

United Nations
**GENERAL
ASSEMBLY**

TWENTY-SECOND SESSION

Official Records



**FIRST COMMITTEE, 1529th
MEETING**

Wednesday, 15 November 1967,
at 3 p.m.

NEW YORK

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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*)
General debate (*continued*)

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

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*)

1. The CHAIRMAN: I now give the floor to the representative of the International Atomic Energy Agency to make a statement.

2. Mr. PISKAREV (International Atomic Energy Agency): We are very happy to have the opportunity to participate in the discussion on the important item now before us. In his lucid statement [*1515th and 1516th meetings*] introducing the item, the representative of Malta raised a number of questions, among which was the prevention of pollution of the sea. We have also listened with great interest to the valuable suggestions made by a number of members of this Committee during the debate.

3. At this stage we would like to limit our comments to the question of marine radio-activity. The IAEA has long been aware of the problem of radio-active pollution as a possible consequence of the growth of nuclear power. It has convened meetings, symposia and panels since 1959 to study the available data and to organize the exchange of information on the subject. We are in constant contact with member States which are doing research in this field, and gathering useful information which could help us in the solution of this problem.

4. The problem of radio-active pollution is highly complex. At present some data has been accumulated on the effects of low- and intermediate-level radio-active waste disposal in surface water. High-level waste disposal is still under study.

5. I do not wish to take much of the Committee's time by listing the technical questions involved in studying radio-active waste disposal. However, for reasons of clarity, may I mention that the question is not only where to dispose of radio-active wastes—that is, whether underground, in fresh water, sea water, etc.—but also at what concentrations and in what forms; that is, whether liquid or solid. All those questions are being studied, both technologically and in relation to ecology in the case of surface water waste disposal. Naturally, in an unresolved problem of such complexity there are varying opinions among scientists.

6. Turning now to the specific questions put by the representative of Malta on the implementation of the recommendation of the 1961 panel on radio-active waste disposal into the sea, six member States have submitted information on earlier activities which took place in 1958 and 1959 in relation to the disposal of low- and intermediate-level radio-active liquid wastes into the sea under controlled conditions. However, because of insufficient further response, no meaningful conclusions could be reached. At present the Agency is not receiving such reports, but is endeavouring to set up a continuing register of all releases of solids and liquids into surface waters.

7. Regarding the question of monitoring radio-activity release in the sea, I should mention that the Agency has issued a report on methods of surveying and monitoring marine radio-activity, with recommendations for standardized measurement methods described in IAEA Safety Series No. 11. The implementation of such procedures is left to national Governments and their atomic energy commissions.

8. From 1961 to 1963, the Agency studied the question of establishing disposal standards in accordance with the recommendations of the United Nations Conference on the Law of the Sea in 1958, which assigned to the IAEA responsibility for the regulatory aspects of radio-active pollution of the sea.

9. However, the inconsistencies and shortcomings of scientific data, as well as the divergent views of Governments have made it unfeasible to proceed with a convention on radio-active sea pollution or universally applicable disposal standards.

10. It was clear that much more information would be needed on the scientific aspects of waste disposal before it could be standardized. Therefore, the IAEA has undertaken, since 1961, a three-pronged programme consisting of, firstly, the establishment of the International Laboratory of Marine Radioactivity, for research on the uptake and diffusion of radio-activity into the sea, which is located in Monaco; secondly, the recommendation of uniform

methods of measuring marine radio-activity; and, thirdly, the organization of a Symposium on Disposal of Radio-active Wastes into Seas, Oceans and Surface Waters, which was held in Vienna in May 1966, on the basis of a programme drawn up by consultants from the Soviet Union and the United Kingdom. The Symposium resulted in a broad exchange of the latest research results and experience, but showed that many problems are still poorly understood, including the basic phenomena of the diffusion of radio-activity and its long-term genetic effects on certain forms of marine life.

11. The more widely-held view today is that universal rules are not a practical objective for the foreseeable future. The problem of marine disposal has to be considered in the context of local situations, and particularly of the extent to which marine ecology would be affected by disposal from a given nuclear power plant. In other words, marine disposal is one of several environmental questions that must be considered in siting any particular plant.

12. Mr. Chairman, let me assure you that the IAEA will continue its studies and exchanges of information on this subject with its member countries, taking into account, of course, the views expressed in this Committee.

13. Mr. BITSIOS (Greece) (*translated from French*): As a country where life is in large measure closely linked with the sea and the oceans, Greece too has direct and permanent contact with maritime operations.

14. Appreciating the immensity of the ocean, Greece has attempted to find ways of living and coming to terms with it. For that reason, we are well aware of the vast scope of the problem of the relations between man, human society, the international community, and the world beneath the sea.

15. I do not propose to dwell on the economic, technological, legal, military, scientific and other problems that complicate man's relations with the sea. Other speakers have already done so, in particular the representative of Malta, who has painted us a vivid and fascinating picture of the hopes and the complexities, the dangers and the prospects, created by the sea-bed and ocean floor. In his impressive analysis of the subject, Mr. Pardo has brought us from the dream world inspired by the unknown and mysterious into reality with its disturbing yet promising possibilities. We are very grateful to him for doing so.

16. I shall turn rather to another aspect of this vast subject now before the Committee, namely, how best to transform the vast realm of the seas and oceans into an area of co-operation and international understanding rather than an arena for international disagreement and competition.

17. It is reassuring to note that some aspects of the question have been or are being studied at the international level, with the co-operation of various international organizations. In this connexion we were greatly interested in listening to the statement made by Mr. Varchaver, the representative of UNESCO [1527th meeting]. Clearly it is the task of the United Nations to turn to account the work that has been or is being done.

18. However, there are of course other aspects that have not yet been taken up at the international level, just as in

some directions the end result of long and laborious efforts would seem to fall short of the goal set by the prime movers of the idea of world-wide collaboration in the exploration of the resources of the sea-bed and the ocean floor and their use exclusively for peaceful purposes.

19. Indeed, in the course of those efforts certain concepts have taken a firm hold, certain rights have been established and certain situations have come about which can only make the road towards that goal more difficult and full of pitfalls. On this point I shall merely recall what the representative of Honduras said yesterday [1527th meeting] in connexion with the chaotic situation that prevails in regard to the limits of territorial waters.

20. Finally, the problem arises of how to co-ordinate all the efforts and all the studies, all the work being done or to be done, in order to bring about progress in a balanced fashion and to elicit ideas likely to produce harmonious, fair and effective solutions.

21. It has been suggested that this Committee set up a representative body with instructions to study the problem as a whole. We believe that this committee on the oceans, as it has been called, should have very broad terms of reference and should be authorized and empowered to co-operate with other organizations or agencies dealing with partial aspects of the question and to make use of the results of work already accomplished, under way or to be undertaken by other bodies. The Secretary-General's idea [A/C.1/952] of informing the First Committee of the activities of certain international organizations in related fields was extremely useful. We would save time and energy if we in turn asked the Secretary-General to submit to the committee on the oceans, once it is set up, a report on the nature of those studies and on the progress achieved. It would also be useful to request the Secretary-General at the present juncture to draw up a list of those aspects of the problem he feels could profitably be undertaken by the United Nations Secretariat.

22. Organization of our work on these lines would enable us to expedite the task, which for various reasons having to do with its human origin and the complexities of its purposes, is bound to take time. This is a point we must constantly bear in mind in order to avoid hasty action and to see to it that misunderstandings do not darken the long and still dimly lit path we must travel together, in a spirit of understanding and with an awareness of our own capacities.

23. In supporting the praiseworthy initiative taken by Malta, we must take care to see that it is directed towards a twofold goal: to enlarge the resources of the globe for the benefit of all mankind, and to do so in a framework of greater international co-operation and understanding.

24. Mr. DRISSI (Tunisia) (*translated from French*): Mr. Chairman, in speaking to the Committee for the first time, I should like to associate my delegation with the congratulations that have been extended to you and to the Vice-Chairman and Rapporteur of the Committee on your election.

25. The Tunisian delegation would first of all like to express its warm thanks to the Government and delegation

of Malta for the felicitous notion of including this important item in the agenda [A/6695]. We see it as a fine example of the valuable contribution small States can make to the Organization's work in the interests of mankind.

26. My delegation takes pleasure in recalling here the ties that have been formed across the waters of the Mediterranean, through the ages, between Malta and Tunisia, both inhabited by peoples of similar origins who together have written noble pages of shared history and for whom the sea is a basic fact of life.

27. Because of its geographical location and the length of its coastline on both the eastern and the western Mediterranean, my country has a special interest in the sea; that is not surprising in view of the part the sea plays in our economy and culture.

28. As Mr. Pardo brought out in his excellent statement, the use and exploitation of the sea-bed and ocean floor are of prime importance for the future of mankind, and it is surely high time that the world seriously considered this question in order to forestall a situation that could arise from the race to exploit and use the sea, and in order to conserve its wealth.

29. We quite appreciate the concern of the great Powers, whose widespread interests in this sector of the globe prompt them to proceed cautiously when dealing with this problem, a complex one which, because of its military, economic, legal, technological or other facets, cannot be treated lightly.

30. Nevertheless, we must recognize the need and the urgency for establishing international regulations to control the use and exploration of the sea-bed and ocean floor before they become a source of conflicts between the countries possessing advanced methods and techniques that could lead to a *fait accompli* and jeopardize peace and security throughout the world.

31. We must also recognize that no decision should be taken in haste lest it become a dead letter; and above all that no decision should be taken without the consent, or rather the assistance and support, of the Powers that have the means to supervise the implementation of those principles.

32. It is gratifying to find that some of the principles are not challenged. Though the principle of the reservation exclusively for peaceful purposes of the sea-bed and ocean floor gives rise to difficulties because it touches on the problem of disarmament and the national security of States, we nevertheless find that its international nature is still acknowledged.

33. In the light of the foregoing considerations, and without for the moment taking a stand on the substance of the question before the Committee, my delegation is inclined to support any draft resolution embodying the general principles on which we can agree, or failing that to endorse, as the Swedish representative has suggested, any appeal aimed at maintaining the *status quo* until a committee can be set up to co-ordinate the action being taken by the various organizations in this area.

34. The Tunisian delegation is hopeful that the spirit which prevailed when a treaty on the peaceful uses of outer space was concluded will also prevail now and will make it possible to reach agreement on the utilization and exploration of the sea-bed and ocean floor for the benefit of mankind.

35. Mr. SCHUURMANS (Belgium) (*translated from French*): The importance and the complex nature of the question placed before the Assembly by the delegation of Malta must be evident to the members of this Committee.

36. The broad picture painted by Mr. Pardo in opening this discussion has already familiarized us to some extent with most of its aspects: the untold wealth hidden in the depths of the ocean; the technological advances that should make them exploitable in the near future; their development for the benefit of all mankind; the dangers that can result from the military use of the immense ocean wastes; and the pressing need to prevent the pollution of the sea.

