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**CONTENTS**

	<i>Page</i>
Organization of work . . . . .	1
Agenda item 26: 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: report of the <i>Ad Hoc</i> Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction . . . . .	1

**Chairman: Mr. Piero VINCI (Italy).**

**Organization of work (A/C.1/964 and Add.1;  
A/C.1/L.422 and Add.1-3)**

1. The CHAIRMAN: As members will recall, I informed the Committee on Thursday that I was engaged in intensive consultations as authorized by the Committee in an effort to find a generally acceptable solution to the difficulty confronting us and preventing us from agreeing on the programme of work. I indicated at that time that I was hopeful that given a little more time, I might succeed in bridging the narrow though deep gap that still existed.

2. Today, I am happy to inform the Committee that it has been found possible to agree on a course of action, which, I sincerely trust, will meet with the approval of all members of the Committee. Before indicating this course of action, I should like to express my sincere gratitude to those who have participated in these consultations, particularly for their understanding and co-operation, without which we could not have made any progress. I might add that I had the widest possible consultations with all sections of the Committee, personally or through colleagues of mine. At the same time I wish to apologize to individual delegations if I have been unable to contact them and to apologize to all members of the Committee for perhaps overtaking their patience.

3. As I said at our last meeting, I believe that the time taken for the consultations was well spent and helped considerably to avoid an even longer procedural debate in the Committee itself. I wish to thank all members for their patience and understanding.

4. I shall now indicate the programme of our work, which, I repeat, I hope will be acceptable to all members of the Committee, as it reflects, as far as I see it, most of the views expressed at our earlier meetings and throughout all the consultations I have had.

5. We shall begin with the consideration of General Assembly agenda item 26, "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: report of the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction."

6. It is my hope, if there is no objection, that we can begin consideration of this item immediately this morning. I understand that we have speakers who are ready with their statements.

7. After completing this item, we shall take up the disarmament items, namely, items 27, 28, 29, 94 and 96, the priority to be decided later. Thereafter, we shall deal with item 25 on the Korean question, and finally take up item 24, "International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space."

8. It is agreed further that the discussion on disarmament will be interrupted, on a date fixed by the Chairman, after consultations, to take up the invitation aspects of the consideration of item 25, "The Korean question". It is understood that all relevant proposals related to the invitation aspects, such as those contained in documents A/C.1/L.422 and Add.1-3, A/C.1/L.423 and A/C.1/L.424 will be considered at that time. I sincerely hope that this programme of work is acceptable to all members of the Committee.

*It was so decided.*

**AGENDA ITEM 26**

**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: report of the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/7230; A/C.1/973; A/C.1/L.425)**

9. The CHAIRMAN: If there is no objection we shall now begin the consideration of item 26. As members are aware, a draft resolution on this item, sponsored by twenty-nine members, and contained in document A/C.1/L.425, is already before the Committee.

10. We have also the report of the *Ad Hoc* Committee in document A/7230, and the note by the Secretary-General in document A/C.1/973, which were distributed this morning, bringing to the attention of the Committee, as requested by the Director-General of UNESCO, a summary containing the main conclusions and recommendations of the meeting of consultants convened by the Bureau of the Intergovernmental Oceanographic Commission. Before I call on the members who are listed to speak on this item, I wish to give the floor to the Rapporteur of the *Ad Hoc* Committee, the representative of Malta.

11. Mr. GAUCI (Malta) (Rapporteur of the *Ad Hoc* Committee to study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction): I take pleasure in introducing the report of the *Ad Hoc* Committee to study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, as contained in document A/7230. The report is the result of the unanimous approval of General Assembly resolution 2340 (XXII). The presentation of the report follows the order established by the operative paragraphs of that resolution.

12. Representatives may recall that in the discussions of the twenty-second session of the General Assembly on the new item proposed by the Government of Malta it was generally felt that a study of the various aspects of the item was required as a first step. The Assembly consequently set up an *ad hoc* committee for this purpose providing it with the terms of reference contained in operative paragraph 2 of the resolution and requesting at the same time the Secretary-General to render all appropriate assistance to the *Ad Hoc* Committee and inviting the specialized agencies, the IAEA and other intergovernmental bodies, to co-operate with the Committee in the implementation of the resolution.

13. In that connexion I wish to place on record briefly, albeit inadequately, my appreciation, shared I believe by all members of the *Ad Hoc* Committee, for the excellent and comprehensive documentation prepared by the Secretariat, often on very short notice, in response to requests made by the *Ad Hoc* Committee on many different aspects of the item but particularly its legal, economic, technical, scientific and military aspects. I would commend the extensive documentation listed in annex IV of the report to the attention of representatives. Discussions in the *Ad Hoc* Committee were, of course, also supplemented by other authoritative sources of information.

14. The officers from the Secretariat detailed to serve the Committee all performed their tasks diligently and efficiently, and, when all served so well, it may be invidious to single out one person. But I cannot fail to mention the outstanding service of Dr. Chai, the Secretary of the *Ad Hoc* Committee, since his enthusiasm and dedication to duty contributed to a large extent to the smooth functioning of the Committee's work.

15. Equally responsive, with regard to attendance, participation and documentation, was the support extended to the *Ad Hoc* Committee by representatives of the specialized agencies and other bodies, as listed in paragraph 9 of the report.

16. The report of the *Ad Hoc* Committee goes into considerable detail and I believe it warrants close attention. In the interest of brevity and in an attempt to single out the salient points of the study by the *Ad Hoc* Committee, I would only mention that the Committee divided its work in three sessions and spaced out its meetings in accordance with a practical, although inevitably restricted, time-table.

17. The first session was held in New York and concentrated mainly on procedural and organizational matters. It was decided through informal consultations to establish two working groups of the whole: one to deal, in a flexible interpretation, with technical and economic aspects; the other to deal with legal matters. Retained for the main Committee was discussion on all other aspects of the item. On this basis the officers of the Main Committee and the two Working Groups were unanimously elected on 19 March 1968, as indicated in paragraph 5 of the report.

18. Very briefly, and in all sincerity, I wish to pay tribute to the truly inspiring leadership of the Ambassador of Ceylon, the Chairman of the *Ad Hoc* Committee, and to the other members elected to office in the Main Committee and in the two Working Groups for their productive contribution towards the common objective.

19. During the remaining part of the first session discussions were held and agreements reached on some other procedural matters, including the documentation required from the Secretariat to enable the Committee to enter into substantive discussions of the issues raised. That documentation was mostly presented to the Committee before the start of the second session.

20. At the second session, also held at Headquarters, discussion concentrated mainly in the meetings of the two Working Groups on the economic, technical and legal aspects, in accordance with the respective terms of reference of those Working Groups. At the end of this session the reports of the two Working Groups were prepared, discussed and approved by the Working Groups themselves and presented to the Main Committee. An interim report was also prepared by the Rapporteur, which included the reports of the two Working Groups on their discussions up to the end of the second session. It was distributed under the symbol A/AC.135/L.1 and Corr.1.

21. During the final session, held by kind invitation of the Government of Brazil at Rio de Janeiro, no further meetings were held by the Legal Working Group, but four additional meetings were held by the Technical and Economic Working Group, which finalized its work, approved its report, and presented it to the Main Committee. The topics of discussion by the Technical and Economic Working Group are specified in paragraph 32 of the report of the Main Committee and in paragraph 3 of the report of the Working Group [A/7230, annex I]. At the end of the discussion on each subject the Chairman of the Working Group summarized briefly the main trends of those discussions. The summaries are found in paragraphs 10, 17, 29, 38, 48, 61 and 80 of the report of the Working Group.

22. The Legal Working Group, as indicated in paragraph 45 of its report [*ibid.*, annex II], was not in a position at its

first session to complete its programme of work, which it discussed under the heading listed in paragraph 37 of the Main Committee's report, especially in view of the limited time available and the nature of the legal issues involved. However, it was able to list several principles, some of which gained wide support, which are contained in paragraph 43 of the report of the Legal Working Group.

23. In view of the decision of the Main Committee to retain for itself consideration of all draft resolutions and other formal proposals which had already been presented in the Legal Working Group, discussions within this group ended with the second session of the Main Committee. The nature and importance of the discussions held by the two Working Groups were such that the Main Committee decided to annex each of their reports in full to its report.

24. I should like to pause briefly here to express my appreciation to the Rapporteurs of the two Working Groups, Mr. Abdel-Hamid of the United Arab Republic, and Mr. Prohaska of Austria, for the excellent preparation of their respective reports. Not only was their work of great help and inspiration to me personally, but as a result the report of the *Ad Hoc* Committee really stands on three important foundations and is a shared effort with one common aim and approach—that of providing the General Assembly and this Committee with a detailed and objective groundwork on which to base the important political decisions that are required for further progress.

