suggestion, and the kind of functions that a continuing conference might perform.

Elizabeth Mann Borgese

Let me express the hope that our grubby and typhoon-battered appearance is not symbolic for the state of the Law of the Sea. There would be so much I would want to say about the impressions we have heard both here and in Okinawa, Ocean Expo, and the hospitality we have enjoyed, and the many things we have learned, but I prefer not to say them at this hour.

Words cannot convey the gratefulness that we have. Our special thanks go to the Government of Japan, to the Prime Minister, to the Foreign Ministry, to Ocean Expo, to TBS-Britannica, and to the Club of Rome, for all they have done to make this possible. Thank you, and see you again.

Mr. Chairman, Ladies and Gentlemen, it has fallen to my lot to make a report on the assessment of the work of the United Nations Conference on the Law of the Sea, which was considered during three sessions of our recent Pacem in Maribus VI meeting in Okinawa. I am afraid because of shortage of time and various difficulties, the report will be very inadequate, and will not reflect all the views presented. It is in fact very difficult to give a complete idea of the range of this discussion which took place. However I will do my best to make a very few points. As you all know, the law of the sea conference is divided into three main committees: Committee I which deals with the establishment of international machinery for the sea bed beyond national jurisdiction; Committee II which deals with a wide range of problems relating to the law of the sea, particularly problems relating to national jurisdictional limits and the rights and duties of states within those limits in the problems of the high seas; and finally Committee III which deals with the important questions of scientific research ^{questions of the environment} ~~especially in the environment~~ and transfer of technology. # Ambassador Engo Chairman of the First Committee of the Law of the Sea Conference introduced the subject matter of his committee to us. He pointed out the enormity and complex nature of the work of his committee and some of the difficulties encountered. The subsequent discussion covered a wide range of points both of a general and specific nature. Among the more important points which ^{was} ~~was~~ made was one which perhaps had some fundamental importance, that because of the apparent law of the sea conference recognition of coastal

Subtitle:
Committee I

state claims to submarine areas beyond ~~their~~ 200 nautical miles ^{from} so flexibly defined as ~~state~~ ^{straight} base lines, international authority which has been created that would in fact control relatively modest resources and/even significant deposits of ^{abyssal} manganese nodules would come within national jurisdiction.

Under these circumstances, it was the opinion of some participants, that the authority would be unable ^{effectively} to perform several of its proposed functions, and that consequently the institutional machinery discussed at ~~this~~ ^{the} Conference

^{on the Law of the Sea} could be considered perhaps ^{excessively} ~~expensively~~ complex and costly. According to this view, the Law of the Sea Conference either had to accept ^{the} the proposed

~~the~~ International Authority would perform functions of only comparatively modest

significance, with consequent drastic pruning of the arrangements proposed, or must revise its approach by bringing within the scope of international authority a substantial resource base, either by trying to bring within the scope of its authority the living resources of the waters beyond national jurisdiction or by attempting to merge the concept of the legality of the continental shelf with that of the ^{exclusive} ~~group~~ of economic

^{Zone} ~~zone~~. ^{is} There is also considerable discussion of the issues debated at the Law of the Sea Conference, particularly on the question of who had ^s title to the International Sea Bed area, and who ^{may} ~~might~~ exploit this area.

Some emphasis was also placed on the need for more precise definition of the concept and ^{modalities} ~~legalities~~ of revenue sharing. Some participants warned that it was important not to create a ^{na} super-national authority, and that the institutional machinery should be simple and its scope limited exclusively to resources of the sea bed beyond national jurisdiction.

Throughout the debate it was stressed that it was essential to maintain the common heritage principle as the basic guideline for the ^{Resource} Shelf management beyond national jurisdiction. The wider the scope of the future international authority, it was felt, the greater could be its contribution to the ^{new} economic order which has been proposed by developing countries to the United Nations. This is the theme that Pacem in Maribus ^{will} ~~is~~ ^e continuing to be involved in.

improvement:

Committee II, pp. 5-7

Committee III, Third

Ambassador Yankov, Chairman of the ~~Sub~~-Committee of the Law of the Sea Conference ^{opened the meeting by describing} introduced and described the work of his committee in the field of scientific research, conservation of the marine environment and transfer of technology in the ^{text} ~~concept~~ of ^{the} a single negotiating text which ~~is being discussed at the conference.~~ With regard to the protection and conservation of the marine environment it was observed that, for the first time, it is proposed to establish an obligation for States to prevent and control marine pollution from all sources and that with regard to ^{vessel} source pollution, a measure of competence and ^{enforce ment} responsibility had been recognized ^{to part and} by coastal states. The importance of entrusting to coastal states some competence for the control of ~~marine~~ pollution in marine areas adjoining those under national jurisdiction was also mentioned. It was emphasized, however, that this recognition of coastal state responsibility did not mean that states should relax their efforts to establish international standards and rules, with regard with matters relating to ^{vessel} ~~industrial~~ source pollution and ~~as~~ to pollution arising from other uses of the marine environment.