37. Our colleague's masterly presentation was not only full of data concerning the various problems involved; it also contained concrete and high-minded suggestions which have certainly been of great help to the Belgian delegation.

38. After a careful examination of the wording of the item, the Belgian delegation conceives the Maltese proposal as containing three separate factors: the first, which is political and military in nature, is the reservation of the ocean depths "exclusively for peaceful purposes"; the second factor belongs to the field of economics, since it covers "the use of their resources in the interests of mankind"; while the third factor, which is the legal basis of the first two, implies the replacement of the vague term "ocean depths", which I have just used, by a more suitable definition: "the sea-bed and ocean floor and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction".

39. The prospect of exploiting the incalculable wealth which probably lies hidden in "the silent world" could create rivalry and competition among the maritime nations. At the legal level, the proposal by Malta is thus of considerable interest, inasmuch as it makes States realize the implications of the law of the sea and forces them, at a time when new technologies seem likely to overcome all the obstacles which have hitherto ruled out the extraction of the mineral resources from the ocean floor, to re-examine the concept of the continental shelf. Will this lead to circumscribing the notion of the continental shelf in a way it has so far been impossible to agree on?

40. The Convention of 29 April 1958 defines the "continental shelf" as follows:

"... the sea-bed and subsoil of the submarine 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 exploration of the natural resources of the said areas."¹

¹ Convention on the Continental Shelf, United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

Under the Convention, the coastal State exercises sovereign rights over the continental shelf for the purpose of exploring it and exploiting its natural resources. It has no obligation either to claim its rights or actually to exploit the shelf; and the limit of its jurisdiction can be extended: it expands as opportunities for exploitation increase.

41. The international régime advocated in the proposal by Malta is based on the premise that the sea-bed and ocean floor are the joint inheritance of mankind; it embodies the principle that they cannot be the object of appropriation by nations.

42. This hypothesis and this principle definitely represent an innovation as compared with rules laid down in the Geneva conventions. Where it adds that the régime will apply only to "the sea-bed and the ocean floor, underlying the seas beyond the limits of present national jurisdiction", the proposal comes up against the problem of fixing such limits. The Convention on the Territorial Sea and the Contiguous Zone² did not succeed in setting a limit to the territorial sea.

43. In any case, we feel it would be premature to commit ourselves at this stage to a rigid attitude towards the legal principles that will define the status of the sea-bed and the ocean floor. In the opinion of the Belgian delegation, those principles need careful study before a decision is taken which would radically alter the Geneva Convention and restrict the claims of coastal States to sovereignty. We feel, however, that the Maltese proposal nevertheless contains a positive element in that it calls for a rational and clear definition of national jurisdiction; thus it might well contribute to the search for a generally acceptable concept of the continental shelf.

44. Belgium did not sign the Convention on the Continental Shelf. The Belgian continental shelf, hemmed in by the North Sea, is not capable of being extended. Its limits will be set by a bill just introduced in Parliament, based on the principle of equidistance appearing in article 6 of the Geneva Convention.

45. In the economic sphere, the delegation of Malta proposes that resources of the ocean depths "beyond the limits of present national jurisdiction" be exploited in the interests of all mankind. This suggestion would appear to be in conformity with resolution 1112 (XL), adopted unanimously by the Economic and Social Council in 1966, which states that "the effective development of those resources can raise the economic level of peoples throughout the world, and especially the developing countries".

46. It is against the background of this ideal that we should examine all the principles that must govern the use and exploitation of the sea-bed, the final goal being to safeguard and develop the resources of the ocean floor.

47. Protection of the living resources of the ocean presupposes effective international action to stem the increasing pollution of the marine environment. Pollution of the seas is the subject of article 25 of the Convention on the High Seas.³ Steps have already been taken to study all

its aspects, in conjunction with the United Nations Food and Agriculture Organization, and a working group of the Intergovernmental Oceanographic Commission of UNESCO is also working on it.

48. All these efforts must be co-ordinated and they must be reflected in concrete measures by Governments.

49. With regard to the exploitation of the mineral resources of the ocean floor, which will inevitably benefit the community of nations, it can be achieved and maintained only at the price of continual capital investments and of continuously renewed and increasingly costly technological research. Thus, care must be taken to ensure that all research efforts can be sustained in optimum conditions and to avoid any action that could weaken or divert efforts for the exploration and use of the sea-bed.

50. The third aspect of the Maltese delegation's proposal is the demilitarization of the ocean floor and more precisely a ban on the establishment of permanent underwater bases.

51. For a country like my own, which values nothing more highly than peace, any measure which represents even a short step forward along the road to disarmament at once finds us prejudiced in its favour.

52. Perhaps I might recall that the Washington Treaty already contained a provision under which only peaceful activities are authorized in the Antarctic. The Treaty prohibits, *inter alia*, "any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapons".⁴

53. Again, the Treaty on outer space [*resolution 2222 (XXI), annex*] contains a clause under which the contracting States undertake not to place nuclear weapons into orbit around the earth and to use the moon and other celestial bodies solely for peaceful purposes. A year ago, the Belgian delegation called for the continuation of efforts to find ways of preventing any militarization of outer space.

54. The principle of using the sea-bed and ocean floor exclusively for peaceful purposes is therefore assured of our wholehearted support. However, as far as the ocean floor is concerned, the problem appears to be extremely complex: the Convention on the High Seas already establishes the right of States to deploy warships on the high seas; furthermore, it would be difficult indeed to control any demilitarization of the sea-bed. Thus, while accepting in principle this major aspect of the Maltese proposal, the Belgian delegation feels that the implications of such a measure must be studied with the utmost care.

55. To sum up, both the political and military implications and the economic and legal aspects of the proposal submitted by the Government of Malta raise problems which the Committee cannot really solve until it has had detailed studies made by jurists, economists and experts from the various Member States. However, we should bear in mind that we also have available the United Nations

² United Nations, *Treaty Series*, vol. 516 (1964), No. 7477.

³ *Ibid.*, Vol. 450 (1963), No. 8465.

⁴ The Antarctic Treaty, signed at Washington on 1 December 1959. United Nations, *Treaty Series*, vol. 402 (1961), No. 5778.

Secretariat, as well as various specialized agencies which under various headings deal with problems of oceanography.

56. Last year, the Economic and Social Council requested the Secretary-General to make a survey of the present state of knowledge of the resources of the sea-bed and of the techniques for exploiting them [*resolution 1112 (XL)*].

57. The General Assembly endorsed that resolution and requested the Secretary-General to undertake a comprehensive survey of activities being carried out, in particular by the United Nations and the specialized agencies, in the field of marine science and technology, including activities relating to mineral resources development [*resolution 2172 (XLI)*].

58. We know that the Secretary-General prepares these reports with the greatest care; he has also offered to draw up an over-all report that would include a study of the possible legal framework that might govern deep sea resources. But the Committee might find it appropriate here and now, without waiting for these reports, to recommend setting up a committee or a preparatory committee whose terms of reference would include the legal, economic and political aspects of the question under discussion. Since the problems connected with scientific research are already handled by the Intergovernmental Oceanographic Commission, we feel that it would be altogether to our advantage to avoid duplication of effort in that particular field. In the same way, the economic work of the Committee should be concentrated on mineral resources, it being left to the Food and Agriculture Organization and its Committee on Fisheries to continue with the task to which they already devote themselves with such commendable zeal.

59. The various specialized agencies and bodies dealing with particular questions in the field of marine sciences should be invited to co-operate in the work of the proposed committee and any sub-committees it may have.

60. The Belgian delegation is prepared to play an active role in the study of any questions the Committee or the General Assembly may see fit to entrust to it, whether in the preparation of a draft resolution, in deciding on the committee's terms of reference or composition, or as a member of one of the sub-committees or working groups that will inevitably have to be formed if the projected committee is to carry out its future task successfully.

61. The startling advances in scientific research and technology are transforming the very image of our planet and of the universe before our eyes. A fascinating world of hitherto unsuspected opportunities is opened up to exploration by man. But this exploration will not take place without a gigantic effort of international co-operation. It is the task of the United Nations, more than any other organization, to take the lead in such co-operation. The United Nations must foster the search for solutions and formulas for the many problems that will be created by the use and exploitation of this world of the future, if it is to become a world imbued with greater justice and illuminated by greater hope.

62. Mr. TARABANOV (Bulgaria) (*translated from French*): The item now being considered arouses a very

natural interest and merits special attention, especially in the light of the following two considerations.

63. First, it deals with a relatively new field of human endeavour—the exploration of the sea-bed and ocean floor and the subsoil thereof underlying the high seas, and the exploitation of their resources. Man's penetration into the unknown depths of the sea gives a new diversion to his efforts to lay bare the secrets of nature and to become master of its wealth and thus contribute to the well-being of mankind.

64. Secondly, it involves studying ways and means of bringing about international co-operation in an area of exceptional significance—economic, political, scientific, legal and so on. The diversity of the problem involved, and its complex nature, give a peculiar stamp to this agenda item.

65. In the significant and lengthy statement made by the representative of Malta, as well as in the statements by several other representatives who have already spoken, much information and many persuasive arguments have been proffered on the importance of promoting international co-operation for the exploitation of the resources of the sea-bed and ocean subsoil. My delegation attaches great importance to that co-operation. It is also conscious of the diversity and complexity of oceanographic studies and of the exploitation of the resources underlying the high seas for peaceful purposes in the interests of all mankind. Without ignoring the fact that the necessary preparation for a detailed consideration of the question is lacking, I should nevertheless like to emphasize that, in my delegation's opinion, any oceanographic activity, both in the field of scientific research and in the exploitation of marine resources must be based on the following factors if it is to contribute to the well-being of mankind.

66. Firstly, since the resources of the high seas beyond the limits of national jurisdiction have been safeguarded so far from national or private appropriation owing to the technological obstacles which have hitherto prevented either mankind as a whole or individual nations from appropriating them, they should be preserved likewise in the future as the common heritage of all mankind and of the various countries it comprises. Countries should have the opportunity and the necessary facilities to enable them to share equally in any utilization of the resources of the high seas, the sea-bed and the ocean floor.

67. The exploration and use of the resources of the sea-bed and ocean floor underlying the high seas should thus be at the service of mankind and promote the interests of all countries, and should of course be undertaken in absolute respect for the principles of sovereign equality and international co-operation. This should constitute a new and even wider field for co-operation among States, without discrimination of any kind. The high seas and all their resources must belong to everyone.

68. Secondly, the exploration and use of the resources of the sea-bed and ocean floor, and the subsoil thereof, must be exclusively for peaceful purposes.