25. The rest of the third session was taken up with intensive discussion in the Main Committee in order to finalize its programme of work in time. An account of the discussions on the scientific aspects is featured in paragraphs 13 to 28 of the report, which deals with long-term projects for international co-operation in oceanographic exploration, including various proposals of the Secretary-General and one for a decade of ocean exploration submitted by the United States.

26. The important role of the Intergovernmental Oceanographic Commission (IOC), and the basic principle of freedom of scientific exploration were emphasized and generally endorsed in these discussions, and the proposals themselves were widely supported after the necessary clarifications had been made. Under "other aspects" of the item, no clear distinction could be made between the political and military aspects, since these aspects are not easily separable. In fact, representatives will no doubt notice a considerable amount of overlapping of the various aspects of the item in the report and its annexes. This is not easily avoidable, for the various aspects are closely inter-related and cannot easily be separated. It was mainly on this account that the terms of reference of the two Working Groups had to be flexibly interpreted.

27. In the discussion of the military aspects, there was a unanimous feeling favouring the concept of the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction, and several delegations felt that the peaceful use should extend to the area outside the territorial waters of States. While many delegations maintained that the peaceful use of the sea-bed was not a clear-cut disarmament question in the generally accepted meaning of the term, the importance of the role of the

Conference of the Eighteen-Nation Committee on Disarmament in discussing the actual and potential military uses of the sea-bed and the ocean floor was stressed, and importance was also attached to the necessity of treating the various aspects of the item as a whole, as one unit. Two draft resolutions were introduced on the military aspects, and amendments to each draft resolution were also submitted. In addition, other resolutions submitted made specific references to the peaceful use of the sea-bed. These resolutions, or proposals, are found in annex III of the report and they are listed in order of submission.

28. The last topic of discussion in the *Ad Hoc* Committee centred on practical means of promoting international co-operation in the exploration, conservation and the use of the ocean floor, as contemplated in the title of the item. In addition to the proposals already mentioned, those contained in the report of the Secretary-General, Marine Science and Technology, Survey and Proposals [*E/4487 and Corr.1-5*] and the United States proposal in a draft resolution on the International Decade of Ocean Exploration [*see A/7230, annex III*] there was a specific proposal on conservation of the marine environment contained in a draft resolution submitted by the delegation of Iceland. [*Ibid.*] Because of the limited time available and its existing terms of reference, the *Ad Hoc* Committee recognized that it could not go beyond identifying and outlining the problems which became apparent from its fact-finding terms of reference and, consequently, felt that full consideration of the item required further study and that it would be necessary for appropriate institutional arrangements to be made by the General Assembly for this purpose. It was widely felt that the establishment of a standing committee with broader terms of reference and more time at its disposal would be desirable, and that such a committee—without replacing or duplicating the work of existing specialized agencies—could usefully provide direction and purpose to activities relating to the sea-bed and the ocean floor, and serve as a focal point of study on the various and related aspects of the item.

29. A specific proposal with this end in view was made by the delegation of Belgium and submitted in a working paper [*ibid.*] which has since been the subject of further consultations. It now appears as a Committee document under the symbol A/C.1/L.425 co-sponsored by twenty-nine delegations.

30. Arising from the unanimous confirmation by the *Ad Hoc* Committee of the existence of an area of the sea-bed and the ocean floor, which is and will remain beyond national jurisdiction—an area still not precisely defined—various proposals were also submitted containing guidelines which could regulate present and future activities of States in the exploration, exploitation and use of this area and its resources. Draft resolutions in this regard were submitted respectively by India [*ibid.*] and the United States [*ibid.*], and a working paper proposed by a group of fifteen States from Asia, Africa and Latin America [*ibid.*]

31. With due recognition of the limited terms of reference of the *Ad Hoc* Committee, it was widely felt within the Committee that certain considerations arising from the discussion of the various aspects of the item, which appeared to command an extensive measure of support,

could usefully be indicated to the General Assembly as a minimum position on which a wide area of agreement existed between the members of the *Ad Hoc* Committee, since such an indication could be considered as providing a practical means which might facilitate the attainment of final agreement on more positive action by the General Assembly at this current session.

32. The efforts to arrive at a common formulation persisted until the last day of the Rio session but, unfortunately, final agreement could not be reached in time. Consequently, two sets of proposals were included in the body of the report of the Main Committee, contained in paragraph 88, under the respective titles of "(a) Draft declaration of general principles . . .", and "(b) Draft statement of agreed principles . . ." The hope was expressed that, with more time available for consultations before and during the discussion of the item at this session, one widely acceptable formulation could be reached.

33. Since I am an incurable romantic, perhaps you, Mr. Chairman, will allow me the luxury of quoting in conclusion a well-known and symbolic stanza from a poem by John Masefield.

"I must go down to the seas again,  
to the lonely sea and the sky,  
And all I ask is a tall ship  
and a star to steer her by. . ."

The poem had a prophetic ring when it was written, for the urge and capability to go further down to the sea and further up in the sky will probably be the hallmark of man's activities in the next decade. The title of the poem, "Sea-Fever", may aptly describe the future phase of activities by technologically advanced countries at ever-increasing depths in the marine environment. The motivation for these activities goes beyond the natural urge for discovery and man's instincts for retracing the past, since economic and other incentives are strong and the necessary technology exists. There is a widespread feeling that the steering of these activities should come through the United Nations as an international effort which will benefit all nations.

34. There was also a strong belief that the beckoning star can shine very brightly for mankind, provided the perspective is not obscured.

35. The *Ad Hoc* Committee has examined the question as best it could within its terms of reference. It is now for this Assembly to provide the answers, to take the decisions, and to promote the measures that will chart the course of future events.

36. The CHAIRMAN: I wish to thank the Rapporteur of the *Ad Hoc* Committee for having so clearly and extensively illustrated the report contained in document A/7230, and for his poetic footnote.

37. The first speaker on my list is the representative of Belgium, and I now give him the floor.

38. Mr. DENORME (Belgium) (*translated from French*): Mr. Chairman, on behalf of the Belgian delegation, I should like to begin by congratulating you on the successful

consultations you have held with regard to our organization of work. You have enabled the Political Committee to open its discussions on the substance of our work on the date you had set and to have from the outset a full and generally acceptable working programme. Your talents as a negotiator, which are well known and appreciated by your colleagues, have not failed in this case. While giving us new proof of your wisdom, experience and ability as a mediator, you have achieved the goal you set for yourself, despite the many obstacles in your path. The Belgian delegation wishes to thank you for having thus provided an auspicious beginning for our work and holding out hope for its orderly development.

39. What is more, my delegation is pleased to note that the order of work which has just been adopted follows to a great extent Mr. Schuurmans's views and the suggestions he made at the 1586th meeting, during the discussion on our organization of work.

40. When, at the welcome initiative of the representative of Malta, Mr. Pardo, the General Assembly at its twenty-second session took up the item entitled "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," the majority of delegations were of the opinion that, in view of the complexity of the item, it should be given exhaustive study before any pronouncement or decision was made, either to adopt legal principles or to draw up specific measures of implementation.

41. In order to provide this indispensable preparatory study, the General Assembly unanimously decided to set up an *Ad Hoc* Committee with a limited mandate to "study the scope and the various aspects of this item," and with a fixed time-limit; it was requested to prepare a study "for consideration by the General Assembly at its twenty-third session".

42. Resolution 2340 (XXII) was adopted barely ten months ago, and the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-bed and Ocean Floor beyond the Limits of National Jurisdiction provided for in this resolution is today ready to submit its report to the Assembly. This report has just been presented thoroughly and imaginatively by the *Ad Hoc* Committee's devoted Rapporteur, Mr. Victor Gauci. In the opinion of its authors, this report adequately fulfils the mandate which the *Ad Hoc* Committee was given. The Belgian delegation will confine itself to making a few comments on the report.

43. We should like to consider one of the practical ways of fostering international co-operation in the field of exploration, conservation and exploitation of the ocean floor and its resources, upon which the *Ad Hoc* Committee was requested to comment.

44. Paragraphs 78 and 81 of the report state that the thirty-five delegations making up the *Ad Hoc* Committee were agreed that the General Assembly should make institutional arrangements for the entire question to be given more thorough study. It is also clear from the report

that a great many delegations felt that the General Assembly should, at its twenty-third session, establish a standing committee, and they expressed the firm hope that this committee's terms of reference could be defined at that session.

45. On the basis of the working paper submitted at Rio de Janeiro by the Belgian delegation [see A/7230, annex III], in which it suggested that, in order to proceed with the task begun by the *Ad Hoc* Committee, a standing committee should be set up with a mandate enabling it to study various solutions to the many problems which had emerged, twenty-nine delegations agreed to sponsor a draft resolution [A/C.1/L.425] which I now have the honour to submit formally on behalf of the following countries: Argentina, Australia, Austria, Belgium, Brazil, Canada, Ceylon, Chile, Ecuador, El Salvador, France, Iceland, India, Italy, Japan, Kenya, Liberia, Libya, Malta, Norway, Pakistan, Peru, Senegal, Somalia, Thailand, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Yugoslavia.

