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Chairman: Mr. Ismail FAHMY
(United Arab Republic).

Organization of work

1. The CHAIRMAN: Before we resume the general debate on item 92, I wish to discuss our programme for this week, and in this connexion I have to inform the members of the Committee that, if there is no objection, I intend to conclude item 92, on the sea-bed and the ocean floor, and item 91, on the prohibition of nuclear weapons in Latin America, this week, so that we can take a new item next week. I shall tell the Committee later this week what specific item we shall be considering next week.

AGENDA ITEM 92

Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind (*continued*) (A/6695, A/C.1/952)

GENERAL DEBATE (*continued*)

2. The CHAIRMAN: Members of the Committee may recall that at the end of his statement at the afternoon meeting on 1 November [1516th meeting] the Ambassador of Malta formally proposed that I undertake consultations with a view to establishing a working group to prepare a draft resolution in connexion with the item proposed by Malta. I am fully aware that bilateral consultations are going on between various delegations and multilateral consultations between various groups concerning this particular item with the same object as the Ambassador of Malta had in mind when he made his proposal. Since then, many delegations have approached me and expressed their desire and their interest in getting together to prepare a draft resolution under this item for the Committee. On the clear understanding that the list that I am going to read out is not exhaustive, and that this group is an open-end group

and that consequently any delegation which would like to participate is entitled to do so on the same basis as those mentioned in the list, I shall now read to you a list of delegations, based on the interest expressed by them.

3. The delegations which have expressed the specific desire to be members of the group are the following: the United States, the Union of Soviet Socialist Republics, France, the United Kingdom, the Netherlands, Norway, Poland, Yugoslavia, Malta, Peru, Brazil, Venezuela, Senegal, the United Republic of Tanzania, Kenya, India, Japan, Pakistan, Canada and the United Arab Republic.

4. If I hear no objection, I shall take it that the Committee agrees with the suggestions I have just made.

It was so decided.

5. Miss BROOKS (Liberia): I did not express my interest earlier, but I also would like to join the group.

6. The CHAIRMAN: As I said earlier, you may join the group at any time you wish to do so.

7. Mr. REYES (Chile) (*translated from Spanish*): May I point out that as I indicated recently, Chile too is interested in participating in the group discussed by the Chairman.

8. The CHAIRMAN: I apologize to the representative of Chile. Chile also will be a member of the group.

9. Mr. MATSEIKO (Ukrainian Soviet Socialist Republic) (*translated from Russian*): The Ukrainian SSR would also like to take part in the work of the group.

10. The CHAIRMAN: The Ukrainian Soviet Socialist Republic will have the same privilege as the representative of Liberia to join the group.

11. Before calling on the first speaker on my list I should like to inform the Committee that forty speakers have inscribed their names to take part in the general debate, and I hope that they will try, as far as possible, to take the floor in the order in which their names are inscribed.

12. The first speaker will be the representative of France.

13. Mr. PALEWSKI (France) (*translated from French*): The French delegation has pleasure in welcoming the move to include item 92 in the agenda of the General Assembly and congratulates the Government of Malta on making the proposal.

14. It would be strange not to be interested in a study with broad economic, scientific and military implications

whose basic themes, as recalled by Mr. Pardo in his explanatory memorandum [A/6695], are in line with ideas shared by many concerning the freedom of the high seas.

15. Apart from the fact that it reminds us of a principle we would like to stress, the French delegation sees obvious advantages in studying a question which will force us to deliberate and to work out definitions. We must delimit precisely the question before us. This task, which I propose to consider very briefly today, will undoubtedly reveal as many divergent views as difficulties of a technical nature. But it was appropriate—and indeed, essential—that it should be undertaken in a field that is far from being cleared up, as you are well aware, since it is in essence the field of the law of the sea.

Mr. Tchernouchtchenko (Byelorussian Soviet Socialist Republic), Vice-Chairman, took the Chair.

16. In that connexion, I should like before going any further to set forth a view that can be regarded as forming the very basis of my delegation's position.

17. I have just stressed the value we place on the discussion of item 92 in order to warn the Committee against the temptation of confusing the importance of the question with its complete novelty.

18. The problems raised by item 92 are really not so new that—at the risk of drawing a tempting but false analogy—we can approach them with the freedom of judgement and imagination evident in the study of outer space. On the contrary, they are linked in a variety of ways with disarmament and the law of the sea.

19. Thus the Committee will have to take account of the work already done and of the laws already formulated in those different fields. In fact it is precisely the existence of that political and legal background that will require the Committee to make the preliminary attempt at clarification I will mention later on, and that will no doubt inevitably call for the reservations when differences of opinion become too marked.

20. I would add that in thus attempting to clarify the problems raised by item 92 we are fortunately helped by the concise presentation of the question at the 1583rd plenary meeting of the General Assembly. The final wording of item 92, as presented to us in its orderly and logical development, raises two problems: first, the problem of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and secondly, the uses of those resources in the interests of mankind.

21. I need only remark briefly on the first problem, the peaceful uses of the sea-bed and its subsoil. Consideration of that problem, which raises the whole question of arms control, must be undertaken with great care. Delimitation of the area to which the principle of peaceful use could apply presupposes the solution of the problems created by the gaps and ambiguities in the law of the sea. These are many, as I think the study of the exploitation of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction will reveal.

22. Furthermore, certain foreseeable technological advances seem likely to upset the present approach to the problem in the near future.

23. The French delegation is of the opinion that this question, i.e. the second problem to be studied, can be broken down into three types of problems which we must define very clearly. First, there is the problem of the field of application, which basically means defining the sea area that lies outside present national jurisdiction. Then there is the problem of its objective; here the point is to specify what resources are exploitable and under what legal conditions. Finally, there is the problem of means, since we must know how and by whom exploitation can be made to serve the interests of mankind.

24. I shall examine the three points in order.

25. As the preliminary discussions held in the General Committee have revealed clearly, the first point, the delimitation of the precise area of application of item 92, brings into question the basic principle of the limits of national jurisdiction over the sea-bed, and the ocean floor. In other words—and this at once illustrates the complex nature of the problems confronting us—it raises once again the question of the work of the Geneva Conferences of 1958 and 1960 on the extent of the territorial sea and the continental shelf.

26. By making the wording of the item very comprehensive, the General Assembly has made it impossible for us to avoid undertaking this review of the law on the subject.

27. The Assembly did not confine itself to mentioning exploitation of the sea-bed underlying the high seas, which presupposed the adoption of clear-cut rules on the extent of the territorial sea. In that connexion, we are aware that although the 1958 Convention¹ did not determine the width of the territorial sea and hence the extent of the sovereignty of riparian States, we can take it that by fixing the width of the contiguous zone at twelve miles, the Geneva Conference did succeed in limiting State control and condemning any extension of the territorial sea beyond twelve miles. Nevertheless, some States are of the opinion that the discussion remains open, and they will find support for that view in the further point made by the General Assembly when, after indicating that what we were to study was the sea-bed and ocean floor and the subsoil thereof, it nevertheless saw fit to specify “beyond the limits of present national jurisdiction”. The additional qualification thus raises the basic problem of the limits of the continental shelf, since it is recognized that national jurisdiction extends to it.

28. As you know, a definition was adopted by the Geneva Convention of 29 April 1958, under which the term continental shelf denotes, and I quote the Convention:

“... the seabed and subsoil of the marine areas adjacent to the coast but outside the area of the territorial sea to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas.”²

¹ Convention on the Territorial Sea and the Contiguous Zone (United Nations, *Treaty Series*, vol. 516 (1964), No. 7477).