69. Thirdly, that comparatively new activity must in no circumstances stand in the way of or impair other uses of

the surface of the sea or the marine environment. We maintain that oceanographic studies and the exploitation of the sea-bed underlying the high seas must not obstruct, endanger or impair the traditional use of the sea for navigation, communications, fishing, meteorological needs, etc.

70. On the contrary, the penetration of human knowledge into the mysteries of the sea, and the exploration and use of the resources of the sea-bed, must help to enhance the efficiency and safety of navigation and communications, to improve fishing on the high seas, and to give a fillip to all other types of activity in the maritime sphere.

71. Fourthly, there must be co-ordination of efforts by States and intergovernmental institutions set up by States, as well as by all the international organizations, scientific and otherwise, in the use and exploitation of the riches of the marine environment underlying the high seas.

72. Up to now, the problems connected with the exploration of the marine environment and the sea-bed and ocean floor have been the concern of a number of international organizations. Among them, an important part has been played by the Intergovernmental Oceanographic Commission of UNESCO (IOC), which is concerned with the problems of the scientific exploration of the ocean and the economic, legal and other aspects of ocean study. As mentioned in the Secretary-General's report [A/C.1/952], IOC adopted a resolution on 27 October 1967 establishing a working group on the legal questions related to scientific legal investigations of the ocean.

73. The Inter-Governmental Maritime Consultative Organization, the World Meteorological Organization, the Food and Agriculture Organization of the United Nations and several other international organizations have likewise taken up various aspects of the exploration and exploitation of the ocean and its resources.

74. The problem of the exploration and use of the resources of the seas and oceans and of the sea-bed and subsoil is also on the programme of the United Nations. Economic and Social Council resolution 1112 (XL), adopted in 1966, and General Assembly resolution 2172 (XXI) constitute important steps in the efforts of the United Nations to contribute its share towards developing international co-operation in the exploration and use of the wealth of the sea.

75. The latter resolution gave the Secretary-General some important tasks which are already under way. It requests the Secretary-General, in co-operation with UNESCO, and, in particular, its Intergovernmental Oceanographic Commission, the Food and Agriculture Organization of the United Nations, the World Meteorological Organization and others, to undertake "a comprehensive survey of activities in marine science and technology, including that relating to mineral resources development". The resolution requests the Secretary-General, in collaboration with the above-mentioned organizations—in particular the Intergovernmental Oceanographic Commission—to set up a working group "to assist him in the preparation of the comprehensive survey" referred to above. The survey is to be submitted to the General Assembly at its twenty-third session.

76. We are convinced that problems concerning the exploration and use of the sea-bed will play an increasingly important part in the activities of United Nations bodies. The present discussion is not only evidence of that trend, but I have no doubt whatever that it will also have the effect of giving it new impetus.

77. In these circumstances, the question of co-ordination of the activities of the various organs and agencies dealing with oceanographic problems takes on special importance. It is essential to avoid as far as possible any unwarranted overlapping and duplication, and the fragmentation and dissipation of efforts and means characteristic in large measure of the state of oceanographic work today.

78. We feel that the solution should not be sought in the hasty and unjustified proliferation of committees, working parties, expert groups, etc. First and foremost it is necessary to clarify the various aspects of the question, and on that basis to place the problem within its proper context in order to define the precise role and position of the United Nations in the whole matter of the exploration and use of the sea-bed and ocean subsoil. A detailed and thorough survey along those lines will serve to establish the basic principles governing the activities of States in this field. Indeed it is only on the basis of a detailed and thorough survey of the kind that the institutional methods best suited to the future work of the United Nations in this field can and will have to be determined.

79. In the light of the foregoing, we share the view that it would be premature to set up specific bodies here and now—that is, at this session. Nevertheless, in order to prepare the ground for the important work that needs to be done as soon as possible and to reach decisions, other than procedural decisions, in full knowledge of the facts, my delegation feels that it would be very useful to request the Secretary-General, in close co-operation with the Intergovernmental Oceanographic Commission and other interested international organizations, and with the assistance of the expert group established under resolution 2172 (XXI), to submit a report on the exploration and use of the resources of the sea-bed exclusively for peaceful purposes and in the interests of mankind.

80. In addition to observations and proposals on the substance of the question, the report could include precise details concerning the working methods and organization applied in similar cases in the past.

81. We therefore share the view that the definition of the nature and content of the United Nations' activities, the formulation of guiding principles for co-operation among States in the exploration and use of the resources of the sea-bed underlying the high seas, and the establishment of appropriate bodies, should be the outcome of a detailed and thorough examination, and should be based on a consensus.

82. The current session represents an important though definitely preliminary step in this process. The next session should concentrate on examining the detailed report submitted by the Secretary-General. By then the Governments of Member countries will be in a better position to take procedural decisions—that is, to take a

hand in adopting procedural decisions—which could have important effects and consequences for the future activity of the United Nations. We also feel that it would be unwise to set up new bodies without a clear idea of what their terms of reference, their relationship to other bodies, their status, etc. are to be. My delegation believes we ought not to underestimate the fact that such decisions entail considerable financial expenditure that may well increase in the future; they also imply working methods that could affect the way in which we will have to consider this question at a later stage. Thus, they should be taken only after a serious, albeit general, consideration of the question in all its aspects.

83. In its desire to see the beginning of fruitful work by the United Nations for the development of international co-operation in the exploration and use of the resources of the sea-bed for peaceful purposes, and in the light of the points I have just made, the delegation of the People's Republic of Bulgaria feels that at this juncture efforts should be concentrated on preparatory work that will allow for a calm, thorough and detailed consideration of this relatively new question so that all delegations, with the Secretary-General's report also before them, will be in a position to discuss it at the twenty-third session of the General Assembly.

84. Mr. GARCÍA ROBLES (Mexico) (*translated from Spanish*): I should like first of all to stress how valuable and timely we found Malta's initiative in bringing before the General Assembly the item appearing as number 92 on its agenda, which seeks to ensure that the sea-bed, the ocean floor and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, shall be used exclusively for peaceful purposes, and that their resources shall be explored and utilized for the benefit of mankind. The thorough and well-documented presentation of the subject by Ambassador Pardo on behalf of his country [*1515th and 1516th meetings*] also merits our warmest congratulations.

85. The speakers who have preceded me all agreed not only in stressing the outstanding importance of the subject, but also its complexity, since it includes legal, economic, political, strategic and security aspects which it would obviously be impossible to attempt to study and analyse at this time. Thus my delegation felt that the most useful contribution it could make to the present debate would be to set forth some ideas which we believe it would be well to take into account during the preparation of any draft resolution. Those ideas are as follows:

86. Firstly, the urgent need for the General Assembly to begin to act on this matter immediately, in order to prevent situations from arising that might damage the technologically less developed countries—which represent the overwhelming majority—should not make us forget that in the long run haste makes waste. As La Fontaine said in one of his fables: "*Rien ne sert de courir; il faut partir à point.*"

87. Secondly, experience has shown conclusively that, if we wish to obtain positive results in the United Nations, especially when dealing with an undertaking of such vast dimensions and scope as the one we are considering, we must exert ourselves to the utmost to ensure that it is based

on an unanimous resolution. Therefore, even though one draft resolution might seem better intrinsically than another of narrower scope, if the latter rather than the former can win general approval, the Assembly should not hesitate to adopt it, even if its objectives are more modest and limited.

88. Thirdly, if, as seems to be the case, agreement is lacking on the desirability that the resolution the Assembly may adopt during the present session should contain a statement of guidelines, even of a general nature, we feel that this suggestion should not be pressed. On the other hand, we consider—and in the light of what has been said in all the statements we have heard, we trust there will be no objections from any delegation—that it would be very useful to set forth in that resolution the aims and purposes towards which the future work of the Assembly will ultimately be directed. Naturally, a prominent place should be given to the two aims already appearing in the heading of the item: "the reservation exclusively for peaceful purposes of the sea-bed . . . and the subsoil thereof . . . and the use of their resources in the interests of mankind".

89. Fourthly, it seems clear to us that the most effective procedure for carrying out the difficult task which we understand should culminate in the adoption of a treaty or convention on the question, would be the establishment of an *ad hoc* body of the United Nations General Assembly. If there should be a consensus on this matter, my delegation would have no objection to supporting the establishment of such a preparatory body—whether it be called a commission, committee or working group—during the present session. However, if there should not be a consensus, and it should be considered preferable to postpone the establishment of that body until next year, my delegation would also have no objection to accepting such a proposal.

90. Fifthly, it seems to us that there can be no delay, in view of the extreme urgency called for in this case, in carrying out the pertinent work so that the Governments of Member States may have as complete documentation as possible on the subject we are discussing, well in advance of the twenty-third session of the Assembly. In the event that no special body is established for this purpose now, that work should be left to the Secretary-General, assisted by the group of experts which has been advising him on the subject, and which could be expanded if necessary.

91. Sixthly, we consider that in the preparatory work to which I refer, and which would, of course, cover all the points set forth in the Secretary-General's memorandum (A/C.1/952), special attention should be given to the preparation of the following documents: (a) a compilation of all the studies already made by intergovernmental bodies, such as the Intergovernmental Oceanographic Commission of UNESCO, or by non-governmental ones such as the Commission for the Study of the Organization of Peace, the International Law Association, and the World Peace through Law Center; (b) a study on the legal status of the resources in the floor and subsoil of the high seas which, as the Secretary-General has aptly pointed out, constitutes one of the main gaps at present; (c) a study designed to fill the second gap, also mentioned in the Secretariat document I referred to above, on ways and

means of ensuring that exploitation of those resources will benefit mankind, and particularly the developing countries, which study should explore the usefulness and feasibility of entrusting the resources of the bed and subsoil of the high seas to an international body; (d) a study of the most appropriate and effective procedures for ensuring that the bed and subsoil of the high seas are used exclusively for peaceful purposes, and that the installation of nuclear weapons in them is expressly prohibited; (e) a study of the present situation with regard to the contamination of the sea-bed due to radioactive wastes.

92. In connexion with the studies I have mentioned in (b) and (c), my delegation considers that it would be most useful if they were to be of a comprehensive nature and, as the Secretary-General himself suggested, carried out so as to "... 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".

93. Seventhly and finally, my delegation is convinced that it is highly desirable that the resolution to be adopted should contain provisions to ensure that, from the date of its adoption and until the entry into force of the treaty which should be the culmination of the work and deliberations of the United Nations on this question, the present situation with regard to the resources of the sea-bed and the subsoil of the high seas should be frozen both *de facto* and *de jure*. My delegation finds the suggestion made by the representative of Sweden (1527th meeting) very appropriate: that the resolution to be adopted should include an appeal to all States to refrain from claiming jurisdiction over the sea-bed and subsoil of the high seas and their resources. We too think, as Mrs. Myrdal has so aptly put it, that:

"It may be hoped that especially the States having great financial and technological resources would heed an appeal that, pending the United Nations deliberations, they would refrain from taking any measures with a view to appropriating any parts of the ocean floor or resources on it, and refrain from activities on the ocean floor for military purposes."