46. The sponsors thought it would be useful to submit this draft resolution when we began our discussion of agenda item 26. By so doing, they do not by any means want to submit the draft as a *ne varietur* text, or to close the door to critical examination. Quite the contrary, they have attempted to clarify objectives in order to assist such a discussion, particularly for the many delegations which, although they are not members of the *Ad Hoc* Committee, have none the less shown the greatest interest in this question, by enabling those delegations to examine the draft with some knowledge of the motives which guided the sponsors. Furthermore, they thereby hope to promote discussion of this text by those delegations which have during recent months been closely associated with its preparation in the *Ad Hoc* Committee, but which did not as yet feel able to subscribe to it in its present form. In this connexion, I should like, on behalf of all the sponsors, to stress that they will welcome any suggestion which will improve the wording of the draft or define its scope more clearly without departing from the principles upon which it is based or substantially modifying the terms of reference to be conferred on the proposed committee.

47. I should now like to outline the chief aims of the sponsors in submitting this draft resolution.

48. First of all they wished to provide for continuity between the *Ad Hoc* Committee, which so competently laid the groundwork for the projected task, and a committee on the peaceful uses of the ocean floor beyond the limits of national jurisdiction.

49. A second aim was to recall the over-all directives which should guide any action the United Nations might undertake under agenda item 26.

50. Thirdly, the sponsors thought it necessary to establish a co-ordinating committee whose basic terms of reference would be confined to the political, legal and economic areas, but which would nevertheless keep the question before it as a whole by including in its deliberations all the other aspects with which the *Ad Hoc* Committee had already been entrusted.

51. Lastly, as corollary of the goal I have just mentioned, it was necessary to avoid superimposing a new structure on those already in existence by eliminating the overlapping of activities and duplications with interested organizations which were already considering particular aspects of the question.

52. I have stated that our first aim was to ensure continuity between the *Ad Hoc* Committee and the proposed committee. In this connexion, it might be useful to recall that at Rio de Janeiro some delegations mentioned the possibility of simply continuing the *Ad Hoc* Committee for one or more years longer. Those delegations, and they were among the more important ones, obviously had in mind the scope of the task to be accomplished and the excellent work performed, over a period of a few months, by the *Ad Hoc* Committee, which could be given broader terms of reference or, at least, more leeway. In this connexion, I should like to read the pertinent passage of the report, paragraph 81 of which states:

"The idea of the continuation of the *Ad Hoc* Committee was also raised by a few delegations although they indicated that they would be prepared to consider the idea of a standing committee if it had general support."

53. This general support has since been evidenced, but it would seem clear that the delegations which had called for the continuation of the *Ad Hoc* Committee—and not only the sponsors—would logically want the tradition, albeit recent, of the *Ad Hoc* Committee to be retained intact. To this end, the first four preambular paragraphs of the draft resolution attempt to establish continuity between the *Ad Hoc* Committee and the proposed committee. The sponsors trust that the General Assembly will decide: first, to recall the item which has been on the agenda of the Political Committee since last year; secondly, to bear in mind resolution 2340 (XXII) dealing with the problems which exist in the area referred to in the title of this agenda item; thirdly, to reaffirm the objectives set forth therein; fourthly, to take note of the report prepared by the *Ad Hoc* Committee and to draw upon its experience.

54. In so doing, the General Assembly will be paying tribute to the work accomplished by the *Ad Hoc* Committee which, in the opinion of the sponsors, has fully justified the trust placed in it.

55. Under the firm and intelligent leadership of its outstanding Chairman, Mr. Arnerasinghe, the *Ad Hoc* Committee has taken pains to fulfil its task in the time allotted to it within the limits of its admittedly delicate and complex terms of reference. I believe that this fact alone should justify the Assembly's confidence. It is obvious too that the invaluable experience gained by the delegations which served on the *Ad Hoc* Committee over the past year will prove extremely useful. It has already done much to enlighten the sponsors in setting forth the terms of reference for the new committee in operative paragraph 2. It may even help in establishing the working methods the proposed committee will adopt.

56. I said earlier that the sponsors have been careful—this is the second objective of this draft—to recall some of the general guidelines determining the framework within which the committee should operate. Some guidelines were



already included in the fifth, sixth and seventh preambular paragraphs of resolution 2340 (XXII).

57. There is, however, no body of law covering the subject of the item in question and up till now it has been impossible to reach agreement on a statement of the principles upon which such a body of law might be based. While not giving up hope that the twenty-third session might adopt such a statement, the sponsors have felt it important to include three general statements in the preamble to serve as points of reference during the course of the studies which the committee will undertake. Under these provisions—I am quoting from the fifth, sixth and seventh preambular paragraphs—the General Assembly recognizes “that it is in the interest of mankind as a whole to favour the exploration and the use of the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, for peaceful purposes;” considers “that it is important to promote international co-operation for the exploration and exploitation of the resources of this area;” and expresses the conviction that “such exploitation should be carried out for the benefit of mankind as a whole, taking into special account the interests of the developing countries.”

58. This brings me to the two-fold and principal objective with regard to the committee’s terms of reference. In laying down these terms of reference, the sponsors bore in mind the two considerations which emerged from the discussions at Rio de Janeiro and which appear in paragraphs 82 and 89 of the *Ad Hoc* Committee’s report. The report states:

“It was emphasized by many delegations that a standing committee of the General Assembly should not replace any of the existing specialized agencies nor duplicate their activities.”

The report goes on to say:

“It was also emphasized that such a committee should be a focal point for study of the various related aspects of the item, and to provide direction and purpose to activities in regard to the sea-bed and the ocean floor.”

59. In order to achieve this two-fold objective, the sponsors considered—in the eighth and final preambular paragraph—that a United Nations focal point should be provided for the purpose of co-ordinating international activities and of elaborating desirable measures of international co-operation in this field, bearing in mind the various existing or projected practices in this area.

60. Co-ordinating international activities, on the one hand, and drawing up suitable measures for co-operation on the other, those briefly are the terms of reference of the committee as set forth in operative paragraph 2, and I should now like to comment on the various aspects of those terms of reference.

61. The most important task to be given to the committee concerns the regulatory system to be established for this area, a system based on legal principles to be decided on, set up in such a way as to meet a number of specific economic requirements which must be studied. I quote from the report of the Legal Working Group:

“It was generally felt that many problems related to the sea-bed and ocean floor were not adequately dealt with in

existing international law and it was also felt that legal principles on the activities of States in the exploration and use of the sea-bed and ocean floor beyond the limits of national jurisdiction should be developed in the interests of mankind as a whole” [A/7230, annex I, para. 18].

62. The report of the Economic and Technical Working Group contains similar comments:

“A stable régime providing for orderly progress and security of title in the exploration, evaluation and exploitation of marine mineral resources would favourably influence the decision to develop these resources” [ibid., annex I, para. 23].

And further:

“The need for some internationally agreed upon arrangements which would govern operations for exploring and exploiting ocean floor minerals has been generally recognized. So far, there has, however, been no sufficiently detailed study of the merits and demerits of differing forms of arrangements which might be possible. The Economic and Technical Working Group discussed the question and a large number of representatives indicated in this connexion that internationally agreed upon arrangements should satisfy certain requirements” [ibid., para. 85].

63. In the light of this generally held opinion evidenced in the report of each of the working groups, the sponsors have therefore expressed the basic task of the projected committee in the following terms. I quote from operative subparagraph 2 (a):

“To study the elaboration of a body of rules which would promote international co-operation in the exploration and use of the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction and, in particular, the legal principles which should govern the rights to explore and exploit the resources of this area, and the economic requirements which such régime should satisfy in order to meet the interests of the international community.”

64. The second very important task with which the committee should be entrusted has to do with the economic problems created by any future exploitation of the resources of the sea-bed and the subsoil thereof.

65. The Economic and Technical Working Group gave its assessment of the extent and geographical distribution of the mineral resources of the ocean floor, while emphasizing that current information with regard to these resources lying beyond the continental shelf is very incomplete. In its report, the working group stressed the existing scope of techniques for exploring and assessing under-sea minerals, but it was cautious in making predictions with regard to the future rate of technical progress based on the present situation, so that it did not exclude the possibility of revolutionary innovations.

66. The Working Group made some conjectures with regard to the economic factors which will determine the speed at which marine mineral resources can be developed, with regard to the potential effects which the extraction of

such minerals will have on the market and on world prices and also with regard to the dangerous repercussions such exploitation can have on the various traditional ways of utilizing the sea.

67. However, each of these conclusions was qualified by various reservations which were based on a great deal of extrapolation and projection.