² Convention on the Continental Shelf (United Nations, *Treaty Series*, vol. 499 (1964), No. 7302).

29. However, let me recall that that definition gave rise to sharp differences of opinion. For example, France expressed reservations with regard to the second part of the sentence and requested that a separate vote be taken on whether to accept or reject it. The representative of Malta likewise dealt fully with the question of the continental shelf in his excellent statement [*1515th and 1516th meetings*], and there is no need to dwell on it; but it is obvious that there is a problem.

30. How could the resources of the sea-bed be made to serve the interests of mankind if the mere exploitation of that wealth, however far it may lie from the coast, were to give States having the means of undertaking such exploitation exclusive proprietary rights over the deposits and thus over the continental shelf? Here, it seems to me, is a basic contradiction which the experts will have to resolve, and my delegation is very happy to see that the actual wording of item 92 provides them with an opportunity to do so.

31. Further difficulties will surely arise when the time comes to construct a legal system designed to reconcile the exploitation of the subsoil with the principle of the freedom of the high seas. But the mere mention of that leads me to the second important problem to be defined: the exact and precise purpose of item 92.

32. The very wording of the item indicates that it covers the exploitation of the resources of the sea-bed and ocean floor and the subsoil thereof. That definition appears to be self-contained, since it makes an apparent distinction between the waters, the maritime environment—the subject of quite complicated regulations which the definition omits to mention—and the new area of the sea-bed and ocean floor and their subsoil.

33. All I propose to do is to indicate that the distinctions are definitely less simple than they seem, that laws relating to the area of the sea-bed and the ocean floor are not completely wanting, and that our work should therefore take into account certain already existing regulations.

34. With regard to the sea-bed, at least, I should like to mention two cases:

35. The first is the right of all States to lay submarine cables and pipelines; this is recognized in article 26 of the 1958 Convention on the High Seas.

36. The second is the case of sedentary fisheries, some of which use piles set into the sea-bed, thereby exclusively occupying it. Some international agreements such as the Convention of 23 June 1843 between France and Argentina and the Franco-British agreement of 29 September 1923 have attempted to codify established practice. The Convention on Fishing and Conservation of the Living Resources of the High Seas of 29 April 1958³ contains valuable clarifications concerning fisheries operated by means of equipment embedded in the sea floor in areas of the high seas adjacent to the territorial sea of a State.

37. Speaking very generally, in fact, everything having to do with the exploitation of the living resources of the sea

permanently connected with the ocean floor can probably be considered in the light of the legal formulas drawn up by the Conference on the Law of the Sea in 1958, provided care is being taken to respect the principles underlying that work: to safeguard the freedom of the sea and to protect marine resources.

38. As for the ocean subsoil, the need for codification was less pressing in the past, inasmuch as it was felt that legal problems arose only when operations carried out might have actual repercussions on the freedom of the seas.

39. The emergence of new methods of exploitation, different from the familiar one of the under-sea tunnel, and the discovery of new submarine resources, today threaten to add to those problems and must bring about the necessary development of the law. But if it is a good thing to study the subject of exploitation by the community, everyone will surely agree that the basic principle of freedom of the sea must above all be upheld. This obviously means working out an international solution, in which the Inter-governmental Maritime Consultative Organization could play a useful role.

40. I would add that some other problems, bound up with the advance of technology itself, will arise in the very near future, and they too will have to be taken into account.

41. I now come to the third and last of the problems set for us by this rough list of definitions: the uses of marine resources in the interests of mankind. Paradoxically perhaps, my remarks will be as simple and as brief as the question itself is vast and complex; for although it is easy and pleasant for us to welcome the high-mindedness that prevailed when this question was drafted, we are bound to recognize that in this instance we are entering upon an entirely new area where difficulties will only arise as and when our own work begins to go forward. The brief mention I have made of the existing legal areas, incomplete or contradictory though they are, already reveals something of the complexity of the tasks that await us, but it also highlights their consuming interest.

42. The French delegation therefore feels that the most appropriate setting for discussing these questions with due calm and precision would be a preparatory working group which our Committee could recommend that the General Assembly should set up. The group should be given a reasonable amount of time to undertake an exhaustive examination of the problems and the difficulties I have merely touched on in this brief statement, and it should also be instructed to make as complete a listing as possible of existing documentation, which is already abundant on some points. In particular, it should take account of all the information which Governments, the Secretariat, UNESCO and other international organizations can and should furnish to it.

43. In the light of information such as the working group could furnish to it at its next session, the Assembly would then be in a position to decide to set up an intergovernmental committee of experts and define its precise terms of reference.

44. The French delegation considers the foregoing to be the main points which the Organization will have to

³ United Nations, *Treaty Series*, vol. 559 (1966), No. 8164.

consider. Even this very brief description of them gives an idea of the difficulties and the complexity of our task. At all events, this analysis will help to make us aware of the undeniably exciting prospects which the development of techniques for under-water exploitation is opening up for mankind. It will also, I believe, force us to define our legal criteria, to reaffirm the basic principle of the freedom of the high seas, and to reconsider the still highly controversial definition of the extent of the continental shelf.

45. As may well be imagined, the undertaking is an ambitious one and a difficult one; it will take a long time, but its merits are so obvious that I would like to end by once again thanking the representative of Malta for inviting us to embark on it and, if possible, to carry it out successfully.

46. Mr. DOSUNMU (Nigeria): My delegation considers the question now under examination by our Committee a very important one because Nigeria as a young and developing country is interested in learning more about the vast resources underlying the continental shelf, as well as the sea-bed and the ocean floor. It is therefore for this reason that my delegation heartily welcomes the examination of this item that has been introduced so opportunely by the representative of another small and developing country, Dr. Pardo of Malta, [1515th and 1516th meetings] to whom we extend our warm thanks.

47. In intervening in this debate my delegation will not attempt to deal with the substance of the matter, which the representative of Malta so eloquently presented to this Committee. We would rather advocate a collective action towards achieving our desired goal, which is to explore the possibility of exploiting the valuable resources of the sea-bed and ocean floor for the benefit of mankind. We are already aware of the existing provisions of the 1958 Geneva Convention on the High Seas⁴ and also that many other intergovernmental and specialized agencies are presently carrying out various activities falling within the broad framework of oceanography. The General Assembly in its resolution 2172 (XXI) requested the Secretary-General, in co-operation with the specialized agencies concerned, to undertake "... a comprehensive survey of activities in marine science and technology, including that relating to mineral resources development ..." and

"to formulate proposals for:

"(a) Ensuring the most effective arrangements for an expanded programme of international co-operation to assist in a better understanding of the marine environment through science and in the exploitation and development of marine resources ... ;

"(b) initiating and strengthening marine education and training programmes ...".

In his note on the item, contained in document A/C.1/952 of 31 October 1967, the Secretary-General has informed us of the initial step taken by the group of experts appointed to assist him in carrying out the above-mentioned tasks, and that report of the group of experts will be submitted through the Economic and Social Council to the General Assembly during its twenty-third session. The foregoing is therefore a confirmation of the need for international

co-operation in the exploitation of the sea-bed and ocean floor.

48. This matter has now been formally placed on our agenda, thanks again to the delegation of Malta. We fully realize its complexity, in itself, in that its various aspects are international, legal, political, economic, scientific and technical. In attempting to solve such complex issues we run the risk of creating an entirely new body with entirely new guidelines which may tend to duplicate efforts in the same direction. The co-ordinating of existing data on oceanography and the activities of related bodies and organizations in this regard ought to be our initial pre-occupation.