94. In view of the novelty and importance of the item submitted at such an opportune time for consideration by the General Assembly, we felt that the best contribution we could make to this debate at present would be, as I said at the beginning of my statement, to set forth briefly some ideas, such as those I have just presented, which might contribute to a more constructive and fruitful organization of the work which we trust will now begin under the direct control of the General Assembly.

95. Mexico, which has approximately 10,000 kilometres of coastline on the world's two main oceans, has always regarded the utilization of the resources of the sea as an essential element for more rapidly raising the living levels of the peoples in all the developing countries. Therefore, my delegation will always be ready to collaborate in every way it can to ensure that the formidable task we are about to

undertake will result in bringing about, in both law and practice, 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.

96. Mr. SHANN (Australia): My delegation welcomes this opportunity to participate in the discussion on the item proposed by Malta which, as many speakers have remarked, is a new one in the work of this Committee and, indeed, may well become a positive aspect of the future work of the United Nations, and to join with others in congratulating Mr. Pardo on his remarkable introduction to our consideration of the subject.

97. The prospect which recent advances in technology and increasing scientific investigation open up of the exploitation of the wealth hidden beneath the oceans is one that is of growing interest to many countries, including my own. For that reason we believe it is timely for the United Nations to apprise itself of the possibilities and the problems and to seek means by which the resources of the sea-bed and the ocean floor can be developed for the benefit of us all. We are grateful to the Maltese delegation for the initiative it has taken in proposing for our consideration an item which may be the beginning of United Nations involvement in an area of our planet which has, up to now, even with the snorkel brandished by the distinguished representative of the United Kingdom [1524th meeting], remained relatively unknown.

98. In his introductory statement at the 1515th meeting, the representative of Malta touched on many aspects of problems raised by the developments in and under the sea-bed, and raised many questions concerning the future exploitation of the resources of the ocean floor. These impinge on many fields and scientific disciplines and will require extensive consultation and consideration by Governments. It has not been possible in the relatively short time that has elapsed since this item was proposed for governments to have fully acquainted themselves with the implications of the Maltese initiative, let alone to have turned their minds to possible solutions and arrangements for dealing with these matters. Therefore it seems to my delegation that what is required at the outset is to establish some body which will attempt to come to grips with the problems that have been raised, and to seek available information on the current state of science and technology in this area as well as on parallel activities being undertaken in other international agencies before reporting back to the General Assembly on the future shape which United Nations involvement might take.

99. This item directs our attention to a number of broad issues. One of them is the question of the exploitation of the resources of the sea-bed, some of which lie outside present national jurisdiction. More information will be required on the current state of scientific knowledge, both on the nature and extent of these resources and on the feasibility of exploiting them either now or in the near future. Mr. Pardo has given estimates of the resources to be found on or beneath the sea-bed which, if they could be economically exploited, would add immensely to the wealth available to mankind. Reference was also made to

the benefits which might accrue to the United Nations, and to developing countries, from an agency which would be concerned with supervising a system for the rational exploitation of these resources. While we ourselves have some doubts whether technical advancement could proceed at a rate which would soon produce these dividends, and would possibly view the revenue-producing possibilities as being somewhat over-optimistic, the extent and exploitability of these resources would obviously be a key area requiring further studies and information.

100. Stress has been put in this debate on the need to preserve the sea-bed and the ocean floor exclusively for peaceful purposes. The arms-control aspects of the Maltese proposal represent an important area which should also receive consideration in future studies. The preservation of the sea-bed for peaceful purposes is not, of course, unrelated to other areas of disarmament and, indeed, ultimately all questions of a disarmament nature must find their place in a treaty of general and complete disarmament. However, there are precedents, and hopes in the near future, for partial measures where these seem to offer a possibility of progress and, while paying due regard to the interest of the Eighteen-Nation Disarmament Committee in this area, my delegation believes that a future body concerned with the sea-bed might consider whether there is useful action it could take in limiting the growth of military utilization of the sea-bed and the ocean floor.

101. Other questions concerning the use of the oceans, including that of pollution and the disposal of radio-active wastes, have been raised. My delegation believes that in any future studies on this question the United Nations should have full regard to, and not attempt to duplicate the work of, other international bodies which are already working in this field and whose activities are contributing to the solution of problems of immediate concern to those agencies. In particular, reference should be made to the work of the Intergovernmental Oceanographic Commission of UNESCO, to the Food and Agriculture Organization of the United Nations, to the Inter-Governmental Maritime Consultative Organization, and to the International Atomic Energy Agency, to mention only the principal agencies in the United Nations family which are involved in studies relating to the oceans, the sea-bed, and their resources.

102. We listened with interest and respect last week to the cautious wisdom of the representative of the Soviet Union [1525th meeting]. While perhaps we would wish to move ahead a little more positively than he would, we feel that his warning against precipitate and ill-considered duplication is timely and relevant. Little is served by being carried away by the novelty of what is before us, however romantic it may at first sight appear.

103. In particular, the item which has been proposed raises legal questions which will require the most searching and considered examination. Members of the Committee will be well aware that there are already in existence four Conventions concerning the law of the sea, including a Convention relating to the continental shelf to which thirty-six countries, including my own, are parties. This convention enjoys substantial international support, and efforts by any new body which may be established by the Assembly must take account of substantial international legislation which already exists.

104. The four Geneva Conventions already involve, as between many Members of the United Nations, an extensive system of reciprocal recognition of each other's rights, not only in respect of the resources of the sea-bed but in respect also of fisheries and the living resources of the sea.⁵ At the same time we recognise the desirability of promoting international co-operation in the development of sea-bed and marine resources so that these great new fields of science and technology can be developed, as in outer space, in the interest and for the benefit of all.

105. Australia, as a large island continent, has a very considerable national interest in the oceans which surround it. We have for many years exploited the resources of the seas and the sea-bed surrounding parts of the Australian continent for fish and pearl shell. Those same oceans are important in our communications with the rest of the world, and are vital to our security. Australia has a coast line which extends for over 12,000 miles. It has a continental shelf which completely surrounds the continent and extends over an area which exceeds one million square miles. In recent years Australia has authorised the extensive exploration, and now the exploitation, of the resources in oil and gas of the continental shelf.

106. As is natural for a country in this position, Australia has played an active role in scientific endeavour relating to the oceans and the ocean floor, and in the technology relating to this branch of science. Australia has on its own initiative undertaken projects of research on the high seas, including oceanographic studies of the South West Pacific Ocean, the South East Indian Ocean and the Arafura Sea, as well as carrying out assessments of pearl shell stocks and surveys of the resources of the seas surrounding us. Both the State and Federal Governments in Australia have established institutions to carry out marine resources research, and have legislated to provide machinery for the management of those resources.

107. Last September the Australian Commonwealth-State Fisheries Conference established an Environmental Pollution Committee to ensure that full attention be given to the over-all problem of pollution as it affects marine resources in our waters.

108. Australia's interest in the oceans has not, however, been confined to unilateral action. We are members and participate actively in the work of the International Whaling Commission, the Food and Agriculture Organization of the United Nations, the Indo-Pacific Fisheries Council, the Inter-Governmental Maritime Consultative Organization and the Intergovernmental Oceanographic Commission. Australia expects soon to become a member of the Indian Ocean Fisheries Commission. In the area of international research activities, we have participated in the work of the International Indian Ocean Expedition. Our interest, as is the case with a number of other members of the Committee, in Antarctic waters is well known. We have acceded to the four Law of the Sea Conventions, and the International Convention for the Prevention of Pollution of

⁵ See *Convention on Fishing and Conservation of the Living Resources of the High Seas*, United Nations, *Treaty Series*, vol. 559 (1966), No. 8164.

the Sea by Oil.⁶ We also participate in international fishery agreements.

109. It follows from what I have said that Australia does not believe that it is possible or desirable, in the time available to us, to enter into the substance of the question raised by this item. The problems are too important and affect too many interests for there to be simple or easy solutions. The first task of the Assembly should be to set up a committee which could submit these questions to further study, after having obtained the best information available to it on current scientific achievements. For these reasons, my delegation would support the establishment of a committee on the oceans, broadly along the lines proposed by the representative of the United States [1524th meeting]. It follows from what I have said concerning Australia's interest in and contribution to existing endeavours directed to the exploration and exploitation of the resources of the sea floor, that Australia would welcome the opportunity to contribute further to international activities in this field in any body set up by the General Assembly.

110. Mr. ULLOA (Peru) (*translated from Spanish*): I have heard various speakers here refer to the proclamations of the President of the United States in 1945⁷ on the jurisdiction, exploitation and use of the continental shelf as a direct precedent both to subsequent international legislative activity and to this proposal of the delegation of Malta which we now have before us. This may be true, but only from a political standpoint, because, given the tremendous influence wielded by the United States of America at the end of a great victorious war, the fact that this country initiated the modernization of the law of the sea through such formal and positive acts as the above-mentioned proclamations obviously lent importance to these proclamations.

111. However, with respect to the latter, two specific clarifications are necessary. Firstly, from the standpoint of doctrine or principle, thirty years before the President of the United States, the well-known Argentine authority on international law, José León Suarez (who has already been mentioned here) had specifically discussed the utilization by coastal States of the resources of their coastal seas, and his ideas were not confined to a measurement of the area, but referred specifically to epicontinental waters.

112. Moreover, long before the President of the United States had made his famous proclamations, the ancient fiction defining the limit of the territorial sea as three miles, beyond which lay the high or free seas, had been destroyed because the concept of defence on which it was based had become narrow and useless as regards to the need of the coastal States to defend themselves against the seafaring activities of belligerent States. In fact, the first Meeting of Consultation of Foreign Ministers of the American States, held in Panama in 1939, decided to create an emergency maritime zone to protect the continent, similar to that established eight years later by the Inter-American Treaty of Reciprocal Assistance of Rio de Janeiro, which was also signed by the American States.

113. Another important feature of the proclamations by the President of the United States should be constantly borne in mind, because it places what has come to be considered a historical attitude in a particular context. Only the motive of economic profit in the interest of its own exploitation and use of the oil resources led the Government of the United States to claim the occupation and usufruct of the continental shelf. Explorations were revealing that there, as in many parts of the world, the oil resources underlying the earth's subsoil extended towards the sea in the prolongation of the subsoil which constitutes the continental shelf. Thus it could be said that the great national and international oil interests would follow the presence of oil from the earth's subsoil into that of the sea.

114. The attitude of the United States, which in a sense undoubtedly constituted an international innovation and ushered in a new norm in the law of the sea, was confined in its formulation to an immediate economic interest, that of the resources of the continental shelf; but it did not refer to fishing which, in the intervening twenty years, i.e. between the declarations of the President of the United States and the present proposal submitted by the delegation of Malta, has constituted the main subject or content of discussions concerning the law of the sea.