68. Thus, the new committee should pursue this study, publicizing new facts and correcting earlier forecasts, always bearing in mind the *Ad Hoc* Committee's unanimous feeling that international co-operation in the field of the development of marine mineral resources is necessary and must be brought about for the benefit of mankind as a whole.

69. The committee's possible terms of reference in this connexion were set forth in operative sub-paragraph 2 (*b*) of the draft resolution, as follows:

"To study the possibilities of exploiting the resources of this area, taking into account the foreseeable development of technology and the economic implications of such exploitation and bearing in mind the fact that such exploitation should benefit mankind as a whole".

70. I have outlined the essentials of the projected committee's terms of reference. Does this mean that the committee can examine these legal and economic questions and make political recommendations on them to the General Assembly without having some comprehensive view of the development of all the aspects of the problem?

71. The sponsors are of the opinion that the problem cannot be divided up in this way merely because certain of its aspects have been under consideration by some other specialized bodies either since their inception or more recently. On the contrary, they feel that precisely for this reason, co-ordination is imperative.

72. In this connexion, the representative of the Soviet Union, Mr. Malik, stated on 20 March 1968:

"The Intergovernmental Marine Consultative Organization, FAO, the World Meteorological Organization and others"—Mr. Malik cited some other examples during the course of his statement—"were engaged in the exploration and use of the ocean resources. Thus, the better co-ordination of the study carried out by the existing international bodies with regard to the sea-bed must be ensured to make the joint efforts in that area more effective." [*A/AC.135/SR.3, p. 16.*]

73. I should hasten to add that the sponsors wholeheartedly support the view so well expressed by the representative of the Soviet Union. They feel that the projected committee should be entrusted with this co-ordination and it is in this light that operative sub-paragraph 2 (*f*) of the draft resolution should be read:

"To work in close co-operation with the specialized agencies of the United Nations, the International Atomic Energy Agency and the inter-governmental bodies dealing with the problem referred to in this resolution, so as to avoid any duplication or overlapping of activities."

This sub-paragraph should be read in the light of operative paragraph 4, which:

"Invites the specialized agencies, the International Atomic Energy Agency and other inter-governmental bodies to co-operate fully with the Committee in the implementation of this resolution."

74. However, the sponsors consider that this co-operation also clearly requires that the committee should not be a structure superimposed on those already in existence and that its creation must in no way give rise to conflicting jurisdictions. Having set these general conditions, let us see how they are applied in sub-paragraphs (*c*), (*d*) and (*e*) of paragraph 2.

75. Sub-paragraph (*c*) deals with the reservation exclusively for peaceful purposes of the sea-bed and ocean floor beyond the limits of national jurisdiction.

76. In the report of the *Ad Hoc* Committee, it is generally agreed that the sea-bed and ocean floor beyond the limits of national jurisdiction should be used exclusively for peaceful purposes, and a variety of proposals have been put forward concerning methods of reaching international agreement in this matter.

77. The sponsors, in giving the proposed committee the mandate "to study further the reservation of this area exclusively for peaceful purposes, taking into account the studies being undertaken in the field of disarmament," endeavoured to take into account the other specialized bodies dealing with disarmament and to recognize the main role they would have to play in drawing up any agreements.

78. The proposed committee could not, for example, be a substitute for the Disarmament Commission which is made up of all Member States. The same holds true with regard to the body which submits an annual report to the General Assembly concerning the work of experts and negotiations undertaken in compliance with General Assembly resolutions, whose role will continue to be of fundamental importance, and which there could be no intention of replacing.

79. Nevertheless, the specialized studies and delicate negotiations which will, as we all hope, one day lead to general and complete disarmament ought not hinder the committee, for its part, from going ahead with the study of one of the factors mentioned in the title of agenda item 26: the reservation of the area in question exclusively for peaceful purposes.

80. The proposed committee's role in this connexion will of course be only a subsidiary one, but it will be none the less important. The sponsors, I repeat, are of the opinion that we must at all cost avoid allowing the study of the item, as defined in the text which has become familiar to us since the adoption of resolution 2340 (XXII), to lose its cohesiveness and unity, its very reason for existence, merely because the study of its various aspects may be divided up among a large number of specialized, functional bodies.

81. The sponsors are equally desirous—and I refer once more to sub-paragraph (*f*) of the draft resolution—of working "in close co-operation with the specialized agencies

of the United Nations, the International Atomic Energy Agency and the intergovernmental bodies dealing with the problems . . . so as to avoid any duplication or overlapping of activities.” I repeat: “avoid any duplication or overlapping.” This holds true for the Disarmament Committee, for the Eighteen-Nation Disarmament Conference, for the Intergovernmental Oceanographic Commission, the Intergovernmental Maritime Consultative Organization, the International Atomic Energy Agency, the Food and Agriculture Organization and all other bodies, institutions or agencies dealing with this question in whatever capacity.

82. Any conflict of competence between these bodies would be detrimental to co-operation, not help it. However, the example of harmonious and trustful co-operation established at the outset between the IOC and the *Ad Hoc* Committee should serve as a gauge for the future. If the committee proposed by the sponsors is to be in a position to carry out its principal mandate as set forth in operative sub-paragraphs 2 (a) and (b), it must begin its work with an awareness of all the factors involved in the question, all of which are related and interdependent. It does not want to have precedence over existing functional bodies but only to be able to work with them.

83. The other considerations of a like nature which I should like to mention concerning the scientific aspects of the matter require less explanation on my part. Like the *Ad Hoc* Committee, the proposed committee will have no desire to replace a body which has already proved itself and which from the outset offered most welcome collaboration by preparing an excellent report on the scientific aspects so as to enable the *Ad Hoc* Committee to carry out its task. As you must know, I am speaking of the Intergovernmental Oceanographic Commission.

84. In this case the wording of operative sub-paragraph 2 (d) complies with the hopes expressed by the Chairman of the IOC himself, Rear Admiral Langeraar, who suggested—I am quoting from paragraph 14 of the *Ad Hoc* Committee’s report—“that IOC should be considered a marine scientific advisory body for any United Nations committee engaged in legal, political or economic matters related to the marine environment.” Those words are quite clear and show that relations of trust and co-operation have already been established between the IOC and the *Ad Hoc* Committee.

85. In complete accord with this view of the relations to be established between the new committee and the IOC, the sponsors have worded sub-paragraph 2 (d) of the draft resolution as follows:

“To review the studies carried out in the field of exploration and research in this area and aimed at intensifying international co-operation and stimulating the exchange and the widest possible dissemination of scientific knowledge on the subject”.

86. Lastly, operative sub-paragraph 2 (e) sets forth the task to be assumed by the committee to prevent pollution of the marine environment.

87. Both working groups considered the problem, and paragraph 47 of the report submitted by the Economic and Technical Working Group [A/7230, annex I] states:

“It will be necessary to take appropriate measures in order to prevent effectively any deleterious effects on the

marine environment that may be caused by the extension of human activity in the ocean.”

88. In more concrete terms, the report of the Legal Working Group states that “existing international arrangements, such as the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, [should] be extended, in order to minimize pollution of the seas and the disturbance of the existing biological, chemical and physical processes and balances” [ibid., annex II, para. 39].

89. Thus, it would seem that the committee might (as stated in sub-paragraph 2 (e) of the draft resolution):

“ . . . examine proposed measures of co-operation to be adopted by the international community in order to prevent the marine pollution which may result from the exploration and exploitation of the resources of this area.”

Here again, we must not overlook the role already assigned to such specialized agencies as IMCO and the IAEA and be careful to ensure that the co-ordinating role to be assigned the committee should not give rise to duplication or overlapping.

90. There are two further aspects of the committee’s terms of reference which I should like to mention briefly.

91. First of all, the committee must consider a number of problems. But must it do so alone? I have already stated that the committee will perform its subsidiary tasks, in other words, those concerning the reservation of the area exclusively for peaceful purposes, the scientific and explorational aspects, and the fight against pollution of the marine environment, in close co-operation with existing bodies which are already dealing with those questions.

92. As for its basic duties of a legal and economic nature, the committee—as was the case with the *Ad Hoc* Committee—will receive the effective support of the Secretary-General and those working with him in the Secretariat. All of these who helped in the work of the *Ad Hoc* Committee already deserve our heartfelt gratitude, since without their valuable assistance the report which has just been submitted could never have been completed. The Secretariat’s role is set forth in operative paragraph 3 of the draft resolution, which

“Requests the Committee, in co-operation with the Secretary-General, to submit to the General Assembly reports on its activities at each subsequent session.”

93. However, these progress reports will not consist only of “studies”, since sub-paragraph 2 (g) invites the committee to “make recommendations to the General Assembly on all these questions”.