49. In conclusion, it is our view that the known resources of the sea-bed and ocean floor, which are vast, should, as far as they lie outside the limits of present national jurisdiction, be exploited collectively for the sole benefit of the world community. As a developing country Nigeria's renewed fear is of the incalculable dangers for mankind as a whole if the sea-bed and the ocean floor beyond present national jurisdiction were progressively and competitively appropriated, exploited and even used for military purposes by those countries which possess the necessary technology. My delegation would therefore support any move by this Committee to halt any likely danger by approaching this important matter with caution but not without speed, realizing the efforts of various bodies in this regard.

50. Mr. REYES (Chile) (*translated from Spanish*): The Chilean delegation listened with the utmost interest to the comprehensive and extremely well documented statement made by the representative of Malta in this Committee on 1 November concerning item 92 of the agenda [1515th and 1516th meetings].

51. We thank the delegation of Malta for its presentation of the background of the topic, which is extremely useful for our work; and we are particularly grateful for its initiative in bringing this subject before the Assembly, since United Nations decisions might come of it which could have very important repercussions for all countries, particularly the developing countries.

52. The delegations of the Latin American States that are members of the General Committee for the present session of the Assembly had an opportunity to exchange views with the representative of Malta when the General Committee discussed the question of including item 92 in the agenda. It was a fruitful exchange of views. It dissipated doubts which at the time my delegation shared as to the scope of the proposal. We were particularly anxious to establish quite clearly that the Maltese proposal covered an area of the sea-bed or ocean floor and sub-soil beyond national jurisdictions, and therefore not directly or indirectly affecting those jurisdictions, whatever their nature.

53. In 1952, Ecuador, Peru and Chile made a declaration⁵ designed to provide their peoples with the necessary conditions for a decent livelihood and the means of achieving economic development; to ensure the conserva-

⁵ See *Laws and Regulations on the Régime of the Territorial Sea* (ST/LEG/SER.B/6, United Nations publication, Sales No.: 1957.V.2, p. 723).

tion and protection and regulate the use of their natural resources; and to prevent the exploitation of those resources beyond the scope of their jurisdiction from jeopardizing their existence, integrity and conservation to the detriment of their peoples. The declaration stipulates as a norm of international maritime policy for the three countries exclusive sovereignty and jurisdiction over the coastal sea to a distance of 200 miles from their coasts, including the sea-bed and ocean subsoil.

54. This declaration of fifteen years ago is of vital importance to our countries, particularly as there is no continental shelf in that part of the world. The new wording of agenda item 92 makes it perfectly clear that existing national jurisdictions, such as that proclaimed in the declaration of 1952, cannot be affected. To clarify the point still more, a joint letter to the Secretariat signed by the representatives of Malta, Ecuador, Honduras, Peru, Nicaragua and the Dominican Republic specifies that the Spanish version of the title of this item, as modified in the statement by the representative of Malta at the 1583rd plenary meeting should read:

“Examen de la cuestión de la reserva exclusiva para fines pacíficos de los fondos marinos y oceánicos y de su subsuelo en alta mar, fuera de los límites de las jurisdicciones nacionales actuales, y del empleo de sus recursos en beneficio de la humanidad.”

55. The question whether the singular or plural form is used for the expression “present national jurisdiction(s)”, is not a simple matter of grammar, since there is no single, universally accepted jurisdiction. Chile considers it fundamental that the word in the item heading should be in the plural, the text reading “*fuera de los límites de las jurisdicciones nacionales actuales*” (beyond the limits of present national jurisdictions), as the representative of Malta himself requested of the Secretariat. In any case, the only possible way of understanding the expression which safeguards the existing national jurisdiction is by the absolute exclusion of every one of the national jurisdictions in question.

56. I must point out that this formula contains a principle entailing a freezing of jurisdictions in the event of a given country's considering the limits of its present jurisdiction encroached upon.

57. The problems of the sea are not new to the United Nations. This Organization has done important and constructive work on the development of the law of the sea, the study of its resources and ways and means of ensuring its conservation and rational exploitation. With regard to the first of these items, we must recall the work of the International Law Commission and the two United Nations Conferences on the Law of the Sea held at Geneva in 1958 and 1960, from which emerged conventions on territorial seas, on the high seas, on fishing and conservation of the living resources of the sea, and on the continental shelf. But it was found impossible to reach agreement on the width of the territorial sea. With regard to the second item, the important International Technical Conference on the Conservation of the Living Resources of the Sea held at Rome in 1955 recognized “the special interests of the coastal State in maintaining the productivity of the resources of the high seas near to its coast”.

58. More recently, only a few days ago in fact, the Secretary-General of the United Nations gave us an excellent summary of the efforts being made by the Organization and the specialized agencies in various matters relating to the sea [A/C.1/952]. Of these efforts, the one most directly relevant to item 92 is that arising out of resolution 1112 (XL) adopted by the Economic and Social Council on 7 March 1966. It requests the Secretary-General:

“(a) To make a survey of the present state of knowledge of these resources of the sea” (mineral and food excluding fish) beyond the continental shelf, and of the techniques for exploiting these resources . . . ;

“(b) As part of that survey, to attempt to identify those resources now considered to be capable of economic exploitation, especially for the benefit of developing countries;

“(c) To identify any gaps in available knowledge which merit early attention by virtue of their importance to the development of ocean resources, and of the practicality of their early exploitation;

“(d) To report on the progress of the survey at an early session of the Council.”

59. My delegation was interested to learn that in the opinion of the Secretary-General the two major gaps which the Council asked him to investigate were (a) the legal status of the deep sea resources and (b) ways and means of ensuring that the exploitation of those resources benefit the developing countries. At the same time, we noted that under point (b) the Secretary-General will examine various alternatives, “including the advisability and feasibility of entrusting the deep sea resources to an international body” [ibid., para. 9]. Special attention should be given to the Secretary-General's suggestion at the end of his statement that:

“The General Assembly may consider it advantageous for the Secretary-General to prepare a more comprehensive report which would include a study of the legal framework which might be established for the deep sea resources, the administrative machinery which may be necessary for effective management and control, the possible system of licensing and various possible arrangements for redistributing and/or utilizing the funds which would be derived therefrom, including those earmarked for the benefit of the developing countries. In the opinion of the Secretary-General, such a comprehensive study may prove most useful to the General Assembly in its future consideration of this subject.” [ibid.]

60. As may be judged from this extremely brief account of the action already taken and still being taken by the United Nations in this field, here is a very important operation which must not be underestimated but rather must be given the utmost encouragement. However, it is true that the problem raised by Malta is a new and different one, since it focuses on one specific area of the sea, namely “the sea-bed, the ocean floor and the sub-soil beyond the limits of present national jurisdictions”, and in respect of specific objectives: their reservation exclusively for peaceful purposes and the uses of their resources in the interests of mankind.

61. These are the fundamental points on which we should concentrate. Marginally, Malta has also raised certain

kindred issues such as the avoidance of pollution of the sea by radioactive wastes, the creation of an international organ with power to regulate, supervise and control all activities in the maritime environment, the launching and encouragement of scientific research, and other matters of unquestioned importance which deserve careful study.

