



CONTENTS

Page

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 (*continued*) 1

Chairman: Mr. Piero VINCI (Italy).

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 (*continued*) (A/7230, A/C.1/973, A/C.1/L.425 and Add.1 and 2)

1. The CHAIRMAN: I wish to inform the Committee that the delegations of Madagascar, the Philippines and Turkey have asked to join the thirty-six present sponsors of the draft resolution contained in document A/C.1/L.425 and Add.1 and 2.

2. Also, I wish to take this opportunity to perform a very pleasant duty. At a previous meeting I said that it is appropriate for the First Committee, which deals with outer space activities, to follow and take note of the main activities in outer space. I therefore wish to convey our very sincere and heartfelt congratulations to the Soviet delegation on the successful manned flight of the Soviet spaceship *Soyuz 3*. Our congratulations go in particular to the Soviet cosmonaut, Georgei Beregovoy, who has the privilege also of being the oldest cosmonaut to have made a space flight—and I, for one, am gratified by his performance.

3. I request the representative of the Soviet Union to convey our felicitations and best wishes to his Government, and in particular to cosmonaut Beregovoy.

4. Mr. MENDELEVICH (Union of Soviet Socialist Republics) (*translated from Russian*): Mr. Chairman, on behalf of my delegation I should like to express our deep appreciation to you and to all our other colleagues in the Committee, whose spokesman I take you to have been in

congratulating the Soviet Union on the successful space flight of Colonel Georgei Beregovoy.

5. The Soviet Union is continuing to develop its space research and to augment greatly man's knowledge of the subject. Our objectives relate entirely to the peaceful exploration and exploitation of the limitless reaches of outer space. Our space programmes are aimed at the peaceful exploration of the Universe. We want peace in the Universe, as we want it on earth. We want peace wherever men act and wherever States and peoples interact.

6. My delegation will transmit your good wishes and congratulations to the USSR Government and to Colonel Georgei Beregovoy with a feeling of deep gratitude.

7. The CHAIRMAN: The Committee will now continue its discussion of the item on the agenda.

8. Mr. DE SARAIVA GUERREIRO (Brazil): Last year the delegation of Malta brought to the attention of the General Assembly the very important economic, legal, political and strategic consequences that could flow from the opening up to human activity of the immense and rich area of the ocean floor beyond the limits of national jurisdiction. The *Ad Hoc* Committee then set up to survey the subject-matter had the good fortune of electing as its Chairman Ambassador Amerasinghe of Ceylon, who directed its work with competence and speed; and an objective and thorough Rapporteur, Mr. Gauci of Malta, who has already introduced the report to this Committee. Its Legal and Economic and Technical Working Groups were efficiently directed by Ambassador Benites of Ecuador and Mr. Denorme of Belgium, respectively. The task accomplished was a difficult one, given the great variety of aspects that the subject-matter presented and the novelty of the questions raised.

9. The Assembly did not ask the *Ad Hoc* Committee to submit definite conclusions, but rather to survey and analyse this ample field. That the *Ad Hoc* Committee did in a manner very much to be praised.

10. The Secretariat of the United Nations and of the specialized intergovernmental bodies concerned prepared very useful documents. Delegations made valuable suggestions. And now we have before us the report of the *Ad Hoc* Committee [A/7230], containing significant information on scientific and technological data, an indication of the variety of trends among delegations and some generally held views regarding the existence of an international area of the ocean floor, the need for stimulating scientific research, the objectives of preserving the area from the armaments race and regulating its peaceful exploitation in a manner beneficial to mankind.

11. The Brazilian Government had the honour to be host to the *Ad Hoc* Committee during its third session, held in Rio de Janeiro from 19 to 30 August last. May I be permitted to take this opportunity to reiterate that it was a pleasure for us to have the members of the Committee and the Secretariat present in Rio, and to express our whole-hearted thanks for the generous references to Brazilian hospitality that were made here by Ambassador Amerasinghe and other representatives.

12. As to the action that the twenty-third session of the General Assembly may take, we have to consider that the *Ad Hoc* Committee's report first of all demonstrates clearly the need to continue the work. No matter whether one is more optimistic or less optimistic about the prospects of the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction or about the rate of progress in the technology for exploiting them, it is evident that the foreseen possibilities are substantial enough and may have such consequences that we should provide for serious and appropriate multilateral debates and negotiations.