94. Obviously, the General Assembly cannot delegate its powers to a limited committee; any conclusions the standing committee might reach will therefore be subject to approval. For this reason, the committee will be entrusted with submitting an annual report to the General Assembly on its activities, accompanied by concrete recommendations for solving certain of the problems raised in the report of the *Ad Hoc* Committee.

95. Having presented this analysis, I should like to make a general comment. It concerns the expression “the area”



which occurs in several places in the text of the draft resolution. This wording, which is used only for the sake of convenience, replaces the complete formula "the sea-bed and the ocean floor and the subsoil thereof, underlying the high seas beyond the limits of national jurisdiction", and should always be understood in this sense.

96. In this connexion, I feel it is imperative to recall what I said here on 7 December 1967 when, on behalf of the sponsors, I presented resolution 2340 (XXII). I stated that the references to the wording of the item

"do not affect any claims to sovereignty or jurisdiction on the part of particular States; in fact their only purpose is to preserve intact, until further study has been made, a formula on the interpretation and legal status of which the First Committee cannot and must not pass judgement at the present time" [1542nd meeting, para. 23].

This statement still applies today.

97. The draft before you is the result of lengthy discussions within the *Ad Hoc* Committee and of many patient, private consultations in which all countries members of the *Ad Hoc* Committee took part. Thus its wording represents a compromise achieved as a result of concessions made by all its sponsors.

98. Let me give two examples: whereas some delegations consider that the formation of a governing body for the deep seas is desirable, others fear that the present wording, which has no such intentions, is nevertheless not totally devoid of certain supranational implications. On behalf of the sponsors, I can assure you that if such implications are present, they are in no way intentional.

99. Another example: certain delegations continue to believe that the co-ordinating role entrusted to the new committee might offend existing bodies. On behalf of all the sponsors, let me repeat in this connexion that the committee they envisage is not aiming to compete with, to rival or to attain supremacy over any other body.

100. I venture to hope that all members of this Committee will examine this document in the light of the presentation I have just made, and that they will feel able to recommend that their respective Governments should lend it their support and even sponsor it. If some drafting improvements were to clarify further the intentions I have just expressed without weakening the powers the committee must have, we would be only too happy to make them. It is in this spirit that we are continuing negotiations with the countries which, as members of the *Ad Hoc* Committee, have not so far been able to join in sponsoring the draft resolution.

101. We shall continue to hope that, in addition to the support of many delegations which are not members of the *Ad Hoc* Committee, we shall eventually gain the support of the thirty-five members of the *Ad Hoc* Committee, thereby providing a solid basis for the proposed committee's future work.

102. Finally, I should like to thank all the delegations which took part in preparing this text, and whose wise advice and constructive suggestions have played a large part in the progressive improvement in its wording, even though

it does not completely satisfy everyone in its present form. I should like to pay a special tribute to the sponsors for the spirit of conciliation they have constantly shown, and to express to them my deep gratitude for the honour they have done me in asking me to submit this draft on their behalf.

103. Our delegations hope that this draft will meet with very wide, if not unanimous, acceptance.

104. The CHAIRMAN (*translated from French*): I wish to thank the representative of Belgium for the compliments he was kind enough to pay me.

(*The speaker continued in English.*)

105. Before giving the floor to the next speaker on my list, I wish to inform the Committee that the delegations of Rwanda and Zambia have requested to have their names added to the twenty-nine co-sponsors of the draft resolution contained in document A/C.1/L.425.

106. I now call on the next speaker on my list, the representative of Ceylon.

107. Mr. AMERASINGHE (Ceylon): May I, first of all, Mr. Chairman, on behalf of the delegation of Ceylon, congratulate you on securing a very satisfactory agreement with regard to the organization of our work and thus bringing to an end a protracted discussion in this Committee which made us appear to be prisoners of procedure when we should have been servants of substance.

108. We are also particularly gratified by the choice of the sea-bed and ocean floor item as the first item on the agenda of this Committee to be considered, since it enables us to begin our substantive discussions with an item that offers the bright promise of constructive international co-operation in consonance with the spirit of the Charter.

109. When the delegation of Malta proposed the inclusion in the agenda of the twenty-second session of the General Assembly of the item relating to 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, they took an initiative which received encouragement and endorsement from the General Assembly, through the appointment of the *Ad Hoc* Committee of thirty-five member countries to study the question in all its aspects and to make a report to the General Assembly at its twenty-third session. The composition of the *Ad Hoc* Committee reflected the principle of geographical representation, and also covered the wide range of interests, problems and concerns relating to the sea-bed and ocean floor, its exploration, conservation and use, and the exploitation of its enormous and yet untapped resources.

110. The concerns and interests represented in the *Ad Hoc* Committee included those of land-locked countries and of countries which, if I may use the expression, have been geologically disinherited. A great privilege and heavy responsibility were cast on the thirty-five countries that were entrusted by the entire membership of the United

Nations with the task of disposing of the first stage in a process which may yield undreamt of benefits to the world community, provided we bring to it a spirit of international fellowship and of genuine service to the entire world community. The honour of presiding over this Committee fell to me through the goodwill of my colleagues in the Committee.

111. Once again, I should like to acknowledge with gratitude the immense help and support that I received from all the members of the Bureau of the *Ad Hoc* Committee, and from the Chairmen of the two working groups, Mr. Benites of Ecuador, Chairman of the Legal Working Group, and Mr. Denorme of Belgium, Chairman of the Economic and Technical Working Group. But the main credit for the report that is before this session should go to those representatives of all the countries, members of the *Ad Hoc* Committee, who adopted a consistently constructive approach and who combined bold imagination with realism, tempering their zeal with the discretion and restraint that a subject of such staggering dimensions demands. We are especially indebted to the Secretary-General and his staff, the specialized agencies and the International Atomic Energy Agency, and to the inter-governmental bodies—in particular, the Intergovernmental Oceanographic Commission—for the mass of invaluable material that they furnished to the Committee, and for their contribution to the final report. Through the courtesy and generosity of the Government of Brazil, the *Ad Hoc* Committee, for its third and last, and also most crucial session, was provided with a venue of almost unrivalled charm, the city of Rio de Janeiro, where we experienced the graciousness and warmth of Brazilian hospitality, and the spontaneous cordiality of the Brazilian people. I take this opportunity once more of expressing, on behalf of the *Ad Hoc* Committee, our sincere thanks to the Government of Brazil.

112. The report which is before the First Committee is the result of discussions that were spread over three sessions. I acknowledge here with the deepest appreciation the excellent services rendered to the Committee by its Rapporteur, Mr. Gauci of Malta. His task was no easy one, and the report that we have before us speaks for his outstanding competence.

113. I wish in this statement to refer to some of the salient questions and problems that were discussed by us, the most important proposals made for continued international co-operation in this field in the future, and finally to make some observations on matters that require attention if the objectives in contemplation are to be furthered.

114. The *Ad Hoc* Committee's terms of reference required it to make a study that fell into three parts: the first two of a factual nature; and the third of a conceptual nature. The first two parts covered the study of past and present activities of the United Nations, its specialized agencies, the International Atomic Energy Agency and other inter-governmental bodies with regard to the sea-bed and ocean floor, and of existing international agreements relating to these areas, and an account of the scientific, technical, economic, legal and other aspects of the item—these other aspects being, as the title of the item clearly implied, political and military. This survey and account placed the

question in its physical and juridical context, while the third part of the study called for ideas and suggestions for promoting international co-operation in achieving the objectives of the item.

115. As the *Ad Hoc* Committee's function was to prepare a study, its terms of reference were interpreted as requiring it not to reach agreement in regard to the conceptual part of the study, namely, the indication of the practical means of promoting international co-operation, but to report to the General Assembly all suggestions, views and proposals made in this regard.

116. We did not consider ourselves precluded from indicating what amount of agreement was expressed in regard to any particular proposal, but there was considered to be no necessity nor obligation on our part to put the acceptability of any proposal or suggestion to the test of a vote. This is, to my mind, the proper explanation of the absence of any voting in the Committee on any of the specific proposals that were brought before the Committee in the form of draft resolutions or draft declarations.

117. The reports of the two Working Groups, which appear as annexes I and II of the *Ad Hoc* Committee's report [A/7230], refer to the summaries made by the Chairmen of those Groups of the discussions that took place within those Groups. Similarly, during the third session of the *Ad Hoc* Committee, the discussions in the Main Committee on the political, military and other aspects, the scientific aspects of the item, and the practical means of promoting international co-operation were summarized by the Chairman. These summaries appear as Committee documents A/AC.135/32 and Corr.1, 34 and Corr.1 and 35 respectively. They form part of the official records but, as the members of the Committee did not have an opportunity of discussing the substance of those summaries and as some members did in fact indicate that they had reservations in regard to them, this might be borne in mind by those who refer to them.