115. Thus, to sum up, it may be stated without exaggeration or inaccuracy that the administrative acts of the United States in 1945 furthered the concept of the new law of the sea and the subsequent development of regulations concerning the continental shelf, because they showed that there were no comprehensive regulations in the basic aspects of that law covering modern industrial activities. In a sense, therefore, they announced that the time had come to begin the structuring of a new law of the sea which, both from the conceptual and the formal standpoint, would take account of this change. The door had been opened for a new law of the sea, just as it has been, subsequently and in the appropriate forms, for air and outer space law, the need for which was not felt when the air was only a source of storms and when space was still simply something lying beyond the altitude.

116. Several speakers have also referred to the Conventions adopted in 1958 at Geneva at the United Nations Conference on the Law of the Sea by a number of States, many of which have not ratified them to this day.

117. The Geneva Conventions introduced into international law some new concepts, whose existence as such—although not their characteristics—cannot be now challenged, such as the previously mentioned continental shelf, which has been the subject of unilateral proclamations or agreements or of bilateral legal arrangements, but not yet of an explicit convention; the concept of the contiguous zone as an extension of the territorial sea for purposes of the exercise of preferential rights; or the concept of those preferential rights themselves, within a certain area, for the benefit of coastal States.

118. However, the Geneva Conventions did not solve the basic problem of the new law of the sea, namely, the extent or area of the territorial sea, particularly for the purposes of conserving, protecting and exploiting fisheries for the benefit of the coastal States.

⁶ United Nations, *Treaty Series*, vol. 327 (1954), No. 4714.

⁷ *Laws and Regulations on the Régime of the High Seas* (United Nations publication, Sales No.: 1951, V.2), pages 38 and 112.

119. True, the concept and adoption of some regulations concerning the continental shelf, which is the immediate geological prolongation of the so-called territorial or emergent area of States, is very important. So are the concepts of protecting and conserving the species, which are of such great interest to all States—whether situated near those species or no—owing to their importance to human well-being and also, no doubt, to the economic activities of some States or groups.

120. Finally, we also attach great importance to the concept of the contiguous zone, which seeks to reconcile the extent or area of the territorial sea or its maritime jurisdiction, proclaimed and upheld by some coastal States on geological, biological, economic and human grounds, with the desire of other States not endowed by nature with the same resources, but which claim the right to come to seek them for their own benefit in the seas adjacent to the coastal States and which therefore uphold a restricted concept of the territorial sea and claim that the high or open seas extend to those restricted limits.

121. But the formulation—even though it may not be legally binding on the States not signing or ratifying the Geneva Conventions—of some concepts of the new law of the sea is far, very far indeed, from constituting enough to enable us to exaggerate its modest formal outcome. The main, we might almost say the determining purpose of the two conferences on the law of the sea held at Geneva in 1958 and in 1960, respectively, was to seek and eventually find a satisfactory formula for measuring the territorial sea. That formula has not been found. Although there was no explicit declaration to that effect in all cases, it might almost be said that the delegations of the coastal States meeting at Geneva, and even of those which were not coastal, agreed that there was no common legal rule by which the area of the territorial sea or the maritime jurisdiction of the coastal States could be determined; and they likewise agreed that the old practice or custom, long proclaimed and observed by many States, setting the limit of the territorial sea at three miles, were no longer meaningful or valid because of the increasing number of States which, in order to extend the exploitation of the resources in their continental shelf, to protect the fisheries of their populations by means of a concept of preferential, if not exclusive rights, had created a new concept of the law of the sea. No path or formula or phrase was found at Geneva for standardizing criteria with regard to this fundamental aspect of the conservation law of States.

122. Should detailed examination of the vast documentation of the Geneva conferences regarding the width of the territorial sea not be enough, suffice it to mention only one example. The three States of the South Pacific, Peru, Ecuador and Chile, which regard their well-known Declaration of Santiago⁸ as an international commitment, made an official declaration at Geneva,⁹ which forms part of the documentation of the Conference, to the effect that,

⁸ *Revista Peruana de Derecho Internacional*, vol. XIV, No. 45, 1954, page 104. The English text appears in *Laws and Regulations on the Régime of the Territorial Sea* (United Nations publication, No. 1957, V.2, p. 723).

⁹ United Nations Conference on the Law of the Sea, *Official Records*, Vol. II: Plenary Meetings (United Nations publication, No. 58, V.4, Vol. II), Annexes, document A/CONF.13/L.50.

since no agreement had been reached concerning the width of the territorial sea, they considered valid and upheld their concept that their maritime rights extended to 200 miles.

123. In view of these three States and those which have made similar statements, the establishment of the maritime measurement referred to is not a mere whim or dialectical exercise, because that measurement comprises (although not entirely nor in all periods) the area in which preferential, if not exclusive, fishing rights are vested in their nations, which have been exercising them for many centuries in the sea adjacent to their coasts. The presence there of certain species is the result of geological and biological factors linked—as in the case of guano fertilizer in Peru—to the very existence and development of their national agriculture, constitutes an indispensable factor of their economy, as does the utilization of the fishery resources of the said coastal zone for those three countries of the South Pacific, and its value to their national economy, and, needless to say, to the welfare of a population whose diet and industrial activities are largely dependent upon it.

124. The concepts I have just set forth in connexion with the rights affirmed and claimed by the States of the South Pacific are independent, wholly independent, of the geological fact of the continental shelf, because they originate in and rest upon a different order of facts and considerations.

125. To this it must be added—in view of the fact that those considerations are the more widely known and cogent—that, owing to other geological phenomena resulting from the age-old and undefined composition of that part of the American continent, the continental shelf is minimal or virtually non-existent on certain coasts, and cannot serve as a physical or legal basis for rights of maritime jurisdiction. That is why, at Geneva and elsewhere, in order to extend our jurisdiction, we have repeatedly called for elementary and just compensation so as to place the countries possessing coasts with no continental shelf, or practically none, in a position which would not be inferior, in respect of the rights of maritime jurisdiction of those States which, owing to different geological conditions not determined by human action or will, possess a vast continental shelf, in some cases extending even beyond their own claims.

126. The declaration and exercise by the South Pacific States of broader maritime jurisdiction than was formerly considered necessary does not affect another basic concept or element of the law of the sea, namely, that of free navigation. There has been and there is nothing in the maritime jurisdiction maintained and exercised by Peru, Ecuador and Chile, that can affect or disturb freedom of navigation, which is certainly also a necessary condition of human well-being deriving from the use of the sea. Both the national acts of each of the above-mentioned States of the South Pacific and those of the States of Central America and the South Atlantic which have made similar declarations expressly uphold the freedom of navigation and confirm its unrestricted exercise.

127. From what I have said, it is evident that the legal position of the States I have mentioned is not, as some have

claimed and continue to claim at Geneva and elsewhere outside this assembly, contrary to international law. It is based on a concept which does not run counter to any explicit rule of international law now in force, since there are no such rules concerning that concept. What is involved is the establishment of a new law of the sea, conceptually different from the law previously created in point of fact by the will of the maritime Powers which, through the effectiveness and extent of their power, proved to be those most interested in maintaining the customs observed by them and, in practice, exercised preferentially by them.

128. Nor does our position affect the defence of the legitimate or necessary jurisdiction of any State. We are by no means limiting or reducing them, nor are we unaware of the unilateral and multilateral obligations imposed on States by the right of defence.

129. Now, it would be insincere to deny that this legal position of the States of the South Pacific is of benefit to them. But this benefit is far more legitimate, on the geographical, geological, biological and economic grounds I have mentioned, than that claimed by those coming from distant seas, motivated by the desire for profit, in a spirit of greed, with technical equipment whose use would lead to the exhaustion of our resources and, while that was happening, to the exclusion of what we may term our natural rights. And we use this term because, as the political concepts of economic power and individual profit in the alleged interests of States, which were the old basis of social life and, consequently, of international law, have disappeared, they have been replaced by new concepts of welfare and justice which make man, and hence the social groups formed by man, the true basis of international law today.

130. Thus, to speak of the rights attaching to those who seek the benefit and profit of private entities, basing themselves on the dialectic—if not casuistical—interpretation of practices or customs which are neither universal nor perfect, as compared to the natural, visible, geo-biological rights of simple access and proximity of those who aspire to legitimate well-being, is to misrepresent the concepts and facts.

131. How can those coming from distant seas—with knowledge and techniques they alone possess, to exploit resources for the exclusive benefit of a few whose economic and industrial capacity enables them to do so, and possibly to transform into dietary habits, imposed on other societies and peoples by industrialization and publicity, something which, by obvious human necessity or legitimate economic interest, belongs to the coastal States adjacent to the rich sea zones—how, I say, can they argue against the benefits or advantage of the coastal States adjoining the wealth which by nature belongs to them?

132. I do not wish, nor is it in my nature, to indulge in literary images or fantasies concerning facts. But, with the memories they evoke in me, I should like those who are listening to think for a minute about what it means to our poor fishermen or our small fishery enterprises to put to sea in the Pacific twilight or dawn with poor, if not downright makeshift, craft and equipment, in search of sustenance for a few people or to earn their wages; and, as they spread

their short, simple nets to harvest a small part of the fishing wealth, geo-biologically formed by their land and sea, to see looming on the horizon the great tuna clipper fleets and factory-ships which come to suck up the fish resources and carry them away, in some form, to other seas to benefit only a few.

133. Fortunately the ideas of economic and social justice, the human basis of the law of conservation of States, and the confirmation of man as the primary object of international law have now made it impossible for the outlines of destroyers protecting the tuna clippers and factory-ships to appear behind them, as they would have done in the nineteenth century.

134. I wished to submit these considerations to the Committee so as to make it readily understood that, confronted by a proposal such as that put forward by Malta for the future study and utilization of the resources underlying the high seas, the States of the South Pacific, while agreeing on the need for information on the utilization of the ocean floor, nevertheless feel obliged to make certain clear and unequivocal remarks. These are not reservations in the classical and legal sense of that term. Not only do we agree on the substance and aim of Malta's proposal, but we wish it to have the greatest possible success in its natural outcome; but we must eliminate any possibility of future problems or misunderstanding.

135. There has already been reference in this debate to the changes which the wording or heading of the item before us has undergone. We were opposed to the first heading adopted in document A/6695 in which the Permanent Mission of Malta to the United Nations requested the inclusion in the agenda of the present session of the General Assembly of an item entitled: "Declaration and treaty concerning the reservation exclusively for peaceful purposes of the sea-bed and of the ocean floor underlying the seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind". We felt it was going too far to propose and make a declaration and draw up a treaty whose aims would have placed the question within the purview of the Sixth Committee and precipitated matters to the point of ruining all possibility of reaching constructive agreement, which could not have been established immediately without adequate scientific, political, legal and economic study. We find that the delegation of Malta shows a spirit of understanding and willingness to reconcile different points of view in agreeing to reword the title of the item as regards its immediate aim. This has given rise to the simple heading: "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".