13. Even during the twenty-second session of the General Assembly, when the present item was introduced, the Brazilian delegation favoured the setting up of a permanent committee. Therefore we welcomed the Belgian delegation's initiative during the third session of the *Ad Hoc* Committee in Rio de Janeiro in preparing a working paper on a resolution setting up a standing committee. After consultations, it was possible to submit to this Assembly formally the draft resolution contained in document A/C.1/L.425 and Add.1 and 2, of which we have the honour to be a co-sponsor. The Brazilian delegation, as is the case with the other co-sponsors, is ready to take into account and accommodate as far as possible any comments that may be made on the text submitted, which is of course capable of improvement. However, we think that we should not do justice to the importance of the subject matter and to the degree of analysis which it has undergone since the last session of the Assembly if we failed to provide for terms of reference that would represent an important step forward and would give the new Committee the task of trying to reach conclusions and make specific recommendations to future sessions of the General Assembly.

14. At many points the diverse aspects of the item touched upon matters within the competence of other organs of the United Nations. It is obvious that the Committee should avoid unnecessary overlapping but, as a focal point within the United Nations Organization for the consideration of activities relating to the ocean floor beyond national jurisdiction, it should encompass all problems raised by such activities. In some cases the Committee's responsibility towards this Assembly is practically exclusive, but in other cases the Committee's responsibility is mostly one of reviewing and stimulating the relevant activities of other international bodies. But as a focal point it should have a view of the whole question and take into account debates and negotiations of a bilateral or multilateral nature.

15. Which proposals debated in the *Ad Hoc* Committee could be acted upon by this session of the General Assembly without waiting for further consideration by the permanent committee which we hope will be established?

16. The expanded programme of oceanic research suggested by the Secretary-General [*E/4487 and Corr.1-6, paras. 256-267*] and the draft resolution on the international decade of ocean exploration proposed by the United States [*see A/7230, annex III*] cover a broader area than the ocean floor beyond national jurisdiction and of course concern themselves very much with the ocean as a whole. But they are quite relevant to the increase in knowledge of the area referred to in the enunciation of our item. They are important proposals and the *Ad Hoc* Committee gave much attention to them. Whatever draft resolution on the matter this Assembly may debate in this or the Second Committee, there are many conclusions commended by the *Ad Hoc* Committee that may find useful expression. Both the expanded programme and the decade, being by definition international undertakings, should result in the increase of scientific knowledge fully available to all, and their operation should be so planned as to involve the widest possible participation. In particular, both undertakings, in our view, should strengthen the research capabilities of developing countries and give due consideration to specific programmes that may be of more immediate usefulness to them.

17. We also view the Icelandic draft resolution containing its proposal on the prevention of pollution [*ibid.*] as a constructive and timely measure which the Assembly should adopt.

18. Especially in the course of the third session of the *Ad Hoc* Committee in Rio de Janeiro there was an attempt, mostly by means of informal consultations, to reach agreement on general principles—or, if you prefer, general propositions. Unfortunately, no unanimously agreed formulation was possible but, in our opinion, the efforts were constructive and served the purpose of clarifying positions and revealing the areas of agreement and disagreement. As can be seen from the two sets of proposals in paragraph 88 of the report of the *Ad Hoc* Committee, there are common ideas and, at the same time, important differences between the text agreed by Western European, North American and Pacific countries on the one hand and the proposals drafted by the developing countries of Asia, Africa and Latin America on the other. Negotiations should go further since human activity on the sea-bed and ocean floor beyond national jurisdiction should be regulated in a manner that contributes to the maintenance of international peace and security and to the economic development of all countries, particularly developing countries. And we are confronted with the need to develop a very specific régime that is new and cannot be deduced, by implication or as a corollary, from pre-existing norms addressed to quite different factual circumstances.

19. Existing international law, the *lex lata*, does not answer expressly or even by implication the basic questions that have to be considered in connexion with a régime for the area of the ocean floor beyond national jurisdiction.

20. In fact, the freedom of the high seas, by their nature, and the objectives they serve are practically irrelevant when these questions have to be answered except in so far as they have to be respected. Fishing aims at a moving resource. Ships, cables and pipelines cross the seas for purposes of transportation and communication and they are directly

useful both to those who operate them and to those who are served by them. The exploitation of the common resources of the international area of the ocean floor, however, is not in itself a service of general utility but a productive activity which will yield goods under the immediate control of the producer.

21. The principles and purposes of the San Francisco Charter should inspire States in all their activities, but you cannot deduce from them specific solutions to every problem.