118. For my part I should state that I was obliged to make those summaries almost immediately after the conclusion of the discussions and without the lapse of an interval of time that would have allowed for careful preparation, and in such circumstances it is understandable that every stress and nuance cannot possibly receive unanimous endorsement.

119. I find it necessary to make these observations because I have received a communication from one member of the Committee that certain parts of certain summaries require amendment. Any amendment in the records is of course not feasible at this stage, but it is entirely within any member's rights and within his discretion to take the opportunity presented by this debate to express any reservations that he may have.

120. Permit me now to draw the Committee's attention to the most prominent features of the study carried out by the *Ad Hoc* Committee and to the proposals for the promotion of international co-operation which were submitted to it. I shall refer to them in relation to each of the specific aspects of the question which the *Ad Hoc* Committee was required to examine.

121. In its examination of the scientific aspects of the question the *Ad Hoc* Committee took note of the Secretary-General's proposal for an expanded programme of international co-operation, designed to create a better understanding of the ocean environment [*E/4487 and Corr.1-5, paras. 253-267*], of the Economic and Social Council's invitation to the General Assembly to endorse the concept of a co-ordinated long-term programme of oceanographic research, directed towards applying the resources so made available to world economic development [*Economic and Social Council resolution 1381 (XLV)*], in regard to which the United States proposal for an international decade of ocean exploration had special relevance.

122. The purpose of this international decade was, as part of a long-term programme of oceanographic research, to stimulate investigation, foster co-operation and provide nations with the knowledge necessary for the exploration and use of the resources of the sea-bed and ocean floor, and especially to place within the reach of developing nations the technical capability in marine science and technology, including the knowledge of improved instruments and methods, which would enable them to undertake the exploration and exploitation of resources under their own national jurisdiction.

123. An important role in stimulating research and in its co-ordination was envisaged for the Intergovernmental Oceanographic Commission. While it was generally accepted that the freedom of scientific research and exploration should be preserved intact, several delegations entered a caveat that scientific research could not create rights of exclusive use or exploitation. The proposal of an international decade of ocean exploration was widely endorsed. There was unanimous appreciation of the work done by the Intergovernmental Oceanographic Commission.

124. The Economic and Technical Working Group directed its attention towards an assessment of the extent of the mineral resources of the area under consideration, the present and prospective development of technology in the exploration, evaluation and exploitation of the mineral resources of the ocean floor, the technological possibility and economic feasibility of exploiting the mineral resources of the area, the possible effects of such exploitation on world markets and prices—which is the overwhelming preoccupation of developing countries—and the prospects of international co-operation in the development and exploitation of the resources of the ocean floor.

125. In the Legal Working Group, apart from the legal status of the sea-bed and ocean floor and the legal problems connected with the reservation of the area for peaceful purposes and the use of its resources in the interests of mankind as well as the freedom of scientific research and the freedom of the high seas, the other aspects that received attention were the question of the need for definition of the area of the sea-bed and ocean floor that lay beyond the limits of present national jurisdiction and a moratorium on national claims of sovereignty over the area of the sea-bed and ocean floor beyond present national jurisdiction as well as the principles that should be adopted to regulate all activities of exploration and use of the area and its resources.

126. There was wide support for the idea that, following the precedent of the treatment of the problem of outer space, the General Assembly should adopt a set of principles in the form of a declaration relating to the peaceful use of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of present national jurisdiction.

127. I shall draw attention later on in my statement to some of the main principles that were suggested and which commanded wide support.

128. The title of the item gives prominence to the reservation of the area exclusively for peaceful purposes and the *Ad Hoc* Committee's mandate asks for an account of the military and political aspects of the question, thus reflecting the anxiety caused by the trends in scientific research and development with regard to the military possibilities of the marine environment and the threatened extension of the arms race, and particularly the nuclear arms race, beyond territorial limits into the area of the sea-bed and the ocean floor.

129. It is the responsibility of this Committee and of the General Assembly to examine the evidence and to decide how genuine this anxiety is and what share fact and fantasy have had in its creation. In so far as the *Ad Hoc* Committee was concerned it had evidence of the increasing interest of marine Powers in submarine and anti-submarine warfare techniques, of the existence and progressive development of nuclear-fuelled missile-carrying submarines and of the strong impetus given to research and development activities relating to the sea-bed and ocean floor by military factors and possibilities. Further evidence of the military incentives to oceanographic research is provided by the increasing commitment of funds, equipment and manpower to those aspects of such research and development as are relevant to and dictated by strictly military needs and interests.

130. It is sufficiently disturbing that the deployment of military weapons and other military devices in the region of the continental shelf and the mountain peaks and parts of the ridges rising far above the deep ocean bed but close to the sea's surface, described as deep ocean peaks, is already technically feasible or will soon be so. The deep ocean bed itself, given the intensity of military interest in its capabilities and the phenomenally rapid progress of scientific research which is a commonplace of today's world, might, far sooner than present circumstances indicate, become the home of military installations equipped with weapons of mass destruction.

131. A forbidding vista of possibilities opens up of ballistic missiles carrying nuclear warheads released from submerged submarines or from fixed positions on the continental shelf; of missiles enclosed in pressure capsules stationed on the ocean floor; of sea-bed missile bases or silos serving as substitutes for their land-based equivalents, eliminating the threat to a nation and its population of a nuclear strike against its missile force; of shorter-range missiles or IRBMs planted on the continental shelf within range of a likely enemy, thus supplanting ICBMs; and of anti-ballistic missiles similarly deployed on the continental shelf or the deep ocean peaks adjacent to a likely enemy. These are, admittedly, not immediate probabilities; they are

not necessarily realistic or militarily attractive according to the Secretariat paper which describes them [A/AC.135/28]. But they are possibilities and not the phantasmagoria of a wild imagination.

132. The United Nations must act swiftly to secure international agreement on the exclusive use of the sea-bed and ocean floor for peaceful purposes and the prohibition of the use of the area for military purposes. Delay will only encourage those very developments in regard to the militarization and nuclearization of the area that we wish to prevent and will increase the difficulties of reaching agreement on the reservation of the area exclusively for peaceful purposes. There is no apparent lack of willingness on the part of the great Powers to seek agreement on the prohibition of the use of the area for military purposes. Two different approaches to the question became apparent during the discussions in the *Ad Hoc* Committee: one which would treat peaceful use as completely excluding all military use, and the other which would treat peaceful use as permitting military activities in pursuit of peaceful aims and intents, consistent with the United Nations Charter and the obligations of international law. These two approaches must be reconciled.

133. Annexed to the *Ad Hoc* Committee's report are two draft resolutions submitted to the Committee by the USSR and the United States of America. They represent these two different approaches to the problem. The USSR draft resolution [see A/7230, annex III] seeks to prohibit the use of the sea-bed and the ocean floor beyond the limits of territorial waters for military purposes. The United States draft resolution [ibid.], seeks to prevent the emplacement of weapons of mass destruction on the sea-bed and the ocean floor. Two draft resolutions submitted to the *Ad Hoc* Committee by the United Republic of Tanzania seek to amend both these draft resolutions so as to secure a declaration that the sea-bed and the ocean floor underlying the high seas beyond present national jurisdiction should not be used for any military purposes whatsoever, and to request the Eighteen-Nation Disarmament Committee to consider the question of banning the use of the area by nuclear submarines and the banning of military fortifications and missile bases in the area.

134. Both the USSR draft resolution and the United States draft resolution appear to lack precision. The USSR draft resolution refers to the limits of territorial waters. The lack of precision lies in the fact that the limits of territorial waters vary from country to country. The United States draft resolution refers to the sea-bed and ocean floor without qualification as to national jurisdiction. Whether this was intended or not is not clear. We realize that such ambiguities could, by discussion, be removed. We should like to see this Committee give a clear expression of its desire to see some definite understanding reached in regard to the use of the sea-bed and ocean floor beyond the limits of national jurisdiction exclusively for peaceful purposes. Such an understanding is not possible without a clear appreciation of what is meant by the term "peaceful purposes", and of the precise limits of the area which is to be reserved exclusively for peaceful purposes. The aim should be to reserve as wide an area as possible for exclusively peaceful purposes and, as a first step, to arrest any further extension of the military uses of the area.

135. Whichever way we turn, we face a barrier to progress on any important aspect of this item—important in the sense of increasing the prospects of international peace and security and of exploiting the resources of the area in a manner which would satisfy the aspirations of the developing countries—and that is the barrier created by the lack of a precise definition of the limits of the area that we are discussing. To this aspect of the question I shall revert later.