62. The Chilean delegation considers that Malta has made a valuable contribution by raising this problem. Its study and concrete solution will help to round off the work on which the United Nations has been and still is engaged in regard to the sea, the law governing the sea, and the resources of the sea. In a broader sense this initiative can have vast repercussions by stimulating the establishment of favourable conditions for the exploitation of resources which are apparently immense, for the benefit of all mankind, including coastal countries and land-locked countries, and especially the less developed ones. It would be intolerable if these resources were appropriated by the technologically more advanced countries, which are likewise the wealthier countries, thus widening still further the gap separating the developed from the developing countries where two thirds of mankind live.

63. Thus, stress should be laid on declarations such as those by President Johnson, by the United States Senators Church and Pell, and by such institutions as the World Peace through Law Center and other institutions that have declared their determination to avoid a new colonialist race to take over these resources and instead, to see them used for the benefit of all mankind through the United Nations or some other more appropriate system.

64. The rate of technological progress indicates that the day is not far off when it will be feasible to exploit these resources effectively. We know that the new techniques make scientific exploration beyond the continental shelf a possibility, and exploitation will follow this capacity to explore, not only by means of submarines but also by improving the dredging techniques used today in shallow waters. The fact that in Chile for many years we have mined coal, constructing the longest under-water tunnels in the world, makes it easy for us to envisage access by man to the mineral wealth of the ocean floor within a relatively short time. Hence we regard it as urgently necessary for the United Nations to take steps to see that this wealth is used for the good of all mankind or, as the Economic and Social Council puts it in resolution 1112 (XL), "especially for the benefit of developing countries".

65. No less necessary is international action in the field of arms control to prevent the militarization and especially the installation of nuclear weapons or weapons of mass destruction on the ocean floor. The 1959 Antarctic Treaty⁶ contains a valuable precedent in deciding that the Antarctic will be used solely for peaceful purposes and prohibiting any kind of military measures there such as the establishment of military bases or fortifications, military manoeuvres, and the testing of weapons of any kind. Especially singled out for prohibition are any type of nuclear explosion and the elimination of radioactive wastes in the region. In addition, territorial claims are frozen and

the doors are opened wide to international co-operation in scientific research.

66. The Treaty on the Peaceful Uses of Outer Space [*resolution 2222 (XXI), annex*] adopted by the General Assembly in 1966 constitutes an even more pertinent precedent, since in addition to non-militarization it contains the notion of non-appropriation by nations of space or of celestial bodies and their use for the benefit of all mankind.

67. Finally, the recent Latin American Treaty of Tlatelolco⁷ has in common with the above-mentioned treaties and with the proposal by Malta the logical basic aim of ensuring that those zones which are at present free of nuclear weapons should continue to be so in the future and thus be removed from the arms race and the balance of terror that affects the more populated regions of the world. This would undoubtedly lead to a reduction in international tension and assist the disarmament process.

68. The possibility of taking a decision on the matter with incomparably greater ease than on other aspects of disarmament arises, obviously, from the fact that as yet no vested interests of the great Powers are at stake in this area. Any delay in acting may allow such interests to be created and make any future progress more difficult. We would regard such a genuinely denuclearized zone as a positive step towards greater progress in arms control. A declaration of this nature would be an adjunct to disarmament measures and as such might be a preliminary to agreements on general and complete disarmament.

69. Because of the foregoing, my delegation views with sympathy the possibility that the General Assembly might recognize, as explicitly as possible, the need to reserve the sea-bed and the ocean floor, beyond the limits of present national jurisdictions, exclusively for peaceful purposes, and the use of the resources there for the benefit of mankind, and especially the developing countries.

70. This preliminary declaration would be in keeping with the way the General Assembly acted in the matter of outer space, since in 1963 it adopted resolution 1884 (XVIII) on the prohibition of the placing of nuclear weapons or weapons of mass destruction in orbit, and only three years later, in 1966, it produced a formal treaty on the subject once all the aspects of the problem had been thrashed out.

71. The Chilean delegation also favours the idea of setting up a committee, based on the experience of the Committee on the Peaceful Uses of Outer Space, which would give priority to the study of the problems and the preparation of principles that should govern the exploration and the exploitation of the resources of the sea-bed and the ocean floor and the sub-soil beyond the limits of present national jurisdictions. It would also take up the questions of the non-militarization and non-nuclearization of those areas. The result of its work should lead to the adoption of an international convention formulating those principles and if necessary setting up an appropriate international régime to regulate the exploration and exploitation of those re-

⁶ United Nations, *Treaty Series*, vol. 402, 1961, No. 5778.

⁷ Treaty for the Prohibition of Nuclear Weapons in Latin America (A/C.1/946).

sources. This strikes us as a most complex and vast subject. Hence we believe that the committee in question should not be burdened with unduly broad terms of reference making it responsible for all matters relating to oceanography, fishing, conservation, formulation of the law of the sea in other zones, etc. These topics are being very competently handled by other organs of the United Nations and its specialized agencies, and to try to pile them all on to the new committee might turn out to be an obstacle to the speedy progress of its work on the topic of major interest to us.

72. Chile faces the Pacific Ocean across more than 4,000 kilometres of continental coast and the whole vast territory of Antarctica; and it has always looked towards the sea as its horizon. The study of the Maltese proposal should help us to plumb the as yet unsounded ocean depths and ultimately to put at the disposal of the common man the wealth that we can extract from the ocean.

73. Chile is most anxious to participate in future discussions on this topic.

74. Mr. AKWEI (Ghana): Like many other speakers before me, first of all I should like to pay tribute to Mr. Pardo and through him to the Government of Malta for their foresight and courage in proposing this most important item for consideration at this time. I also congratulate Mr. Pardo on his most detailed and masterly introduction of the item to this Committee.

75. I refer to the courage of the Maltese Government in proposing the item because, as we all know, voices have already been raised in certain quarters questioning the propriety of bringing up the issue at this time and, indeed, even the motives behind it. My delegation has no reason to believe that the item was proposed with anything but the noblest of intentions, mainly to forestall any wasteful and dangerous rivalries in this relatively new area of inner space. That is why my delegation gives the proposal its unreserved support in principle.

76. In the past, the United Nations has been what I may call conservative in the sense that it has mainly concerned itself with the past and the present; where we could have looked ahead and taken firm steps to deal with matters still in their embryonic stages, we have been wont to shirk such action on the grounds that those matters were either too delicate or too difficult or within the sole competence of some group of powerful countries. We all know too well how dearly that attitude has cost us. Having delayed too long, we have often been confronted with far more complicated situations which we have then frantically tried to solve but, alas, too late.

77. Thanks to the Maltese initiative, we have a unique opportunity to get out of the rut, to look ahead and to take decisive action now to prevent future difficulties. My delegation is conscious that the item before us involves complex questions of law, of economics and of military strategy. Can we, for instance, in the face of the rapid advances of marine technology, still hold to the 1958 Convention on the Continental Shelf, whereby national sovereignty extends to the 200 metre-depth line or "beyond that limit to where the depth of the superjacent

waters admits of the exploitation of the natural resources of the said areas"?

78. We have also been told how limitless are the possibilities of using the sea-bed and the ocean floor for planting nuclear missiles and even for establishing fully-fledged military townships, and how certain countries may already have initiated programmes towards that end. There is also the question of the economic development of the sea-bed, particularly those sea-beds lying off the coasts of developing countries. Contamination of the sea is another ever-growing problem. Those are a few of the many complex questions to which answers must be found without undue delay.

79. My delegation has noted with satisfaction that various organizations both within and without the United Nations system are engaged in activities related to the present item. We note particularly resolution 1112 (XL) adopted by the Economic and Social Council on 7 March 1966, and the emphasis which the Council laid on the need to ensure that the exploitation of the resources of the deep sea benefit the developing countries. We eagerly await the Secretary-General's report on the studies he has initiated in this regard.