22. The general principles of law, common to all legislation, will in all probability be reflected in the regulation of the new activities relating to the ocean floor, providing for respect for the rights of others, responsibility for damages, mutual help in case of mishap, and so on.

23. However, only an understanding of what is the ocean floor beyond national jurisdiction can supply specific answers to the basic questions. This area is not a *res nullius* or a *res communis* in the usual meaning of that term. It is a common heritage of mankind or, to use a more precise expression, a common patrimony. Its resources, therefore, should not be disposed of without adequate compensation to the community of nations and observance of agreed substantive and procedural rules.

24. In that order of ideas, permit me to quote from the speech of the Minister for External Relations of Brazil at the thirteenth meeting of the *Ad Hoc* Committee, the opening meeting of the third session in Rio de Janeiro on 19 August 1968. He said:

“Many countries emphasize the right of all to exploit and use, without discrimination, the resources of the sea-bed and ocean floor beyond national jurisdiction. Other countries have valid preoccupations to ensure that the exploitation and use of the said area should benefit mankind, and in particular the developing countries. To the Brazilian Government no radical incompatibility seems to exist between these two objectives, equally legitimate, for we believe that there should be no freedom of exploitation without international accountability and, on the other hand, that the latter should not stifle the former. It is indispensable to establish a relationship between freedom of exploitation and an appropriate supervision of the exercise of such freedom by the international community; with a view to safeguarding fundamental interests in this common patrimony. The acceptance of an unqualified concept of freedom of exploitation would unfavourably affect the interests of the countries which are not at a stage of technological development which would enable them in the foreseeable future to profit by the opening up of the ocean floor. Discrimination in any form is not to be accepted, but we should bear in mind that the most serious and potentially most dangerous form of discrimination is one which, as a consequence of an unqualified freedom of exploitation, would benefit exclusively the technologically and economically most advanced nations.”

25. If we consider the technological possibilities, and face the facts that are emerging therefrom, from the point of view of a legal régime which would regulate the activities of States in this area for the benefit of all, prevent conflicts

and harmonize interests, several alternatives may be possible but a certain number of minimal criteria or requirements must be satisfied. Such requirements are essentially the following: (i) use of the area for exclusively peaceful purposes; (ii) prevention of disputes and conflicts; (iii) guarantees for research and investments; (iv) direct compensation to the international community, to be applied to the development of developing countries; (v) regulation of the production and commercialization of minerals from the ocean floor to avoid dumping on markets; (vi) preservation of the ecological balance of the marine environment; (vii) some form of efficient inter-governmental action to ensure the observance of all requirements.

26. If all those requirements, which we put on the same footing, are satisfied then there will be a reasonable balance among the interests of all.

27. I have not mentioned landlocked countries specifically because, of course, they have necessarily the same rights as others.

28. As can be seen, the requirements enumerated are reflected in the working paper on the draft Declaration of General Principles proposed by the developing countries at the third session of the *Ad Hoc* Committee [ibid.].

29. I need not prolong this statement. As a developing country, with half of its extensive frontiers opening on the sea, as a country which has already begun to exploit, with excellent prospects, its continental shelf, both the Government and public opinion in Brazil are following with great interest the advances of science and technology in the conquest of the submerged domain beyond national jurisdiction which accounts for two-thirds of the area of the earth. We trust that the exploration and exploitation of that area will further peaceful co-operation among nations and that the interests of all may be harmonized. In the search for these aims this Organization has a great responsibility. To discharge it we should bear in mind the long-term perspective while not failing to act with a sense of urgency whenever possible and necessary. The Brazilian-delegation is always ready to strive for solutions that are generally satisfactory, since an ample basis of support is required by the very nature of this Organization's work in the matter before us.

30. The CHAIRMAN: I wish to inform the Committee that Trinidad and Tobago has decided to become a co-sponsor of the draft resolution contained in document A/C.1/L.425 and Add.1 and 2. I wish at the same time to announce that the delegations of Kuwait and Venezuela have submitted amendments to that forty-Power draft resolution. Those amendments have just been circulated to members of the Committee in document A/C.1/L.426.

31. Mr. PARTHASARATHI (India): At the outset I should like to associate my delegation with the congratulations offered to you, Mr. Chairman, by so many of our colleagues on your election as Chairman of this most important Committee. You have already shown your great tact and wisdom in dealing with the intricate issues that came before us in the early days of our work. We are quite sure that under your able guidance the Committee will deal

with the many important questions coming before it wisely and expeditiously. My delegation offers you its full co-operation in the discharge of your responsibilities.