136. The Maltese delegation's memorandum that accompanied the note verbale of August 17, 1967,<sup>1</sup> by which it sought to have this item inscribed on the agenda of the twenty-second session, voiced the fears of the entire developing world in regard to the economic implications of the unregulated and unrestricted exploitation of the resources of this area, and of an even larger section of the world community in regard to the possible military uses of the area, when it stated that, in the absence of action by the United Nations to declare the area and its resources a common heritage of mankind there was a danger that it would become progressively and competitively subject to national appropriation and use, that the accessible ocean floor would be militarized and its resources exploited and depleted principally by the developed countries with technological superiority. The developing countries must adhere steadfastly to the pursuit of these two objectives of peaceful use and of economic exploitation for the benefit of mankind, with special regard to the interests and needs of the developing countries of the world. The wide disparity in economic standards between the developed and the developing countries will be further widened and the feeling of world-wide instability that arises from the existence of such a disparity will be intensified if the resources of the sea-bed and the ocean floor become the bounty of those who have the technological and financial capacity to exploit these resources and convert them to their benefit.

137. It is a commonplace in modern life that technological and financial capacity exist together and that he who has one has both. The developing nations have neither. They must rely on the developed nations, and especially the most powerful nations for support and active co-operation if their expectations are to be realized, their apprehensions overcome and their steady economic advance assured. It is not self-abnegation and altruism that is asked of the economically and technologically advanced nations, but a rational policy that will spare the world another experience of competitive colonial expansion which, though not directed at the political subjugation of peoples and territories, might well result in their economic subjugation.

138. It is for the General Assembly to decide now how far and how fast we should seek to go at each future stage in our treatment of this question. In the first stage, the *Ad Hoc* Committee was empowered to make a study of the question in all its aspects, and to include in its study proposals for promoting international co-operation. We were not authorized expressly to make definite recommendations. We have passed the stage of study alone, and must now ask the General Assembly to consider appropriate arrangements for proceeding with the next stage which is to

<sup>1</sup> See *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 92, document A/6695.

carry the studies further forward and to make recommendations to the General Assembly.

139. It is with this purpose in mind that twenty-nine countries—now thirty-one—have submitted a draft resolution [A/C.1/L.425] asking for the establishment of a committee on the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. This draft resolution has just been formally presented to the *Ad Hoc* Committee by the representative of Belgium who has discussed its provisions very comprehensively.

140. The terms of reference proposed for this committee are contained in operative paragraph 2 of the draft resolution. They are to study and make recommendations on the elaboration of a body of rules which would promote international co-operation in the exploration and use of the area, in particular the legal principles which would govern rights of exploration and exploitation of the resources of the area and the economic requirements which such a régime should satisfy in order to meet the interests of the international community. The committee's second function is to study and make recommendations on: "the possibilities of exploiting the resources of this area, taking into account the foreseeable development of technology and the economic implications of such exploitation and bearing in mind the fact that such exploitation should benefit mankind as a whole;" the Committee's third function is to study further and make recommendations on "the reservation of this area exclusively for peaceful purposes, taking into account the studies being undertaken in the field of disarmament;" the fourth and fifth functions of the Committee relate to exploration and research and the prevention of marine pollution resulting from exploration and exploitation of the resources of this area.

141. That this draft resolution has succeeded in securing the sponsorship of thirty-one nations, developed and developing, coastal and landlocked, is a formidable accomplishment. It was the result of patient negotiation but it was made possible because of that streak of idealism that still illumines our efforts, despite experiences that at times dismay and discourage. I do not in the least suggest that those who have not joined us in sponsoring this resolution, or those who are unable to endorse this draft without any qualification, are devoid of idealism. We have no monopoly of idealism or wisdom or constructive faith. The co-sponsors would be willing to consider any modifications which would enlist wider support for the draft resolution, provided that in the process we do not sacrifice any point of substance or impair the essence of the draft.

142. I am aware that at least two provisions in the terms of reference have caused some disquiet, namely, the mention of legal principles which should govern the rights to explore and exploit the resources of the area, referred to in operative paragraph 2 (a), and the mention of studies in the field of disarmament, mentioned in sub-paragraph (c) of operative paragraph 2. In regard to the first point, if it is agreed that the exploration and use of the area and its resources should be subjected to some international régime, which is the same as saying that we must have a clear body of rules forming part of international law to which the activities of exploration and exploitation conducted in this area must conform, it is not incorrect to use the word

"govern". We could certainly consider using alternative expressions such as "regulate" or "determine". But, if we are not agreed that there should be some form of international regulation or régime, we would have made no departure from the obnoxious traditions and practices of a colonialism that we thought was an anachronism in this enlightened age. We must not forget that we have among our co-sponsors a country that is represented by a distinguished ex-colonial governor.

143. In regard to the mention of studies in disarmament appearing in operative paragraph 2 (c), the *Ad Hoc* Committee's terms of reference covered the military aspects of the question. If the purpose of the establishment of the Committee proposed in the draft resolution is to carry us a further stage forward, it is necessary that the terms of reference of the new Committee should not, in any material particular, fall short of the terms of reference of the *Ad Hoc* Committee and also that the unity of the item as originally conceived be preserved. The pith and centre of the item as originally conceived is the reservation of the area exclusively for peaceful purposes. It is only from this concept that the concept of exploitation of the resources of the area for the benefit of mankind derives and acquires any meaning or any hope of realization. It is merely logical and consistent that the study of the various aspects of the item and the preparation of any recommendations for action by the General Assembly should take note of any and all international negotiations in the field of disarmament. The intention is not to give the Committee a special status in regard to disarmament which would, in some obscure way, detract from the status and functions of the Conference of the Eighteen-Nation Committee on Disarmament. That body's responsibility remains intact and undiminished. But the General Assembly's responsibility remains paramount.

144. We are also aware that some doubts have been expressed regarding the appropriateness of the mention of economic requirements in sub-paragraph (a) of operative paragraph 2. It is the economic requirements that are of special importance and concern to the great majority of the membership of the United Nations, representing as that majority does the developing nations of the world and we are glad that many developed countries have found it possible, by their co-sponsorship, to identify themselves with the developing countries in this matter. If the objection is to the exclusive mention of economic requirements in operative paragraph 2 (a), which, by implication, might suggest that other requirements are not relevant, the co-sponsors might consider—I stress that they might consider—a mention of "economic and other requirements" in operative paragraph 2 (a). This is only an idea and a possibility that has occurred to me and I cannot claim to commit the other co-sponsors to its adoption. There is one apparent omission from the proposed terms of reference of this Committee. I stated earlier that the terms of reference of this Committee would not be less than those of the *Ad Hoc* Committee. The terms of reference of the *Ad Hoc* Committee contained in operative paragraph 2 (c) make reference to practical means of promoting international co-operation in the exploration, conservation, use and exploitation of the area. This omission is something that will have to be considered at some stage of our discussions.



145. In addition to the arrangements for the continued study of this question and for the formulation of specific recommendations for positive action by the General Assembly at its next session, we consider that it is of the greatest importance that the General Assembly, at this session, approve a declaration of principles which the international community should be called upon to observe in regard to all activities in this area henceforth. These principles should be designed to prevent developments that may be detrimental to the interests of mankind or be prejudicial to international co-operation.

146. There is the equally important and parallel question of the determination of the precise area to which these principles should apply. The objection may well be raised that unless we know the area in which we are attempting to regulate international activity, any set of principles would be of purely academic interest and value; that we are putting the cart before the horse. It is difficult to decide in this instance which is the cart and which the horse. But, I should say, applying a different simile, that a declaration of principles without determination of the area within which they are to be valid is like laying a rail track completely equipped with sleepers and signals but with only one rail. We must not defer indefinitely the settlement of the question of the precise limits of the area which we are attempting to keep clear of military installations or free from military use or reserved for exclusively peaceful purposes and the resources of which we wish to exploit in the interests of mankind. The definition of the limits of this area is inextricably linked with an examination of the provisions of the Geneva Convention on the Continental Shelf.<sup>2</sup> It cannot be separated from the review of that Convention. We are fully mindful of the special problems of certain countries in regard to this aspect of the question but any suggestion that we must address ourselves to the question does not in the least imply that we are indifferent to those problems.

147. On the contrary, any review might well produce results that will prove even more beneficial to those countries than the present ambiguity and uncertainty that surround this matter. It is important that action be initiated without delay for the convening of a third conference on the law of the sea at the earliest and most appropriate date with the express purpose of reconciling any provisions of international law relating to the continental shelf with the objectives of the item before us.

148. Discussion and agreement in regard to a declaration of principles need not, however, be deferred until action to define the limits of the area is initiated, nor need we wait until a definition of the limits of this area to pursue further action through the Committee that is being proposed. As important as the definition of the limits of the area which we are considering is the determination of the legal status of the area. We agree with the opinion that neither the concept of *res nullius* nor that of *res communis omnium* is appropriate in regard to this area. *Res nullius* would make it the prey of international competition for assertion of claims of national sovereignty over such portions of the area as any State can acquire and hold.