80. While noting the invaluable work already being done by other bodies, my delegation nevertheless warmly supports the proposal of the United States [*1524th meeting*] that a committee should be set up by the General Assembly along the lines of the Committee on the Peaceful Uses of Outer Space to deal with both the scientific and legal questions involved. But my delegation would go further, to propose that the General Assembly should first agree upon and adopt the following three basic principles to guide the committee to be set up: first, that the resources of the sea-bed and ocean floor beyond the continental shelf should not be subject to the sovereignty of any nation; secondly, that these resources should be considered the common heritage of mankind; and thirdly, that the sea-bed and ocean floor should be reserved for peaceful uses.

81. There are precedents to support the adoption of those principles by the General Assembly, even before the projected committee on the sea-bed and ocean floor begins its work. In the case of outer space, resolution 1348 (XIII) clearly recognizes "... that it is the common aim that outer space should be used for peaceful purposes only" and that exploitation and exploration of outer space should be for the benefit of mankind. It further expresses the wish "... to avoid the extension of present national rivalries into this new field". That historic resolution has been fortified by the Treaty on the Peaceful Uses of Outer Space [*General Assembly resolution 2222 (XXI), annex*], even though the Committee on the Peaceful Uses of Outer Space has still far to go in its work and such crucial questions as the definition of outer space, liability for damages and other legal questions are still to be settled. There is also the precedent of the 1959 Antarctic Treaty.

82. Given those precedents, therefore, my delegation is convinced that there should be no insurmountable difficulties on the part of all to adopt similar principles with regard to inner space before we settle down to work out the details. Indeed, as my delegation sees it, that is the whole

purpose of the item before us. In this connexion, my delegation is happy to note President Johnson's declaration on 13 July 1966, when he said:

"Under no circumstances, we believe, must we ever allow the prospects of rich harvest and mineral wealth to create a new form of colonial competition among the maritime nations. We must be careful to avoid a race to grab and to hold the lands under the high seas. We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings."

I am convinced that the other great Powers hold similar positions.

83. Once we in the United Nations have been able to make such a general declaration of basic principles we shall have paved the way, enabling the committee which we envisage will be set up to work out all the detailed aspects of the problem of the exclusively peaceful use of the sea-bed and ocean floor for humanity. Indeed, we agree with some delegations whose representatives have spoken before us, that the field is so new that there are many aspects which have to be explored in greater detail, such as: the precise definition of the continental shelf; the relationship to be worked out between any exploratory companies and any international organizations responsible for the ocean floor; whether the United Nations or an already existing international agency should assume such responsibility for the ocean floor, or whether we should establish a new body; the question of the pollution of the sea, and so on; and the ramifications of the questions on security and defence.

84. Concerning the question as to whether or not we should establish a new United Nations body to administer the oceans and the ocean floor exclusively for peaceful purposes in the interests of mankind, we are ourselves quite clear in our minds that the dimensions of the undertaking that can be envisaged after studying the existing literature on the subject and the objectives we have in mind cannot but lead us to the conclusion of the Maltese representative, that it will be necessary to set up a new international agency with wide-ranging powers as a trustee for the international community. But we are prepared to wait for such studies as may be provided by the committee envisaged to be set up by the General Assembly to be considered before taking a firm position on the matter. One thing, however, we are sure of: that such an agency should not be merely a body to guide sovereign States in the exploration and use of the deep ocean floor, but should actually appropriate this new frontier for its peaceful use for mankind.

85. The representative of Malta indicated in his now famous statement that he would be presenting a suitable draft resolution to be considered by a representative group of this Committee to be appointed by you, Mr. Chairman. We endorse that initiative and would welcome the establishment of such a group. Should this not be possible, however, we would still be willing to lend our support and co-operation to any other group which might be deemed necessary to promote the useful ideas suggested in the Maltese representative's statement with a view to arriving at a generally acceptable resolution to be adopted by this Committee envisaging a committee to be established by the

General Assembly for the peaceful use of the ocean floor and sea-bed in the interest of mankind.

86. I should like to state here, however, that such a resolution must be absolutely unequivocal as to the purpose we had in mind, that is to say, it must provide for the eventual adoption of the three basic principles which I enumerated earlier as being the minimum requirement to guide such a committee: first, that the resources of the sea-bed and ocean floor beyond the continental shelf should not be subject to the sovereignty of any nation; secondly, that those resources should be considered the common heritage of mankind; and, thirdly, that the sea-bed and ocean floor should be reserved for peaceful uses.

87. In dealing with this item we should constantly bear in mind the following paramount objectives: (1) to prevent conflicts among nations using shared resources; (2) to ensure the economically most efficient use of natural resources; (3) to prevent military use; (4) to avoid contamination; and (5) to ensure that all nations will be able to profit, directly or indirectly, by the opportunities and potential resources of those vast areas.

88. Similar objectives have been affirmed in resolutions and treaties in other spheres by the international community. There is no reason why they cannot and should not be affirmed in the sphere of the sea-bed and ocean floor, man's newest frontier. This is a unique opportunity and we should not let it slip. My delegation fervently appeals to the great Powers to demonstrate their greatness in this also, as they have done in others.

89. Mr. OCHEDUSZKO (Poland) (*translated from French*): Our Committee has been entrusted with the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the exploitation of those resources in the interests of mankind. The Polish delegation wishes to thank the representative of Malta for his statement, from which I am sure we have all learnt a great deal. The statement was well prepared, and it uncovers for us the jealously guarded secret of nature.

90. As a country located on the shores of the Baltic Sea, Poland has always been vitally concerned with every aspect of marine problems. For us, an outlet to the sea is a factor essential to our economy and our national security.

91. In the light of these problems, my delegation has studied the statement by the representative of Malta with interest.

92. The delegation of Malta has suggested that the sea-bed should be reserved by treaty exclusively for peaceful purposes and that an international body should be established which would have jurisdiction over it, on behalf of all countries, and would supervise all activities carried out in that field. It also suggests that the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction be exploited with particular reference to the needs of the developing countries.

93. In its statement [*1524th meeting*], the United States delegation proposed setting up a special committee through

which the General Assembly could deal with both the scientific and the legal aspects of the exploration and use of the oceans and the ocean floor.

94. As has been emphasized here, however, those proposals are not the first to be made in this area. For some years, politicians, scientists, economists, industrialists, etc., have shown a growing interest in maritime questions. In its resolution 2172 (XXI) of 6 December 1966, the General Assembly requested the Secretary-General to undertake a comprehensive survey of activities in marine science and technology, and to assist in expanding international co-operation for a better understanding of the marine environment through science, in co-operation with specialist bodies, whether members of the United Nations family or not.

95. There is a need to assemble these data, since a number of international bodies are concerned in a variety of ways with the sea and the oceans. We need only mention the Food and Agriculture Organization and the development of fisheries and fish conservation, the World Meteorological Organization and its study of the mutual effects of sea and atmosphere, the Intergovernmental Oceanographic Commission of UNESCO, etc.

96. The last-named Commission has just held its session. It has co-ordinated and rounded off joint studies of the Indian Ocean and the South Atlantic, and a Mediterranean study and research in the Caribbean are planned.

97. Poland has always been in favour of the peaceful use of the resources of the earth, outer space and the riches of the sea. However, the study of the sea and the oceans and their exploitation raises highly complex problems. We recognize the need to try to solve them; but this presupposes a digest of the knowledge gained up to the present and a thorough acquaintance with the efforts which a vast number of organizations, both international and national, have made up to now. The moment new problems arise, there is a widespread tendency to create new bodies. But let us be frank: that does not make the solution of the problems any easier. Quite the contrary; and the Polish delegation feels that such is precisely the case with regard to the proposal concerning the establishment of a new General Assembly committee on the oceans.