32. This item was brought before the General Assembly last year for the first time by the representative of Malta.¹ As we did last year, we wish to commend him and his Government again for their sagacity and foresight in bringing to the notice of the world community an issue of such momentous significance which has a bearing on so many vital aspects of our life. The consideration of the item last year by the General Assembly and the setting up of the *Ad Hoc* Committee have rightly generated a keen awareness of the potentialities of the sea-bed and the ocean floor and an ardent desire to ensure that it is used for the good of mankind. The international community has a duty not to let this area become by default or inaction a hot-bed of tension and conflict.

33. We appeal to all to heed the lessons of history and develop a new outlook on the exploitation of the immense resources of this area. The ocean depths, once out of reach and mysterious, have already begun to reveal their vast hidden resources for all of us to utilize, particularly those whose needs are greatest. This should be a common effort, under an international system, to usher in a new era of co-operative endeavour and mutual benefit. Narrow and parochial interests should not be permitted to obscure or overwhelm the common interest of mankind, nor should they lead to a power struggle or a new scramble for areas of national control in the deep sea.

34. One of the main dangers to guard against is the possibility of that environment being put to military use, which could have calamitous consequences for all. As the brief but extremely useful document on the military uses of the sea-bed and ocean floor beyond the limits of present national jurisdiction prepared by the Secretariat stated:

“Technically, the deployment of military weapons and other devices in the region of the continental shelf and the deep ocean peaks, existing information indicates, is either already feasible or will be so in the near future. The deep ocean bed, on the contrary, is an area that so far seems from available published material to be the object of military research and development efforts only. Actual deployment, it has been stated, is probably some time off, although the great intensity of present military interest might possibly affect this picture in the not too distant future.” [see *A/AC.135/28, para. 5*]

In the light of that report it is all the more urgent and necessary that efforts should be intensified to prevent the emplacement of military weapons in that environment.

35. I now come to 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 [*A/7230*] which was presented so ably by the Rapporteur, Mr. Victor Gauci of Malta. We wish to pay our tribute to its Chairman, Ambassador Amerasinghe of Ceylon, and to the Chairmen of the two Working Groups, Ambassador Benites of Ecuador and Mr. Denorme of Belgium, for conducting the work of the *Ad Hoc* Committee and the Working Groups so

expeditiously and productively. The report of the *Ad Hoc* Committee bears testimony to the efforts made by them as well as other members of the Committee to conclude successfully the work assigned to the *Ad Hoc* Committee. That report is worthy of our warmest commendation.

36. Resolution 2340 (XXII) of the General Assembly, by which the *Ad Hoc* Committee was established, requested it by operative paragraph 1 to study the scope and various aspects of this item; by paragraphs 2 (a) and (b) to prepare a study which would include certain subjects; and by operative paragraph 2 (c) to include in the study an indication regarding practical means to promote international co-operation in the exploration, conservation and use of the area studied by the Committee. The studies prepared in relation to this item have been transmitted to us and the report of the *Ad Hoc* Committee indicates the views expressed during the debate on the various matters considered by it as well as some of the conclusions which received wide support in that Committee.

37. The Chairman of the Economic and Technical Working Group, at its twelfth meeting on 19 August [*A/AC.135/WG.2/SR.12*], aptly summarized the conclusions arrived at by that Working Group. Some of those, of particular interest to us, are worth repeating.

38. First, that substantial mineral resources existed beyond the continental shelf. Knowledge of the geographical distribution, the size and the nature of those resources was incomplete. For that reason there was need to foster research and exploration of this area.

39. Second, that some techniques for the exploration of the ocean floor could be applied at great depths but that the corresponding production techniques still remained to be evolved. Considerable human and financial resources would be required for that purpose, but cautious optimism was appropriate as to the technical improvements that might be expected.

40. Third, that there was a distinction between the technological capacity for exploiting marine resources and the commercial viability of such operations.

41. Fourth, that the economy of some developing countries was largely dependent on the export of certain raw materials, such as manganese and phosphates. If underwater mineral raw materials were exploited, disturbance of the international market was a possibility which could not be excluded and it was therefore important to give some thought to possible forms of international agreement.

42. Fifth, that the great majority of countries, for technical, financial or other reasons, would hardly be in a position to play an active part in this exploitation. It was felt that the establishment of an international system under United Nations auspices would provide the best means of ensuring that exploitation would be “in the interest of all mankind”.