136. There is another point. The proposal originally mentioned the "sea-bed and ocean floor, underlying the seas beyond the limits of present national jurisdiction". The countries of the South Pacific and those which, like several States of Central America and the Republic of Argentina, subsequently adopted a similar criterion, wish to point out that it would have been better, both from the conceptual standpoint and in the interests of clarity, to refer to

"present national jurisdictions", rather than merely to "present national jurisdiction", as unfortunately still appears in the heading we have before us.

137. We must also say that we find the same spirit of understanding and desire for conceptual and formal clarity are shared by the delegation of Malta. Since the agenda item had already been included and adopted with the word "jurisdiction" in the singular, we submitted a document, also signed by Ambassador Pardo, representative of Malta, requesting that the Spanish translation of the title of item 92 should be changed, and the wording accepted by the representative of Malta himself should be used, namely, "beyond the limits of present national jurisdictions". However, for technical and clerical reasons which we respect, and which are undoubtedly part of the grammatical procedures of the Secretariat, the latter was unable to accede to our request. Therefore, we find before us today a wording which is not that agreed upon between the sponsor of the item and the representatives of the South Pacific States. Nevertheless, we trust that a change reflecting the real facts mentioned above will be submitted and approved without objection.

138. We realize that, as is usually the case with questions of grammar at first sight, some may not clearly appreciate why we attach such importance to the difference between the singular and plural of a concept which is apparently the same. However, we do consider it important and will therefore try to explain it. It might be said later that the singular form implies a general statement of a theoretical and doctrinaire nature, but can be subject to differing interpretations with regard to its implementation. That would lead to the argument that it constitutes an unspecified, and therefore generic, recognition of a legal concept subject to different interpretations by different people according to what they may consider to be the general norm of jurisdiction, without having to respect the individual criterion of each country which has proclaimed its own jurisdiction.

139. If, on the other hand, we speak of "present national jurisdictions", the plural defines and specifies a particular concept which refers to the jurisdiction that each State has proclaimed and observes in connexion with the law of the sea. It is a positive wording and implies confirmation of the existence of various, different individual or particular national maritime jurisdictions, which some States, like those of the South Pacific, consider a legal fact constituting for them a norm which they hold to be established and permanent. Thus, in other words, possible diplomatic controversy on the scope and validity of "the present national jurisdictions" of certain countries would refer to a specific fact not to be diluted into a general concept.

140. Since that is our understanding, we consider it necessary to say so clearly and forcefully. We are certain that our point of view is sufficiently clear to be understood by everybody. We hope that it will be accepted, with a clear idea of the rights and interests it implies, especially by States which, like most of those of Asia and Africa, have not bound themselves legally, dialectically or economically to the forms and concepts of the old international law that is no longer consistent with the real facts of life and the law of the sea in our time, since those States need not and cannot accept the imposed heritage of vested interests that

would ultimately clash with the full sovereignty they claim and assert.

141. To sum up, the delegation of Peru, together with those of the other countries in a similar position, supports the proposal of the delegation of Malta because we consider it to be in accordance with our sovereign rights and with the principles of our economic, social and human concept of the law of the sea.

142. Mr. TSURUOKA (Japan): I wish to join with previous speakers in welcoming the initiative of the representative of Malta in bringing the problems under this item to the attention of the General Assembly. I should also like to express our appreciation of Ambassador Pardo's excellent and comprehensive statement, containing so much valuable information and a detailed analysis of those problems.

143. As Mr. Pardo told us in such a lucid manner, the sea-bed and the ocean floor contain incalculable wealth. Thanks to the remarkable progress of technology, the active exploitation of the sea-bed and the ocean floor is coming near. The United Nations and the specialized agencies concerned have been engaged in many activities falling within the broad field of oceanography. We are aware of the various activities being carried out by them, in which my country has closely co-operated and played an active role. These activities include the survey of activities in marine science and technology, in accordance with resolution 2172 (XXI) of the General Assembly; the survey of the present state of knowledge of the resources of the sea, in accordance with resolution 1112 (XL) of the Economic and Social Council, and the study of legal questions related to scientific investigation of the ocean being carried out by the working group of the Intergovernmental Oceanographic Commission of UNESCO.

144. However, Mr. Pardo, in a very timely way, called our attention also to some of the political implications of the possible use and exploitation of the sea-bed and the ocean floor, such as their possible use for military purposes, new colonial wars for the ocean floor, or monopoly of the ocean's resources by a few technologically developed countries.

145. Japan is an ocean country and, as representatives are doubtless aware, it is about the size of the State of California in the United States. Yet we have a population of 100 million, we are very short in natural resources and furthermore, because of the mountainous terrain, less than 15 per cent of our land is cultivable. As a result, Japan has become one of the major fishing and shipping nations of the world, and we carry out various activities in the field of oceanography. Therefore, we naturally have a vital interest in the problem of the sea-bed and the ocean floor.

146. It is regrettable that, at the present stage in the development of international law, the outer limit of the continental shelf is quite unclear. The Convention on the Continental Shelf of 1958 in its article 1 defines the continental shelf as follows:

"...the sea-bed and subsoil of the submarine 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 . . .”

147. These provisions might be interpreted so that the technology of exploitation alone would determine the outer limit of the continental shelf. Under this interpretation, we are afraid that the entire sea-bed and ocean floor might be claimed some day in the future as the continental shelf of coastal States. In view of the principle of freedom of the seas in general international law, our country cannot accept such claims in any manner whatsoever. In this sense, we fully appreciate the implications of the Maltese proposal as a brake against such possible claims in the future.

148. With regard to the use and exploitation of the sea-bed and the ocean floor, the position of the Japanese Government is also clear. The exploitation of the sea-bed and the ocean floor should be carried out, not for the benefit of a few specific countries only, but for the benefit of all the countries of the world, equitably. And such exploitation should be for peaceful purposes only, in a manner consistent with the purposes and principles of the Charter of the United Nations—use of the sea-bed and the ocean floor for military purposes being strictly prohibited.

149. We would regard it as premature to attempt to create immediately an international agency or international legal régime for the sea-bed and the ocean floor. That was rightly described by Ambassador Pardo as a long-term objective. We support the proposal to set up a new committee. That committee, as we understand it, would confine its work to a study of the legal, economic, technical and other problems related to the peaceful uses of the sea-bed and the ocean floor. The committee would study those problems on the basis of materials submitted by the Secretariat, and report the results of its examination to the twenty-third session of the General Assembly. Of course there should not be any duplication of the work of other international organizations which is now in progress. Japan naturally, as I have said, is intensely interested in this very important subject and would be ready to serve on the proposed new committee.

150. Mr. PAVIČEVIĆ (Yugoslavia): The outstanding scientific, technical and technological progress achieved in the course of the last few years calls for an urgent solution of an increasing number of problems. The characteristic feature of efforts aimed at their solution is the common desire to have the accomplishments of science and technology used in the interest of peace and for the benefit of mankind.

151. The First Committee has already made a significant effort in this direction by contributing to the recent conclusion of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies [*General Assembly resolution 2222 (XXI), annex*].

152. We are presently faced with new problems to which our attention has been drawn through the proposal submitted by the delegation of Malta. We wish to associate ourselves with all of those who have already expressed their appreciation to Ambassador Pardo for having raised this

important problem and for giving us such a thorough analysis of many pertinent issues.

153. The question raised under the item “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” is of major international importance. It is mainly a problem of economic development. It is also a question the solution of which could contribute to the strengthening of peace and security in the world. These two aspects are closely linked, and they constitute major goals towards which our actions should be directed. The first concerns efforts to have the sea-bed and ocean floor, and the subsoil thereof, used in the interests of mankind. Thus new possibilities could be opened up for the accelerated economic development of the developing countries through international co-operation with the developed ones, whose scientific and technological capacities make possible the exploitation of the vast natural resources of the sea-bed.

154. The elaboration of the legal régime regulating the activities of States regarding the sea-bed and the ocean floor, and the subsoil thereof, should in the end result in having the sea-bed and its resources used exclusively for peaceful purposes. It is in the interest of the international community not to permit the spread of the arms race—particularly the nuclear arms race—to those areas of the earth’s surface.

155. The Yugoslav delegation will give full support to all efforts aimed at having such areas used exclusively for peaceful purposes.

156. We are, however, well aware of the fact that the proposal of Malta has opened up many problems in the field of international law and stressed the complexity of the military, economic, scientific, research, and other aspects.

157. The establishment of a legal régime governing the sea-bed calls for the examination and settlement of many other problems, among which are, to mention but a few: the determination of the limits of the sea-bed and the ocean floor, and within this framework the establishment of the limits of territorial seas and the continental shelf; the relationship between the future régime of the sea-bed and the existing régime of the high seas, the problems of the legal status of the water mass between the surface of the high seas and the sea-bed, etc.

158. Questions therefore emerge which are already partially regulated by a number of international conventions, such as the Geneva Conventions on the law of the sea of 1958, and others. All these and many other elements should be borne in mind in order to prevent new problems from arising which could increase legal and political instability—precisely contrary to what we hope to achieve through the so-called internationalization of the sea-bed.

159. The initiative of Malta has also drawn our attention to various problems relating to national and international security and disarmament. The sea-bed is becoming more and more interesting for military purposes owing to the fact

that the development of science and technology is making it possible to have strategic weapons stationed on the sea-bed, where it is more difficult to detect and destroy them.

160. These problems, as well as the complex problems of economic exploitation of the sea-bed resources, demand thorough consideration.

161. By bringing these problems to the attention of the Committee, the Yugoslav delegation only wished to stress the urgency of further preliminary studies with a view to initiating concrete action in this field. Prior to taking concrete steps, in our opinion, it would be necessary to carry out the following: (a) analyse all legal, economic, military, scientific and technological aspects of these problems and all their implications; (b) review all that has been done so far in various fields directly or indirectly relating to the problem presently under consideration; (c) examine the past activities and the possibilities of various international organizations and bodies concerned with pertinent problems, as already partly done in note by the Secretary-General.

162. We all agree that this is a long-term problem and that we should clarify some of these questions prior to undertaking further action. Certain differences emerged regarding the methods and organization of the future work. Some delegations have suggested that the preparatory work should be carried out by an *ad hoc* committee. Others felt that the Secretary-General should submit a report or that a standing committee should be established.

163. Nevertheless, we feel that the different proposals submitted by States reflect the desire and sincere interest of Members of the United Nations to approach the solution of this problem in a constructive manner.