149. The application of the concept of *res communis omnium* would, on the other hand, hamper the exploitation of the resources of the area, as every nation would be entitled to an undivided share of the whole, and agreement on the means of exploitation and the sharing of the proceeds of exploitation would be completely impossible. What we need is to adopt a set of principles that has as its cardinal provision the recognition of this area as the common heritage of all mankind, a heritage held in trust for all mankind.

150. Lastly, I come to the question of the principles that the General Assembly might consider adopting at this session in regard to activities in this area. Two sets of principles were presented to the *Ad Hoc* Committee at its final session and are referred to in paragraph 88 of the *Ad Hoc* Committee's report. The two sets have a great deal in common. We would suggest that this Committee consider elaborating a set of principles for adoption by the General Assembly, extracting from the two sets of principles that have been presented to the *Ad Hoc* Committee—the one by the Latin American and Afro-Asian group, and the other by the Western European-North American-Far Eastern and Pacific group—what is common to both.

151. But a set of draft principles should derive from recognition of the fact which is admitted by all—that is, that there is an area of the sea-bed and ocean floor and the subsoil thereof beyond national jurisdiction, and that, bearing in mind the objectives contemplated, the need for a precise definition of the limits of the area exists.

152. The principles which appear to be generally acceptable, and which we should like this Committee to give serious attention to, are as follows: the sea-bed and ocean floor and the subsoil thereof are to be treated as the common heritage of mankind; no State may claim or exercise sovereign rights over any part of the area; no part of the area is subject to national appropriation by claim of sovereignty, by use or occupation or by any other means; any exploitation of natural resources of the area that has occurred prior to the limitation of its boundaries shall not prejudice the location of the boundaries; the area shall be reserved exclusively for peaceful purposes and its exploration, use and exploitation shall be carried on exclusively for peaceful purposes; the exploration, use and exploitation of the area shall be carried on for the benefit and interests of mankind, taking into account the special interests and needs of the developing countries; the exploration and use of the area and the exploitation of its resources through activities in the area shall be carried on and conducted in accordance with the principles and purposes of the United Nations Charter, and an international régime shall be established for that purpose; any such international régime shall preserve and maintain the traditional freedoms of the high seas, respect the territorial integrity of States, protect the interests of coastal States, promote the economic development, particularly of the developing countries, whether coastal or landlocked, be responsible for the most appropriate and equitable application of benefits obtained from exploration, use and exploitation through suitable international machinery, assist in the social, scientific and technological progress of the developing countries, preserve the principle of freedom of scientific investigation and research—free from all discrimination and without any

<sup>2</sup> United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

claim to exclusive use arising from any such research activity—and promote international co-operation in all such scientific investigation and research, especially with the object of disseminating among all States the results of such research and investigation and providing technical assistance to developing countries.

153. In conclusion, may I express the hope that the General Assembly at this session might find it possible, in addition to approving the appointment of the Committee that has been proposed, also to adopt a set of principles which will regulate all activities in this area and which will form the foundation of constructive international co-operation in the future.

154. The CHAIRMAN: I thank the representative of Ceylon for the congratulations he so kindly conveyed to the Chair. Before calling on the last speaker on my list, I wish to inform the Committee that the delegation of Mexico has requested that it be added to the list of thirty-one co-sponsors of draft resolution A/C.1/L.425.

155. Mr. PIÑERA (Chile) (*translated from Spanish*): I shall speak briefly, but I do have a duty to perform, namely to express my delegation's appreciation for the efforts you have made constantly, Mr. Chairman, from the very first day, to find some common ground before we began our work. Your success in this was due both to your personal skill and the talent inherent in your nationality, and to the conciliatory spirit shown by various groups in this Committee who made concessions in their own views in order to co-operate with you in your task. The credit must go to you, Mr. Chairman, for bringing about this conciliation, which is particularly gratifying to my delegation.

156. I should now like to refer to the project of establishing a standing committee to supplement the work of the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, set up by the General Assembly at its twenty-second regular session [*resolution 2340 (XXII)*]. Chile was one of the sponsors of the project, as contained in document A/C.1/L.425. We were delighted to note that several delegations have added their names to the list of sponsors—Rwanda, Zambia, and a few minutes ago, Mexico.

157. We also feel that the Belgian delegation deserves our gratitude for the proposal it has submitted to the Committee today, rounding off work of definite effectiveness done in the *Ad Hoc* Committee, in which Belgium presided over the Economic and Technical Working Group. I would like to express appreciation to Mr. Denorme for his enlightened, painstaking and patient efforts.

158. The item introduced in resolution 2340 (XXII) at the instigation of the delegation of Malta is one of great importance for mankind as a whole; and the United Nations, as the embodiment of the international community today, must supplement the splendid work started by the *Ad Hoc* Committee, of which Chile had the honour to furnish one of the Vice-Chairmen.

159. The report of the *Ad Hoc* Committee [A/7230], which this Committee has begun to examine today, has merely served to make the prospects opened up for men,

and particularly for the developing countries, by the sea-bed and ocean floor still more vast; I say particularly for the developing countries, because the whole spirit of the resolution was that the resources of the sea-bed should fulfil the twofold aim of being used for peaceful purposes and also in the interests of mankind, and in this second respect the less developed countries have a moral priority. We propose to vindicate that view.

160. The Chilean delegation will refer to the substance of the report on another occasion. At present we wish simply to stress that the work begun effectively by the *Ad Hoc* Committee should and must be rounded off by a standing body empowered to formulate principles governing the use exclusively for peaceful purposes and in the interests of mankind of the sea-bed and ocean floor beyond the limits of present national jurisdiction. This insistence is deliberate and we shall vindicate our position.

161. The draft resolution introduced today is in keeping with this unquestionable need. Its wording, which endeavours to reconcile the views of all, or at any rate of the great majority, aims at giving a much-needed continuity to the work begun by the *Ad Hoc* Committee in its three sessions. The desire was that the new body should be endowed with the power it needs to carry out its work under the general inspiration—general but not therefore vague—of General Assembly resolution 2340 (XXII). The sponsors likewise were anxious to take into account the other attributes already referred to by the representative of Belgium.

162. My delegation is confident, as I have intimated already in this debate—and in this connexion I must once again quote the representative of Belgium—that all the sponsors have open minds on any constructive suggestions calculated to improve the text and its style without altering it in essence, thus introducing new and valuable additions, as we have seen this morning, to the list of sponsors. We believe that, following the conversations we are prepared to hold, the names of all the delegations that participated in the work of the *Ad Hoc* Committee should appear on the list. I say “all the delegations” with some insistence because, if we glance at the list of the sponsors, we see that many groups are represented, but not all, and we are anxious that with the help of fruitful, sincere and frank conversations, all groups should participate. I do not know how to put it more clearly.

163. To conclude these few words I would like to say that the committee to be set up, if it is agreed, must take advantage of the experience of the *Ad Hoc* Committee, which after all received extremely valuable cooperation from the Secretariat. I need not name those who co-operated, because they are not all present, and because we all know who they were that gave their wise, untiring and disinterested help. As I say, we must take advantage of the experience of the *Ad Hoc* Committee and in connexion with its work, my delegation wishes not so much to anticipate as to corroborate a tribute. We fight shy of paying tributes, but we would like in this instance to thank the Chairman of the *Ad Hoc* Committee, and also the two Chairmen of the Working Groups, the Chairman of the Legal Working Group, Mr. Benites of Ecuador, and the Chairman of the Economic and Technical Working Group,

Mr. Denormie of Belgium, for the valuable work they have done.

164. I would like to reserve the right to speak in the debate at an opportune moment, since I should like to speak again after I have held conversations as I am most anxious to do with all groups in the First Committee. I realize that the problem of the sea-bed, like that of outer space, may appear remote in distance and time, but everything seems to point to their closeness, both geographical and chronological.

165. The CHAIRMAN: I wish to thank the representative of Chile for the congratulations which he so kindly conveyed to the Chair.

166. I wish to inform the Committee that the delegation of Sudan has requested to have its name added to the thirty-two co-sponsors of the draft resolution contained in document A/C.1/L.425.

167. With the statement just made by the representative of Chile, we have completed the list of speakers for today. I

am therefore compelled to cancel the meeting scheduled for this afternoon.

168. As members will note from the *Journal*, we have programmed two meetings daily for the rest of the week. As I have already indicated, we must make every effort to utilize fully the time available to us. I fully realize also the heavy schedule that all delegations have to face at this stage of our session. May I, however, be allowed to make a very earnest appeal to the members of the Committee to co-operate to the best of their ability in ensuring the speedy progress of our work; in particular, I would request those members wishing to participate in the discussion of the item currently before the Committee to indicate to the Secretary of our Committee their desire to be included in the list of speakers.

169. We have two meetings scheduled for tomorrow, and I sincerely hope that we shall have enough speakers for the two meetings.

*The meeting rose at 1.10 p.m.*