43. Sixth, that for international co-operation in the development and exploitation of marine mineral resources the role of the United Nations was essential.

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

44. The Legal Working Group at its meetings during the second session of the *Ad Hoc* Committee discussed the legal aspects of the question. Some of the conclusions which were apparent during the discussion and received wide support may be summarized as follows:

45. First, that the sea-bed and ocean floor beyond the limits of present national jurisdiction should be regarded as having a special legal status as the common heritage of mankind and that it was not susceptible to national appropriation by claim of sovereignty, use, occupation, or any other reasons.

46. Second, that the rules of existing international law with regard to the sea-bed and ocean floor beyond present national jurisdiction are fragmentary and inadequate and therefore new rules of law should be developed.

47. Third, that the use of the resources of the sea-bed and ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction should be in the interests of mankind.

48. Fourth, that the sea-bed and ocean floor beyond the limits of present national jurisdiction should not be used for any military purposes if the utilization of their resources for the benefit of mankind is to be achieved.

49. Fifth, that the results of scientific activities in this area should be made available to all countries without discrimination and that scientific exploration could not serve as a basis for the assertion of sovereignty or claims to appropriation.

50. Sixth, that all activities in the exploration and use of the sea-bed and ocean floor beyond the limits of national jurisdiction should be carried out in accordance with international law and the Charter of the United Nations.

51. A number of valuable proposals, which deserve serious consideration, have also been made in the Secretary-General's able report [*E/4487 and Corr.1-6*]. The first proposal is regarding an expanded programme of international co-operation to assist in a better understanding of the marine environment through science. That proposal received support in the deliberations of the *Ad Hoc* Committee. Among the other proposals which were widely supported is the one concerning the role of the United Nations in the development and exploitation, through technical assistance, of the mineral resources of the continental shelf of the developing countries and the collection and dissemination of information concerning these resources. My delegation attaches particular importance to that proposal as it is of great significance to the developing countries. In that connexion it was suggested that the United Nations should assume a central role in co-ordinating activities in that field and that there should be an adequate supervision by the United Nations over programming and planning. As far as the scientific aspects of that question are concerned, it was expected that the Inter-governmental Oceanographic Commission of UNESCO would contribute its experience and resources in keeping with its mandate, to the purposes set out in the proposal for an expanded programme of international co-operation.

52. We have seen document A/C.1/973, which has been circulated at the request of the Director-General of UNESCO. We note that IOC, FAO and WMO have started consultations on the implementation of the first proposal, namely, the expanded programme on international co-operation to assist in a better understanding of the marine environment through science. In pursuance of their consultations, they have set up an inter-agency board for IOC which would harmonize the programmes of the the agencies and of the Commission. Document A/C.1/973 also gives an indication of the activities of the inter-agency board as well as the problem of funds for the activities to be undertaken in that regard. We are grateful to IOC for producing the document, which gives us some idea of the activities undertaken by them. However, we would wish to know the scope of the programme that IOC is contemplating in collaboration with the other agencies and also the position regarding the funding of the programmes, particularly the source from which the funds would be available and how they would be utilized.

53. My delegation has viewed with interest the proposal made by the United States in its draft resolution that the 1970's be declared an international decade of ocean exploration [*see A/7230, annex III*]. It is our understanding that the decade will be one element in the long-term programme to be undertaken under the aegis of the United Nations; that it is not intended to be an alternative to other efforts; and that the decade is thus not the only means, although an important one, of stimulating investigation, fostering co-operation and providing nations with the necessary knowledge for the exploration and use of the resources of the sea-bed.

54. My delegation has consistently advocated at the twenty-second session of the General Assembly and in the *Ad Hoc* Committee that the General Assembly should recommend a set of principles which should provide guidelines for future development and activities in this area. At the 1530th meeting of the First Committee on 16 November 1967. I mentioned certain basic principles which, in our view, should apply to all activities in this area and I expressed our hope that this Committee would agree with the relevance and significance of those basic principles.

55. At the seventh meeting of the first session of the *Ad Hoc* Committee on 26th March 1968, we asked the *Ad Hoc* Committee to pronounce itself on the principles which should govern the conduct of nations in the use exclusively for peaceful purposes of the sea-bed and ocean floor. We stated:

“Such a declaration should be based on the following principles: the sea-bed and ocean floor beyond the limits of national jurisdiction were part of the common heritage of mankind and should be used for the benefit of all countries, particularly the developing countries; any exploration and exploitation carried out should be in accordance with international law and the United Nations Charter. The United Nations should give direction and purpose to activities which might later be undertaken in that area.” [*see A/AC.135/SR.7*].