164. In our opinion, this preliminary work could be successfully completed through joint efforts of the Secretary-General and the appropriate international organizations in preparing the pertinent materials necessary for consideration of the substance of this question, if possible at the next session of the General Assembly.

165. This preliminary part of our work could be useful for us also in considering the need for the eventual creation of a standing committee in the future to examine all problems and proposals in this field.

166. In conclusion, I should like to say that some progress has already been made in this respect. Some fundamental principles on which our future efforts should be based have emerged from this discussion. The principles we have in mind are the following.

167. First, the sea-bed and the ocean floor, and the subsoil thereof, should be used exclusively for peaceful purposes and in the interests of the international community as a whole, particularly taking into account the needs of the developing countries. In addition, the results of the scientific research should be made accessible on an equal basis to all States.

168. Second, the sea-bed and the ocean floor beyond the limits of present national jurisdiction should not be subject to national appropriation.

169. Third, the activities of States with respect to this part of the earth's surface should be carried out in conformity with the principles of the United Nations Charter.

170. The Yugoslav delegation is prepared to contribute, within its possibilities, towards the solution of this important problem.

171. Mr. GOTLIEB (Canada): The question that the representative of Malta has taken the initiative of placing before this Assembly is one to which Canada attaches the greatest importance, not only because we are a State with a long-standing interest in the resources of the sea and in oceanographic research, but also because we recognize that this Organization is now seized with what is probably the last remaining area of man's knowledge of his immediate environment still unexplored. This Committee has already heard from the representative of Malta, and other participants in this debate, of the important resources which modern technology may soon be placing within the grasp of mankind by making possible the exploration and use of the sea-bed and the subsoil of the abyssal depths of the oceans.

172. I do not intend to repeat what has already been said so eloquently and so knowledgeably. Let me only say that Canada is conscious of the tremendous possibilities inherent in this new field of activities, and that Canada regards the establishment of a peaceful, equitable and rational régime for the exploration and exploitation of these resources in accordance with the Charter as a task which requires the most careful and thorough examination by the United Nations. We are most grateful to the representative of Malta for bringing this important matter before the United Nations at an early date, since the complexities which this problem involves, particularly when one considers that our knowledge in this field is as yet only incipient, will undoubtedly retain our attention for many years to come.

173. The importance of the subject, its far-reaching implications and the inadequate state of our present knowledge would seem to suggest, in the view of the Canadian delegation, the need for an approach which is both imaginative and careful to the adoption of methods designed to permit the ultimate resolution by this Organization of the many complex problems involved.

174. I should like, first of all, to outline as briefly as possible some of the various aspects of the subject which we consider it important to place before this Committee.

175. There will obviously arise a number of legal problems in respect of matters now before us. As of now, there exists only one international instrument dealing with the exploration and the exploitation of the resources of the sea-bed and the subsoil of submarine areas. That, of course, is the 1958 Geneva Convention on the Continental Shelf. This Convention, in principle, is limited to submarine areas adjacent to the coast but lying beyond the territorial sea. However, while the inner limit of the immediately adjacent coast is adequately described in international instruments as "the territorial sea", the outer limits are at present subject to a definition based upon the test of exploitability—a definition which would eventually permit coastal States to explore and exploit the resources of the abyssal depths.

176. But if exploitation of the abyssal depths beyond the continental shelf were in fact to occur on this basis, this

would inevitably result in the carving of the ocean floor into areas over which individual States would exercise, or seek to exercise, sovereign rights; it could eventually give rise to serious differences between States whose coasts are opposite one another; and it could also lead to a situation where less-developed countries would be at a definite disadvantage. That is one of the problems—one of the key problems—which has to be faced.

177. Before the United Nations can begin to seek to establish an international juridical régime for the deep sea-bed, capable of avoiding claims to national sovereignty and providing an equitable basis for developing deep-ocean resources, it will obviously be necessary to develop principles for delimiting the area over which such a system will apply. What are the present limits of national jurisdiction into the abyssal depths under existing law? Will these limits continue to be regarded as capable of being extended beyond the geophysical continental shelves of coastal States? Beyond the shelf proper, the continental slope, the rise? What of those coastal States that are not favoured with an extensive geographical continental shelf?

178. The present legal position regarding the sovereign rights of the coastal State over the resources of submarine areas extending at least to the abyssal depths is not in dispute. The proposed study should, therefore, be confined to the problems of exploration of the resources of the deep ocean floor. In the absence of generally recognized principles of international law such a study should presumably take into account, and indeed begin with, existing State practice. Exploration permits have already been issued over areas of the ocean floor in widely different geophysical circumstances. It is already a fact that exploitation is taking place at considerable distances from the coasts and that exploration is being carried out in areas where the water depth far exceeds 200 metres. There have, moreover, been a number of international agreements whereby States with opposite coasts have divided between themselves wide expanses of the ocean floor adjacent to their coasts. Already there exist cases where deep trenches have been ignored and where exploration and preliminary exploitation measures have been initiated beyond them. Clearly it would be unrealistic to ignore those developments.

179. My delegation believes that there are certain principles which can and should guide us in our studies. Perhaps the most important of these is that primary interest of coastal States in their off-shore resources which has been recognized in a number of international conventions and which most obviously should continue to be respected in international law. It is clear from various statements made thus far in this debate that it is recognized that States cannot be expected to abandon rights which have been firmly recognized by international law and which are already being exercised on a world-wide basis. It is in fact well known that in many, and perhaps most, coastal States important sectors of the population may depend for their livelihood on the adjacent resources of the sea. The latter principle has been recognized in a decision of the International Court of Justice and in the Law of the Sea Conventions, and also in work carried out at the Geneva Conference.

180. Another principle which must obviously be maintained is that of non-interference with the freedom of the

high seas, subject only to the strict requirements essential to effective exploitation. At the present stage of the development of the law relating to the deep ocean bed such principles as peaceful usage, demilitarization, benefit sharing and abdication of sovereignty and of sovereign rights would be new principles requiring careful elaboration and development.

181. A related series of questions will arise in defining the legal principles which will regulate future exploration and exploitation activities in whatever international areas are agreed upon. Development of the world's mineral resources has been characterized so far by the retention on the part of States of all sovereign rights in respect of their exploration and exploitation. Generally speaking, land-based exploration and exploitation are possible only with the permission of the State whose territory or recognized rights are involved. It is only by virtue of the concessions they receive from the State that public or private interests can engage in such activities and derive benefits, possibly by way of taking calculated risks. It is obvious therefore that the possible establishment of an international régime relating to the resources of the abyssal depths may require fundamental departures from traditional concepts. The suggestion, implicit in the Maltese proposal, of the possibility of internationalizing these resources is thus a most interesting one, which will require thorough and careful consideration.

182. It would also in our view be premature to attempt to reach decisions as to how our essentially land-based principles should be transposed into appropriate under-the-sea rules. For example, it is difficult to imagine that what is possible within a single domestic legislative system would equally be a rational proposition under a complex international régime. Imaginative efforts will therefore undoubtedly be required before the United Nations can arrive at practical approaches and solutions. Careful studies of particular conditions under which the exploration and exploitation of abyssal depths take place will have to be carried out. So far, our experience has been limited to relatively shallow depths and to the production of oil, gas, sulphur and a few other minerals. We can still only speculate as to what will be required for the exploitation of other mineral resources. Surely it would be advisable to make a flexible but careful approach in seeking to solve problems which involve a variety of technical matters about which we as yet know little.

183. If we are to establish, as one of our main objectives at the present time, the examination of principles whereby the exploitation of the resources of the abyssal depths will be open to all, so that all countries—including in particular the developing States—will have the opportunity to derive benefit from such areas, economic considerations of a complexity as yet unknown will play a very important part. On the one hand, the question might have to be examined of giving due regard to the possible occurrence of large capital involvements on the part of those countries, agencies or instrumentalities which might actually carry out mining explorations or operations, and to the consequent need for having a secure basis for planning and maintaining such activities. On the other hand principles would need to be examined which would be designed to pay due regard also to the interests of countries which are likely to remain

unable for some time to take an active part in such operations and which are accordingly unlikely to be in a position in the near future to participate in the exploitation of newly found wealth in the abyssal depths. Canada—and I am sure other countries also—has already had substantial experience of ways in which economically less developed parts of a nation are given the same opportunities as more developed areas to share in the prosperity of the nation as a whole.

184. Thus while an examination of the possible application on a world scale of principles which would provide a juridical framework for ensuring a fair and just basis for exploiting the deep-ocean floor would be an exceptionally challenging task, it should not be dismissed as impractical or unrealistic.

185. Those are only a few illustrations of the sort of difficulties with which we are confronted. It is naturally easier to point out the problems in our path than to propose solutions to those problems. I hope, however, that my intervention will not be interpreted as being negative in its intent. It is my hope that I have been able instead to convey our conviction that the approach we should take to this question should be both imaginative and cautious. At this stage it is too early, in our view, to consider treaties, conventions, enunciations of principle or recommendations. What we do require is a more intimate knowledge of all aspects of this essentially new area of human activity. Our interest in these matters is, after all, a natural concomitant of the fact that Canada has a most extensive coastline.

186. It has been suggested that a study group or a committee of experts be established and given the task of gathering the information that will be necessary for future work, and of examining the need for co-operation and regulation in this area and the planning that should be carried out. Canada believes that is basically a sound proposal and, in its view, it is a satisfactory course of action in the circumstances. My country considers that the mandate of such a committee as may be established should not be of such wide scope as to draw it into contentious disputes. We are concerned also to avoid any kind of rigid institutionalization which could impede progress in this area. We see merit in the committee undertaking, at least as a first step, the more limited but no less essential task of ascertaining in a precise fashion the extent of the problems at hand, the extent of the knowledge in this field, the need for further studies, and the forms of co-operation which will have to be established with other agencies or organizations already involved in the study of these problems, such as the Intergovernmental Oceanographic Commission of UNESCO, the Fisheries Committee of FAO and the WMO Advisory Committee on the Application of Science and Technology to Development. After the committee, with appropriate assistance from the Secretary-General, has reported to the next session of the General Assembly, we should be in a position to take further measures to pursue our work in this field.

187. I have refrained from engaging in a discussion of other fields of activities directly or indirectly related to the question of the exploration and exploitation of the resources of the abyssal depths. It is obvious that current and future studies in respect of fisheries, pollution, naviga-

tion and oceanography will sooner or later have to be co-ordinated with our efforts. However, the preliminary reaction of my delegation is to tend toward the view that we might be best advised for the time being to defer any formal discussion or decision on the scope of such a committee's work until that committee has itself carried out a preliminary survey of what has been done and what needs to be done in relation to the Maltese proposal.