98. On this assumption, my delegation considers that we must proceed carefully and in full knowledge of the facts. Many questions remain to be answered. A great deal of work is already being done to compile documentation concerning the legal problems raised by the scientific exploration of the oceans. Hence we must first await the Secretary-General's report, expected in 1968, on the results of the studies on activities in the field of marine sciences and technology, and the recommendations which the Secretary-General will make. On the basis of that report, the Governments concerned will then be able to take more informed decisions on marine questions. In short, this discussion cannot be really fruitful until the next session, the twenty-third session; only then will we be able to exchange really sound opinions on the proposals just submitted to us on this subject. This is the thinking of the Polish delegation, which is prepared to participate in the work of any consultative group set up.

99. Mr. SOLOMON (Trinidad and Tobago): Every representative who has spoken on this subject has emphasized its importance for the future economic development of the developing countries and for the maintenance of the peace of the world. My delegation goes further and affirms that if only once in ten years a subject of this importance can be brought before the United Nations, then that alone will justify the continuing existence of this Organization. On behalf of my delegation, I should like to express to Ambassador Pardo our thanks and appreciation for this most excellent and timely move.

100. There seems to have been a great deal of misunderstanding or misinterpretation with regard to the objectives behind the discussion of this subject. We are aware, of course, that powerful interests are involved, and consequently we can expect conflict and opposition in large measure. Nevertheless, no one can or will deny the importance of arriving at a mutually acceptable method of procedure in dealing with this subject, which has long ago passed out of the realm of science-fiction and is becoming a matter of pressing urgency if we are not to face in the near future the difficulties of the past with respect to other major issues, such as disarmament, denuclearization and outer space.

101. Ambassador Pardo, in his very excellent presentation, gave us some detailed facts and figures which to many of us were extremely fascinating, but which others have described as over-optimistic. My Government has neither the technical nor the financial competence to determine the accuracy or otherwise of the Maltese figures, but it would be strange indeed if, on the basis of the information available to him and to the world, his figures should prove to be wildly over-optimistic. There is at least a sound basis for believing that both wealth and opportunity are to be found on the sea-bed and ocean floor for those who are able and willing to seek them.

102. Every delegation has pointed out the legal and scientific hurdles which will have to be overcome in dealing with this problem. These are self-evident, but we hinder rather than assist when we try to expand our discussions to include a consideration of all marine problems including fisheries, weather, ocean currents, etc. Ambassador Pardo very wisely and very clearly indicated that what he was seeking was international control over the sea-bed and ocean floor beyond certain limits; and that subject, I submit, is vast enough and important enough to merit consideration on its own without being complicated with other marine problems which, though undoubtedly related, are nevertheless not strictly relevant to this present discussion.

103. Ambassador Goldberg, in expressing the point of view of his Government, quoted a statement made by President Johnson on 13 July 1966, in which the President is reported to have stated *inter alia* that: "We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings". [1524th meeting, para. 30.] Ambassador Goldberg interpreted this to mean: "... it should ensure that the deep ocean floor will be open to exploration and use by all States, without discrimination" [ibid., para. 31].

104. My delegation agrees that in the use of the sea-bed and the ocean floor there should be no discrimination; but if that is all that is involved in this issue, then the net result will be that the richer and more technically advanced nations will continue, as they are now doing, to exploit for their benefit the riches and the facilities of the sea-bed and the ocean floor, while the poorer nations, which do not have at their disposal the necessary technical and scientific facilities, will be denied—in fact, if not in law—the opportunities enjoyed by the larger Powers. So that the rich and powerful will become richer and more powerful, though not necessarily safer, while the gap between rich and poor will become ever wider.

105. What is required is not a mere absence of discrimination, but rather a centralized international control which would ensure that the riches and the potentialities of the sea-bed and the ocean floor would be made available to all nations and utilized for the benefit of all mankind.

106. As my delegation sees it, the problem revolves around the following points.

107. First, the legal rights over the sea-bed and the ocean floor and the limits to be set to these areas, bearing in mind the very imprecise nature of the existing conventions and declarations with respect to the continental shelf and territorial waters.

108. Secondly, the exploration and exploitation for the purposes of economic development of the sea-bed and the ocean floor in the interests of humanity as a whole.

109. Thirdly, the military aspects which may be involved in the use of the sea-bed and the ocean floor.

110. Fourthly, the question of pollution by atomic wastes deposited on the sea-bed and the ocean floor.

111. None of these problems is simple, but their importance is such that no difficulties and no obstacles, however great, can be permitted to stand in the way of a solution. Undoubtedly we cannot expect an answer to all these problems at this session of the General Assembly; but that some agreement should be reached and must be reached, I have no doubt. My delegation would support any resolution which clearly and emphatically, if only in the preambular clauses, emphasizes the international character of the deep sea-bed and the ocean floor and the necessity to utilize them for peaceful purposes and for the benefit of all mankind. Having clearly enunciated our objectives, the resolution could then proceed to ask for the appointment of a permanent committee to study the problem in all its aspects and to recommend ways and means of obtaining the desirable international co-operation.

112. The representative of Venezuela pointed out that it is not too late to deal with the matter, but rather high time to attempt some constructive action. I agree entirely with this approach. The problem of disarmament, for example, has been so long delayed that agreement is difficult and, in the view of some people, almost approaching impossibility. Consideration of the problem of outer space, no doubt because Member States have benefited from their bitter experiences with regard to disarmament, has produced

some major agreement between the two super-Powers, even though there are some who would say that the latest Soviet satellite is nothing more than a potential orbital bomb, which can strike with the maximum of destructiveness and the minimum of warning. My delegation is not in a position to comment on this except to say that, in a world where suspicion is common currency, it underlines the need to close any possible loopholes in international agreements. A treaty for the prohibition of nuclear weapons in Latin America [A/C.I/946] is, we hope, merely the prelude to a universal treaty of denuclearization.

113. All those examples mean that the earlier one tackles these gigantic international problems, the greater likelihood there is that agreement will be reached before the more highly developed countries have acquired advantages which they are reluctant to relinquish.

114. This we hope is the case with the deep sea-bed and the ocean floor; and may I express the hope that those Powers, which have already reaped national benefits through their technical and financial superiority, will agree to a limitation of activity while the matter is being threshed out at international level, so that what President Johnson referred to as “a race to grab and to hold the lands under the high seas” will not take place.

115. Through the bold and inspiring action of the Maltese delegation, the importance of the sea-bed and the ocean floor, which has been recognized and indeed exploited by certain Powers for several years, is now being given full publicity. Let us hope that the conscience of the world has been sufficiently alerted to avoid further wasteful competition in the economic and military fields.

116. Mr. AMERASINGHE (Ceylon): The proposal that has been so comprehensively and ably presented by the representative of Malta is a bold and imaginative one. The initiative displayed by the Government of Malta in this matter is highly commendable.

117. Fifty years ago the doctrine of State or public ownership of the key resources of a country, and of State or public exploitation of those resources, was regarded as a heresy. Nations which were then of the conventional political and economic persuasion which was until then prevalent were prepared to challenge the propagation of that heresy with force. Today that heresy of fifty years ago is a commonplace of economic and social thinking over a wide area of the world comprising more than half its population.