56. At the eleventh meeting of the *Ad Hoc* Committee during its second session in New York on 20 June 1968, the representative of India stated that it would submit a draft

declaration which reiterated the urgent need of a recommendation by the United Nations General Assembly of the basic principles with regard to this area, namely, that this area should be used exclusively for peaceful purposes, that it should not be susceptible to national appropriation, that its resources should be used exclusively for the benefit of mankind and that all activities of States in the exploration and use of this area should be carried on in accordance with international law and the Charter of the United Nations under the direction and purpose which should be provided by the United Nations.

57. We are gratified to note that at its third session, in Rio de Janeiro, the *Ad Hoc* Committee was able to give consideration to the draft declaration presented by us [*see A/7230, annex III*] as well as to the other proposals made in this regard. As is clear from the report of the *Ad Hoc* Committee, apart from the draft declarations submitted by India and the United States, there are two sets of principles suggested in paragraph 88 of the report. The first set of principles, which was submitted in a working paper by the developing countries of Africa, Asia and Latin America [*ibid.*], is comprehensive. However, in the intensive consultations which took place in Rio de Janeiro it became apparent that, at that stage, to be able to get wider agreement it was necessary to make this statement as concise as possible, emphasizing only the most fundamental principles. Because of the lack of time at the Rio de Janeiro session, it was not possible to reach an agreement on such a statement. It is our view that given more time there is every possibility of finding acceptable solutions. In other words, the area of disagreement is not so wide, and given goodwill by all sides it should be possible to bridge the gap. It is our ardent hope that at this session we will be able to pass a resolution embodying the basic principles on which we are all agreed and which should guide the activities of States and their nationals in this area.

58. My delegation would like to commend the initiative taken by the delegation of Belgium in presenting draft resolution A/C.1/L.425 and Add.1 and 2 on the setting up of a standing committee—a draft which is now co-sponsored by forty States, including India. The standing committee as it is now contemplated will be able to carry forward the work undertaken by the *Ad Hoc* Committee to develop the rules and norms for the conduct of activities in this area and, further, the Committee would continue its studies on the possibility of the exploitation of the resources of this area for the benefit of mankind as a whole. This Committee would also be charged with the mandate of studying further the reservation of this area exclusively for peaceful purposes, taking into account the studies being undertaken in the field of disarmament. It has been our view that we should retain the item as a whole in this Committee and that its various facets and implications should be considered together. We attach great importance to preserving the unity of the item as introduced by the representative of Malta at the last session of the General Assembly because it is only by considering the item in its totality that we can make balanced and effective progress towards the objectives of utilizing the resources of this area for the benefit of mankind. We consider that the standing committee, with the mandate as suggested in the draft resolution, should be able to play a useful and constructive role in guiding the future developments in this new field.

59. To conclude, I should like to say that the *Ad Hoc* Committee on the peaceful uses of the sea-bed has done a splendid job in helping to clarify our ideas on the complex questions raised in respect of this item. In our view, the stage has been reached to make collective efforts to realize effective international co-operation in the exploration and exploitation of the resources of this area for the common good of mankind. At the same time, we must also continue our efforts to make it possible for the General Assembly to recommend the basic principles which should apply to activities of States and their nationals in this new and challenging field. It is particularly important for us to stress that this area should be used exclusively for peaceful purposes, as is now unanimously accepted, and therefore in no case should it be used for military purposes; that the resources of this area should be utilized for the benefit of all mankind, taking into account the special interests and needs of the developing countries.

60. The CHAIRMAN: I thank the representative of India for the friendly remarks he so kindly addressed to me. Before calling on the next speaker on my list, I wish to inform the Committee that Bolivia has decided to become a co-sponsor of the draft resolution contained in document A/C.1/L.425 and Add.1 and 2.

61. Mr. HAYMERLE (Austria): Since this is the first time that the Austrian delegation has taken the floor in the First Committee, I should like to begin with a tribute to the members of our Bureau. In particular I wish to join the representatives who have most warmly congratulated Ambassador Vinci upon his election to the Chairmanship of the First Committee. The overwhelming support you have received, Mr. Chairman, testifies to the high esteem in which you are held. The Austrian delegation considers itself fortunate indeed in having as our presiding officer one of the most experienced diplomats of the United Nations who has served his country for many years and who on numerous occasions has demonstrated his diplomatic skill and personal devotion to the aims of the United Nations.