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Other constructive elements in the single negotiating text were provisions on the responsibility and liability of states which could lead to a firm establishment in international law of the principle of compensation for environmental damage to marine areas under national jurisdiction or beyond national jurisdiction. On the other hand it was pointed out that in the Single Negotiating Text, the concept of protection and conservation of the marine environment was equated ^{exclusively} with pollution control. This seemed a somewhat narrower view since technologies such as weather modification ^{technologies} ~~are~~ ^{are} arising, ^{capable of} influencing ^{phenomena} the natural environment in the marine environment or even of changing its natural state. And the use of these technologies should at least be subject to international consultation. It was also ^{observed} ~~said~~ that in view of multiple increasing pressures on the marine environment, some mention of possible future creation of an international system of marine parks could usefully be included in ^{the} ~~a~~ single negotiating text. ¶ With regard to scientific research, the discussion centered mainly on two points: The distinction made in the single negotiating text between fundamental and resource oriented research which in the opinion of many participants in Pacem in Maribus, was difficult to implement in practice. The second point on which the discussion centered was, on the one hand, the need for coastal states to control and ^{if} ~~be~~ required to participate in marine research carried out in the neighborhood of their coast, while on the other hand it was emphasized that marine research should remain free. It was acknowledged that the harmonization of the interests of the coastal ^{with those of the} ~~states as well as~~ freedom of research was a difficult problem which should be the subject of further study. ¶ Ambassador Galindo Pohl, chairman of the second committee of the Law of the Sea Conference introduced ~~a~~ ^{the}

Subtitle:
Committee

~~by explaining the provisions of the Single Negotiating Text~~

discussion ~~that matters coming within the jurisdiction~~ of his committee,

by explaining the provisions of the Single Negotiating Text, elaborated ^{on the very important questions of the limits of national jurisdiction in ocean space, on the depth and width of shelf, in particular order made by coastal state jurisdiction and on the High Seas.} ~~upon~~ Geneva. In this connection he described many major innovations

which his group proposed to ~~introduce~~ into the law of the sea. It was

observed by some participants that the work of the Law of the Sea

Conference ^{applied} directed toward shifting the traditional balance between

sovereignty and freedom of ocean space towards the pole of sovereignty,

With possible unfortunate consequences for trans-national uses of the sea, such

as scientific research ^{and} ~~in~~ navigation. Also the extension of sovereignty

in the seas brought ^{with this} ~~to~~ coastal state jurisdiction the bulk of presently

exploitable living and non-living resources with adverse affects on the

interests of many countries and on the practical implementation of a common

heritage concept.

The abuses of the freedom of the high seas beyond national jurisdiction,

could be corrected by establishing an effective international regime for

ocean space beyond national jurisdiction, which could also undertake

the sharing of revenues derived from ^{resource} ~~marine source~~ exploitation. There

was much discussion on the question of fisheries, both within and outside

of national jurisdiction. Statistics were given proving that existing

fisheries were moving from a condition of abundance to one of relative

scarcity. There existed, however, vast unconventional living resources

of the sea, largely beyond present national jurisdiction which were now

being explored. It was essential that these be equitably and effectively

managed through international institutional arrangements that would explicitly

provide for the needs of future generations. Other participants stressed the need to relate the Law of the Sea to the new economic order proposed ^{by developing countries} at the United Nations. Several participants stressed the importance of the protection of /marine eco-systems for the future use of the sea for food production. This point seemed inadequately recognized in the proposed legal provisions elaborated at the ^{last session of the} law of the sea conference. ~~§~~ Other participants expressed concern at the increasing claims of coastal ~~§~~ states over fisheries and stressed that fishery problems cannot be resolved unilaterally, but require cooperative solutions and stronger regional and global arrangements. ~~¶~~ References were also made to the need for harmonizing the use of the coastal zone for cooperation in resource management between national authorities and international mechanisms beyond national jurisdiction.

~~¶~~ ^{Ambassador Galindo Pohl expressed}
In conclusion, ~~I express~~ the hope that the suggestions made at Pacem in Maribus VI could be brought to the attention of representatives at the Law of the Sea Conference. ~~¶~~ This is all which I have been able to prepare, Mr. Chairman. Before concluding, however, I would like to express my gratitude to the Japanese authorities for their welcome here in Japan and I also wish to say that I was deeply impressed by the Ocean Exposition at Okinawa, and I only regret that the lack of time did not permit me to study in detail all the pavillions. Once again I apologize for this very inadequate report. Thank you very much