118. The Maltese proposal extends that concept and expands its dimensions to serve as a harbinger of the grandest of all visions of human society—the vision of the supra-national or world state. The Maltese proposal is also a timely warning to the world community to avoid international competition for the acquisition of the resources of the sea-bed and the ocean floor in order to further purely selfish national interests. It is a timely warning against the colonization, in the sense of economic appropriation and exploitation, of the sea-bed and ocean floor in somewhat the same manner as the voyages of the great navigators of the world, starting five centuries ago, discovered lands and territories which became the property of their nations. The

Maltese proposal seeks to avoid the re-enactment of that chapter of the world's history. The wealth that the sea-bed and the ocean floor offer is seemingly beyond the dreams of avarice, and the world's hopes of peace could be shattered if that wealth were left to be the prey of international rivalry and competition.

119. The Maltese proposal has the added and distinctive merit that it conforms to the theory that economic co-operation could serve as a prelude to political co-operation. The international ownership of and the establishment of international jurisdiction and control over such a gigantic economic undertaking as the exploitation for peaceful purposes and primarily for the benefit of the developing countries of the resources of the sea-bed and the ocean floor could lead to habits of thought and action resulting in international co-operation in the political sphere as well, and to an increasing willingness on the part of nations to recognize and respect the concept of the world state.

120. It is somewhat uncharitable, therefore, to impute motives to the Maltese Government and to state that it is the instrument of some other Power. If, in fact, the Maltese proposal has been made at the instance of the British Government, we should congratulate the British Government on providing the inspiration for something so grand, so altruistic and so highly constructive. It would have set an example worthy of emulation by other great Powers. I hope that the suspicion that the Maltese Government has acted on external prompting will not prove prejudicial to the consideration of the proposal by those big Powers whose co-operation in the matter is indispensable.

121. We appreciate that the Maltese proposal has a host of implications, juridical and technical, and that it will necessitate a thorough re-examination and undoubtedly revision of existing concepts of international law. Those are not difficulties before which this Organization should quail, especially if the purpose of the proposal is so impeccably sound and fair. The alternative to the adoption of a policy such as that suggested in the Maltese proposal is to leave the inexhaustible treasury of the sea-bed and the ocean floor to be appropriated and exploited only by those few nations which have the technology and the competence for that stupendous undertaking. The result of such competitive exploitation by individual nations or groups of nations, which would necessarily belong to the developed section of the world, would be to weaken further the economic position of the developing countries by increasing their state of dependence on the developed section of the world. The raw materials and other resources produced by exploitation of the sea-bed and the ocean floor would introduce an added element of competition which the developing nations would be powerless to face. It is not contemplated that the technological skill of the developed countries should be placed without reward at the disposal of the international organization which is to be entrusted with the management of the sea-bed and the ocean floor.

122. At this stage, my delegation would like to declare its support for the Maltese proposal. In doing so, we would wish to make it clear that any definition of the expression "present national jurisdiction" should not interfere with those sovereign rights which we have enjoyed from time immemorial over certain areas of the sea-bed. To be more

precise, we would wish to safeguard our rights to the very limited area of the sea-bed to which we lay claim—namely, the oyster beds, chank fisheries and bêche-de-mer fisheries beyond the territorial waters of Ceylon, over which rights have been exercised throughout some twenty centuries, first by the Singhalese kings and later by the Portuguese, Dutch and British rulers of the island. If the phrase "present national jurisdiction" is intended to be interpreted as covering areas even beyond the territorial seas but which have already been brought under national jurisdiction, such as the pearl and chank fisheries of Ceylon, there will be no problem so far as we are concerned. If the Maltese proposal is intended to apply to the sea-bed and the ocean floor beyond the geophysical continental shelf, it will be necessary to have a clearer and more precise definition of the continental shelf than is now provided in the Geneva Convention of 1958.

123. The debate in this Committee has been confined so far to an examination of the general features and merits of the proposal. There is not yet before us formally a draft resolution indicating the further action that should be taken. On this aspect of the question, my delegation would like to make just one observation. It has been suggested that the Secretary-General be asked to study the proposal and report on it. We would support the suggestion if we were assured that the Secretary-General had at his command and disposal the resources of personnel with the requisite qualifications and competence to deal with this question. Alternatively, we would suggest that a thorough examination of the technical and juridical implications of this proposal be entrusted to two committees of experts widely representative of the various geographical areas of the world, to report within a specified time to the General Assembly. An acceptable variant of this proposal would be the appointment of one committee divided into two sub-committees of technical and legal experts respectively. We do not put these forward as definite proposals, but only as ideas to be incorporated in any scheme of action that is finally adopted.

124. The Maltese proposal presents us with the greatest opportunity we have ever had of international co-operation on a grand scale. We trust it will receive full acceptance and approval.

Mr. Fahmy (United Arab Republic) resumed the Chair.

125. The CHAIRMAN: I have no more speakers on my list for this afternoon. Does any other representative wish to speak?

126. Mr. YANKOV (Bulgaria): I should like to make a statement on a point of order. It refers to your statement, Mr. Chairman, at the opening of this afternoon's meeting, and in accordance with its terms I should like to request you to add Bulgaria to the list of delegations which will take part in the consultations and in the elaboration of the draft resolution.

127. Mr. SHANN (Australia): I do not want to start a situation in which everyone in the Committee wants to be associated with this working group, but we have not yet had an opportunity to speak in the debate and when we speak tomorrow we should certainly wish to indicate an

interest in joining that group. I expect it is generally known that Australia is a rather large block of land, and we have about a million square miles of continental shelf. The area in the world from which I come is not represented on the list which you have read out, and my country would certainly wish to be associated with it.

128. Mr. BENITES (Ecuador) (*translated from Spanish*): Mr. Chairman, I was unfortunately absent when you announced the establishment of a group. I understand that it is to be a consultative group for facilitating our work, and that it is not intended that it should prepare a draft resolution, since the right to formulate resolutions belongs solely and exclusively to the Member States and cannot be assigned or delegated to a specific group of States.

129. That would be my position on the matter. But since I understand that it is merely a group which will carry out consultations, I should be grateful if you would add my delegation's name to the group, not because we believe we can add anything new, but because as Chairman of the Latin American group I should like to be able to act as liaison between my group and the consultative group in question.

130. Mr. SOLOMON (Trinidad and Tobago): I merely wanted to say, Sir, that with your permission my delegation would be very happy to serve on the advisory committee, or group, which you proposed.

131. Mr. LOPEZ VILLAMIL (Honduras) (*translated from Spanish*): My delegation has the same misgivings as my colleague the representative of Ecuador, who is also the Chairman of the Latin American group.

132. So far, because of the vagueness with which the working group proposal was put forward, we do not really know what are the purposes of the group, whether it is supposed to prepare a draft resolution and study it, or if it is to be a standing group which will continue work on the basic topic, its substance, form etc.

133. Actually we would like to see all the regional groups duly represented, so that the composition of the proposed new group would be more balanced. It would also be helpful if we could have a statement as to whether the group is or is not to draft a resolution, since my delegation is not clear on this point. We would further like to know whether the proposal to set up the group has the full consent of the First Committee, in other words whether the Committee agrees or not. That is one point. If the answer is yes, we would like it to be balanced in its composition so as to represent the various regions rather than set up on a volunteer basis as is the case at present. For if this continues, every delegation will join it for the basic reasons common to all and instead of a small working group we shall get a group half the size of the First Committee. This would be a great drawback to the achievement of really effective results.