62. At the same time I should like to add the compliments of my delegation to the words of praise and welcome for our Vice-Chairman, Ambassador Galindo Pohl of El Salvador. His personality and his exceptional background as former Minister of Education and Judge in the highest Court of his country will decisively contribute to the work of our Committee.

63. Last but not least I wish to congratulate Ambassador Zollner of Dahomey upon his election to the post of Rapporteur of our Committee. His long experience in the United Nations, and his energy and competence, which are familiar to all of us, make him especially qualified for this post.

64. Turning now to the subject matter under consideration, I should like to recall briefly the position of my Government as outlined by the Austrian representative in this Committee last year [*1527th meeting*]. As our position has not changed since that time, I trust, Mr. Chairman, that you will bear with me when I repeat the principal considerations determining the attitude of my delegation.

65. For my Government the starting point in examining this problem was understandably the fact that Austria is a landlocked State. Thus my country is among those which would be primarily affected if technological progress, outpacing legal developments, worked only to the benefit of those countries which have free access to the sea.

66. Secondly, we must be aware of the fact that the exploration and exploitation of the sea-bed and the ocean floor presuppose a certain level of technological development. In other words, we are confronted with still another aspect of the gap between the developing and the developed countries. We are confident that our deliberations on the item before us, in opening the benefits of the sea-bed to all of us without discrimination, may contribute to overcoming the cleavage between those two groups of countries.

67. Thirdly, my delegation attaches the greatest importance to the military aspects pertaining to the issue under consideration. Swift action should be taken to ensure that the arms race does not extend to the sea-bed and ocean floor beyond the limits of national jurisdiction. Progressing technology in the armaments field makes it imperative to find agreement quickly in this regard.

68. In formulating its position the Austrian delegation has had—as it will have in the future—all three aspects of the question in mind.

69. During the last session of the General Assembly my delegation had suggested that in organizing our work we should draw upon the experience derived in connexion with the establishment of the Committee on the Peaceful Uses of Outer Space. In particular we recommended the creation of an *Ad Hoc* Committee which was to prepare the ground for the eventual decision on the establishment of a more permanent body to which the further consideration of the peaceful uses of the sea-bed and its resources might be entrusted. By resolution 2340 (XXII) the twenty-second General Assembly took action along these lines.

70. The newly formed *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, in which my country had the privilege to be represented, was asked to submit to the twenty-third session of the General Assembly, in co-operation with the Secretary-General, a report on all relevant questions and problems, pertaining to international co-operation in the study and uses of the sea-bed and its resources. In particular the *Ad Hoc* Committee was requested to give (a) a survey of past and present activities of the United Nations and international agencies with regard to the sea-bed and the ocean floor, and (b) an account of the scientific, technical, economic, legal and other aspects of this item, as well as an indication regarding practical means of promoting international co-operation in this field. The task of the *Ad Hoc* Committee was thus of a fact-finding nature, meant to clarify the scope of the item and the range of its problems, with a view to making it possible to decide on the action to be taken in the future.

71. This report, contained in document A/7230, which has so ably been introduced by the representative of Malta, to whom we wish to express our appreciation, is now before us. The method of work followed in elaborating it

was inspired by the desire of the members of the *Ad Hoc* Committee to reach agreement without resorting to a vote. Considering the accomplishments of the *Ad Hoc* Committee, my delegation feels that this method, which has already been used by the Committee on the Peaceful Uses of Outer Space, has proved useful and might well guide our work in the future.

72. Leaving the procedural aspects, I should like now to make a few observations on the substance of the report under consideration. Here it appears to my delegation that we can distinguish the following three main aspects which this Committee might now appropriately consider: first, the question of international co-operation in the study and use of the sea-bed and its resources; second, the question of a declaration of principles which are to determine our activities with regard to the sea-bed and the ocean floor; and, third, the military aspects involved.

73. I have already referred to the paramount importance of the military aspects of the problem at an earlier stage of my statement. At this juncture, I should like to elaborate briefly on the two other questions mentioned above.