188. So far as the arms-control aspects of the Maltese proposal are concerned, I need hardly state that Canada firmly believes that the exploration and the exploitation of resources of the ocean depths should be carried out in a manner consistent with the Charter and with the maintenance of international peace and security, and that we therefore favour the adoption of measures capable of ensuring the maintenance of peaceful conditions at the bottom of the ocean. If, however, any new machinery is to be created to deal with questions relating to the ocean depths, my delegation would wish to examine carefully any proposals that this machinery should deal specifically with arms-control questions arising in that context. Our attitude would be governed by the need to consider whether the Conference of the Eighteen-Nation Committee on Disarmament or a body of a type patterned after the Committee on the Peaceful Uses of Outer Space would be the more appropriate forum for dealing with such questions.

189. Mr. JOHNSON (Jamaica): Jamaica wishes to join the previous speakers in their tribute to the representative of Malta, Mr. Pardo, for his very timely initiative in placing the item under review on the agenda of the twenty-second session of the General Assembly, and also to thank him for the wealth of information that he has placed before us in his statement to this Committee. He focused attention not only on the urgency of the question of the utilization of the sea-bed and the ocean floor for the good of all peoples, but on its magnitude and complexity. In this regard, I believe our work has been greatly assisted, and our debate so far underscores this fact.

190. In its resolution 2172 (XXI) on the resources of the sea, the General Assembly recognized the need for a greater knowledge of the oceans and of the opportunities available for the utilization of their resources, living and mineral. Recognition was also expressed of the fact that the effective exploitation and development of these resources can raise the economic level of peoples throughout the world, and in particular of the developing countries. To this awareness of the need for adequate information and development potential might be added the dimension of "regulation" and the orderly co-operative development of these resources. It is the view of my delegation that these would form the crux of our concern and the bases of United Nations responsibilities.

191. Perhaps the most significant aspect of the debate so far is the widespread interest that the item has generated and the recognition by Powers, large and small, of the need for the orderly exploitation of this last great frontier of natural resources. The sudden awareness of the vast mineral and protein resources of this seven-tenths of the earth's surface which modern science and technology make it possible to mine and harvest will undoubtedly generate immense pressures for fundamental changes in its rather

unique status. That is why we believe that the United Nations, more than any other body existing today, has a basic responsibility in regulating activities in this area as well as ensuring that these valuable resources will not be squandered or plundered but will be brought within the province of international co-operation for human betterment.

192. Our subject is a highly technical one, however, involving not only the very important legal problems of exploration rights but the more fundamental problems of science and technology, conservation and mining, strategy and public policy, national defence and international security. Consequently, it should be approached with caution and understanding. Among the very many compelling reasons why the present Assembly should be obliged to seek an appropriate channel for the serious examination of the technical exploration of the item under discussion are the following three: first, conservation; second, the harsh prospects of competition and conquest; and, third, the interests of all nations, including the technologically disadvantaged ones.

193. On the question of conservation, the unregulated exploitation of known resources has led in many instances to their exhaustion or near-exhaustion, not to mention the inequities in their distribution. In this connexion one simply has to recall that as a result of the rapid advances in science and technology, certain species of fish and whale are faced with the threat of overfishing and extinction, and whereas the United Nations Conference on the Law of the Sea in 1958 directed attention to the protection of those resources, the rapid advances in marine science and technology in the last decade would seem to suggest that a part of our concern should be directed to reviewing the effectiveness of those recommendations as a matter of urgency. Resources in relation to population remain a major problem facing the United Nations, and the debates in the Second Committee of the General Assembly clearly reveal the extent to which the developed countries now seem able, within the limits of their resources, to assist the developing countries. The available area of cultivable land is rapidly diminishing, and consequently the promise of the sea as a source of food-supply must be urgently explored.

194. Another compelling reason for protection and conservation of the resources of the sea derives from the danger of pollution and waste deposits that presently threaten the off-shore areas of a number of States. The development of atomic submarines and ocean-going carriers, together with the transport of atomic weapons by sea, can only add to the risk of atomic pollution of the seas and are a threat to marine life in general. The fact that the flag State may be responsible might not entirely resolve the problem for the rest of the world, or even for the flag State itself.

195. On the question of prospects of competition and conquest, the sea has always featured prominently in national security and defence. The recent acceleration of developments in naval technology can be expected to increase the strategic importance of this area. It is our good fortune that the sea-bed and the ocean floor at present fall outside the sphere of national sovereignty. Historically, it might be described as "every-man's land". Without effective regulations it would be safe to predict that, as and when

major discoveries are revealed in this area, competition for ownership or exploitation will undoubtedly follow. Without the establishment of clear lines of regulation, it would be easy to envisage at work the old rule of title based on discovery and occupation being invoked to support the claims of certain States. This would lead of necessity to very serious threats to peace being posed by this kind of competition in which one State might consider that its rights to a particular resource were threatened, and so set out to defend those rights. It is therefore fairly certain that unless action is taken soon the world could face a power struggle for the resources and control of the sea, a struggle that could equal or exceed in magnitude those struggles for the world's known resources which have led to the chapter of colonialism that the United Nations is now striving to close.

196. The third point of urgency that I should like to mention relates to the fact that today only a few countries possess the technological and scientific capability for exploring the sea-bed and the subsoil thereof. Indeed, only a few countries are today able to compete effectively for the fisheries of the seas. Consequently, the smaller and poorer countries are at a disadvantage. It would be sheer economic shortsightedness and chaos if such countries should in time find themselves locked out of possibilities for future exploration. That seems to be the situation concerning fishing rights in "historic fishing grounds". It is submitted, in the spirit of the United Nations Charter, that these developing States should be able to share in the resources as the common property of the world community. Unless that was done, then it might be predicted, based on past experience, that the advanced countries, having asserted their rights and claims to these areas, would not be disposed to yield to newcomers. The problem of the difference between the advanced and the developing countries would thereby be compounded and the prospect of making those resources available to the human community at large would be somewhat diminished.

197. It is most gratifying, therefore, to see that the interest of the developing world in the item under consideration has been widely recognized during the debate, and in that connexion it appears to be incumbent upon those States to spare no effort for meaningful participation at all levels in decisions and in the exploration of this question.

198. In that connexion, greater initiative will be required on the part of developing countries to gain expertise, if not equipment, in the study of marine sciences and oceanography in order that they too may bear their share of responsibility. Naturally, the means of financing such studies would require urgent consideration.

199. The points advanced by my delegation leave us convinced that there is need now for the establishment of a committee on the oceans for the systematic study of the question under review, and it is hoped that the Assembly will work to that end. That committee might be expected to look at all the facets of this very complex problem of how to make the best use of the sea-bed and the ocean floor for the benefit of all nations.

200. My delegation also wishes to record its gratitude for all that has been undertaken and is being pursued by

national and international agencies for the advancement of oceanography in the interest of mankind. It is our expectation that national governments which have made advances in these fields will also be disposed to place before the committee information relevant to its study and to co-operate with the committee in the achievement of its objectives.

201. My delegation will continue to examine closely the matter under consideration and, where appropriate, will make known its views on any proposals and on defining the terms of reference for the committee.

202. Mr. ZANDFARD (Iran): Speaking for the first time, I should like to offer congratulations to you, Mr. Chairman, on your election as Chairman of the Committee. Our good wishes also go to the Vice-Chairman and the Rapporteur.

203. The general debate is drawing to a close, and at this stage we have little to add to what has already been said on the subject. Our intervention this evening should therefore be primarily construed as a sign of our keen interest in the subject which the Committee is now discussing.

204. I wish to join previous speakers in paying tribute to Ambassador Pardo for his timely initiative in bringing this item before us, and for the excellent statement which he made on the subject. The importance of the item under discussion hardly needs emphasis. By way of illustration, may I say that the sea is generally considered by scientists to be the locale of the origin of life on earth. The functions of the sea in relation to earthly life are many and varied. The sea holds about 330 million cubic miles of water, under which lie immense resources with a potential for exploitation which we are barely beginning to understand. Of about sixty elements generally known to be dissolved in sea water, only four have been commercially extracted in any quantity. If one day all the wealth of the sea-bed and the ocean floor beyond the national jurisdiction of States could be identified and exploited for the good of mankind, a significant change would begin, with effects on economic development which would in all likelihood be revolutionary.

205. To evolve an international régime for control and regulation of States' activities on the ocean floor would be a highly important and difficult undertaking—important because it would deal with a vast new dimension of man's activities and open up a new vista for international co-operation, difficult because, aside from the economic and technological unknowns involved, it also has legal and military implications which require careful and sustained exploration.

206. The various aspects of the peaceful exploitation of the sea-bed and the ocean floor beyond the national jurisdiction of States require analysis, to give us a better preliminary grasp of what the nature and scope of our problems would be. Such a study could either be undertaken by the Secretary-General, in collaboration with the competent specialized agencies and the inter-governmental organizations, or entrusted to a working party of experts, a preparatory standing committee. In the view of my delegation, only when the results of those studies were

available would the Assembly be in a sound position to determine the best ways and means of proceeding further.

207. As other speakers have noted, some aspects of the problems raised by this item are now under examination by various international bodies. In his note the Secretary-General stresses the usefulness of distinguishing between the following matters when considering the item: (a) the question of the peaceful use, (b) the scientific activities and (c) those of resources exploitation. He points out that many international bodies within and outside the United Nations system are engaged in numerous activities within the broad field of oceanography—for instance, IMCO, FAO and WMO, which have been dealing with the scientific aspects. The Intergovernmental Oceanographic Commission of UNESCO last month established a Working Group on the Legal Questions related to Scientific Investigations of the Ocean.

208. The Secretary-General has been asked to undertake two major studies on the exploitation and development of marine resources. The first request was made by the Economic and Social Council in resolution 1112 (XL) of 7 March 1966, which laid emphasis on the development aspect of the matter.

209. The Secretary-General observes in his note that the study he is preparing in response to the Economic and Social Council request will examine various alternative régimes in the light of their advantage for the solution of the problems of the developing countries.

210. The second major study is that requested of the Secretary-General by General Assembly resolution 2172 (XXI) of 6 December 1966. That also called for proposals to ensure the most effective arrangements for an expanded programme of international co-operation in understanding the marine environment and exploiting marine resources.

211. Both tasks have been taken in hand and the respective reports will be ready, the Secretary-General states, for the forty-fourth session of the Economic and Social Council and the twenty-third session of the General Assembly.

212. It would seem a wise course to take stock of the work that is going on and to seek enlightenment in a field where many of us have little more to go on than high hope before taking decisions as to appropriate ways to organize whatever activities the United Nations is to undertake. The Secretary-General's reports will not be long in coming. Would it not be wise to await the outcome of the labours he has undertaken and the result of the work of the preparatory committee, should it be set up, before establishing organizational machinery for the management of this vast new field of activity?

213. These views have been presented in a preliminary way and we do not adhere to a rigid position. We shall be happy to consider the various and interesting proposals which have been outlined to the Committee.

The meeting rose at 6.10 p.m.