134. I would therefore be glad to have some clarification as to the purposes of the proposed group.

135. Mr. AKWEI (Ghana): I am not very happy at the trend of this afternoon's discussion at this particular time, I

must confess. We seem to be branching off again into a procedural discussion which may be self-defeating.

136. I believe you, Sir, stated earlier this afternoon that the representative of Malta had in his original statement asked you to appoint a working group of the First Committee to consider certain ideas which his delegation had which might be used in formulating a draft resolution. If I understood you correctly, you said you had not found it necessary to act on his request because, according to your soundings, certain bilateral—and, if I remember correctly, multilateral—contacts and approaches were under way, and a certain informal group was therefore in the process of formation, and you read out some names of members of the Committee who up to the point at which you spoke had indicated that they were willing to serve on such a working group. You left the door open and said that the list was not exclusive but that if any other members of the Committee were interested in joining they could initiate the necessary informal contacts and consultations and you were sure they would be happily accommodated.

137. I do not see, therefore, how we can ask for clarification from you of terms of reference of a committee which is not officially before this Committee.

138. I think you would be helping us to get the discussion back on the right track if you could indicate that there is nothing for you, in your official capacity, to do right now and that if representatives have any particular interest they should approach the representative of Malta for informal attachment to the informal working group.

139. The CHAIRMAN: Before calling upon the next speaker, I should like to clarify the situation as far as I can, and I apologize if I was the cause of all this confusion on the part of some members of the Committee.

140. So far as I am concerned, there was no ambiguity in my statement; it was very clear. I have it here verbatim. However, in spite of that, I appreciate the various points raised in regard to the group, which in fact were an indirect expression of the interest of some delegations in the group.

141. Before commenting on the composition of the group, I should like to assure the representative of Ecuador that any member of that group, because of the fact that he is a member of this Committee, would be entitled to prepare any draft whatsoever. Equally, any member of this Committee who was not a member of the group would have the same right. I cannot agree with him, therefore, when he says that the task of the working group is only the substantive discussion of the item. It was mainly set up for the reason which I have clearly indicated—and I am reading from my statement—“to prepare a draft resolution under this item for the Committee”.

142. Regarding the reference by the representative of Honduras to adequate representation on that body, particularly so far as the Latin American group is concerned, I think the Latin American group is more adequately represented than any other. I have here the list, which I read at dictation speed: it includes Peru, Brazil and Venezuela. Then Chile was added because, as I said, I regretted that I had forgotten to put down the name of

Chile although the Chilean delegation had in fact approached me and indicated a desire to serve on the group.

143. Having said that, I was very clear that the basis of the composition of this group was the interest and desire of those delegations as expressed informally to the Chair. Again, in my statement I made it very clear that this is an open-end group. Any delegation—I did not mention its name—has every right, indeed the same right, without any discrimination whatsoever, to show up in the meetings of that group; to sit with them, to discuss things with them, on an equal footing. Therefore, I believe that if you all agree, there was no necessity whatsoever for each and every delegation here, after I called out the names of those delegations which approached me, to ask that its name be added, because I said very clearly in my first intervention that they all have every right to go and sit with the group.

144. Now that I know the desire of Honduras, Ecuador, Trinidad and Tobago, and perhaps some other Latin American countries, they equally can participate in that group and try to help it to achieve a single draft to be presented to the Committee in order to save our time.

145. I do not believe that any member of this Committee will disagree with me when I say that the representative of Ecuador, as Chairman of the Latin American Group, or in his capacity as the representative of Ecuador, has every right to join that group and participate actively in it—and I hope he does.

146. If I hear no objection concerning my statement, and if no more clarifications are made, I take it that the Committee agrees with the clarification I have just given.

147. Mr. BENITES (Ecuador) (*translated from Spanish*): I am genuinely puzzled, since I have great faith in the competence of the simultaneous interpreters, to find that what I said was not properly understood. I said simply and solely that I was not present when the group was set up, but that I understood it was to be a consultative group and not a group set up to prepare a draft resolution. At no time did I say that that group had been set up to discuss matters of substance, nor did I use the word “substance”.

148. I asked you, Mr. Chairman, to be good enough to include the delegation of Ecuador as being representative of a very extensive geographical region, namely, Latin America. The reason for this is that I have the honour, however undeserved, of representing the Latin American group, and hence I should like to be present during the consultations—because that is the way our group works—without of course denying the right of each individual Latin American State to participate as such. Thus I have neither challenged the right of Latin American States or those of any other region designated by you, nor have I spoken at all of matters of substance. I never mentioned the word.

149. I wanted this to be made clear.

150. The CHAIRMAN: In reply to the representative of Ecuador, I have heard him through the interpretation and I put down the words which were used: “substance and form—consultative status regarding the substance and form

and not drafting resolutions”. That is what I heard. If that was not the correct interpretation of his statement, I apologize.

151. I come to the basic point which he raised, namely, that in his capacity as the Chairman of the Latin American group he would like to be added to the list. In addition he expressed his interest as the representative of Ecuador. I agree with him entirely on the second basis; and as representative of Ecuador he has, like any representative here, every right to attend the meetings of the group which I read out—whether we have four Latin Americans or five, or whether he will be number six or number seven or even number ten. I have no objection, and according to my statement he has every right to be present there. But I cannot fully agree with my friend from Ecuador when he says that because he is Chairman of a particular group he would like to be a member of this group, because we have more than one Chairman of other groups here, and I cannot proceed on that basis.

152. Mr. BENITES (Ecuador) (*translated from Spanish*): I have no desire to play a kind of comedy of errors part. That is not my ambition. I have great respect for Shakespeare, and I have read *The Comedy of Errors*; but I would not like to become an actor in it, and I think that is about where we are.

153. I am well aware both of my duties and of my rights. I cannot make any request except as representative of Ecuador, and I made my request in that capacity. But it so happens that I am also the Chairman of the Latin American group. This is a very important group, and I am anxious that it should be kept informed. That is all I have to say.

154. Mr. LOPEZ VILLAMIL (Honduras) (*translated from Spanish*): I will be brief. My precise point was that perhaps if the balanced system of consulting the groups had been followed, we might perhaps have avoided this discussion.

155. It is not simply the fact that there are four Latin American countries, and that they are gradually establishing a majority—there may be five or six of them. The problem is that not four countries alone, but practically all the Latin American countries are profoundly interested, directly or indirectly, in the legal problems, the economic problems, etc. of the sea. But the difficulty would not have arisen if the groups had been consulted beforehand and there had been a balanced distribution of the seats on the committee. We do not want a Latin American majority; what we want is a balanced composition.

156. The CHAIRMAN: I am very sorry but I was not able to understand the purport of the expression “balance” to which my friend from Honduras is referring. “Balance” in regard to what—the number of the Latin American delegations represented on the group, or each individual Latin American country which I mentioned by name? So far as “balance” is concerned, I have said very clearly that up to now the Latin American group is represented by four countries, and the other groups are represented by much fewer than that. I cannot believe that the representative of Honduras would like to have the Chair in a difficult

situation. For instance, when the representative of Chile approaches the Chair and indicates his desire to be a member of that group, I cannot but accept his wish, abide by it and put his name on that list. I cannot, as Chairman, ask him to tell me whether it is his interest and the interest of his country or whether, if I put his name down, this will reflect a Latin American trend or not.

157. I do not believe that this matter can really be solved with more exchanges and clarifications. Unless there is a serious difficulty in understanding this situation, I feel that the problem is exhausted. As there is no comment, the meeting is adjourned.

The meeting rose at 5.20 p.m.