74. In the first instance, we are faced with the problem of how to continue in the most effective way the international co-operation which has so successfully begun on the basis of resolution 2340 (XXII). In his brilliant introduction [*1588th meeting*] of the draft resolution contained in document A/C.1/L.425 and Add.1 and 2, the representative of Belgium has given us a very clear outline of the cogent reasons underlying this initiative. The draft resolution envisages—perhaps as a preliminary step towards a permanent international institution—the establishment of a committee on the peaceful uses of the sea-bed and the ocean floor as a focal point for the co-ordination of international activities in this regard. In particular, that committee would be requested to study the elaboration of a body of rules which would further promote international co-operation, a task which is of a predominantly legal nature. It would be instructed, furthermore, to study the possibilities of the exploitation of the resources of the sea-bed and the ocean floor and its subsoil and the economic implications arising out of such an exploitation. Moreover, the terms of reference relate to the reservation of the sea-bed and the ocean floor beyond the limits of present national jurisdiction exclusively for peaceful purposes, to the scientific aspects involved and to the problem of avoiding marine pollution.

75. By co-sponsoring the draft resolution, Austria has already pronounced itself in favour of the standing committee under consideration. As the representative of Belgium said in introducing the draft resolution, the co-sponsors are prepared to accept any suggestion which might improve the text without substantially changing its contents. My delegation, for its part, finds several of the suggestions which have already been communicated to the sponsors and to which the Ambassador of Ceylon referred in his opening statement [*ibid.*], acceptable. The Austrian delegation hopes that the draft resolution will commend itself to the Committee for unanimous adoption.

76. In the view of the Austrian delegation the draft resolution on the international decade of ocean exploration

in annex III to the report of the *Ad Hoc* Committee also deserves our full attention. In this draft it is proposed that the nations of the world join together in a concerted long-term co-operative programme of ocean exploration on a world-wide basis. Already during the sessions of the *Ad Hoc* Committee, my delegation had expressed its keen interest in this proposal. In the meantime, my Government has had the opportunity to give further study to this initiative. We should like to see it endorsed by the twenty-third session of the General Assembly. In this context I wish to point out that the draft resolution is broader in scope than the terms of reference of the *Ad Hoc* Committee. We might therefore envisage also that the resolution be referred to the Second Committee for consideration under item 41, "Resources of the sea: report of the Secretary-General".

77. Let me turn now to the second issue contained in the report of the *Ad Hoc* Committee which in the view of my delegation the General Assembly should act upon during its present session. We consider the speedy elaboration of general principles determining the activities of States and nationals in the exploration and exploitation of the sea-bed and its resources to be of decisive importance. At the last session of the *Ad Hoc* Committee in Rio de Janeiro the Austrian delegation supported the principles listed in paragraph 88 (b) of the report under discussion. However, the Austrian delegation shares the view that that list represents only a minimum, and that it would be desirable to find a broader ground of common agreement. We very much hope that our deliberations will be effective in this respect, for we are convinced that all our efforts in further organizing international co-operation will remain only fragmentary if we should not succeed in setting up a comprehensive body of principles to guide our work in the interest and to the benefit of all our nations.

78. The CHAIRMAN: I thank the representative of Austria for the warm congratulations he extended to me and to all members of the Bureau.

79. Mr. HABIB DELONCLE (France) (*translated from French*): Mr. Chairman, I am aware that I would best please you by heeding your appeal and by refraining from offering you our congratulations. However, the French delegation regards you as being not only an accomplished diplomat who gives daily proof of wisdom, discernment and courteous authority, but also as the representative of a neighbouring Latin country, a sister nation, and nothing—not even your friendly rebukes, Mr. Chairman—can prevent us from offering you our warmest congratulations.

80. Mr. Galindo Pohl knows that we are equally happy to see another outstanding representative of the Latin world occupying the post of Vice-Chairman.

81. Lastly, I hope that Mr. Zollner will not take amiss my recalling the special ties of friendship which join our two countries and which warrant the sincere congratulations I take pleasure in extending to him.

82. A year ago, the French delegation had the pleasure of joining with the many others that congratulated Mr. Pardo on his proposal that the General Assembly should consider the question of the sea-bed and ocean floor.

83. In so doing, we wanted the initiative of the Government of Malta to have the support of France, which believes in the possibilities inherent in the exploration and exploitation of the sea-bed and ocean floor and in the value of international co-operation.

84. This belief is not an *a priori* attitude adopted at the start of an unknown and ambitious undertaking; it is based on a very clear sense of reality derived both from our long experience in maritime science and from our knowledge of the work of the United Nations and its specialized agencies.

85. I do not want to take up the Committee's time with a detailed account of the position France holds in the maritime sciences. Some of our contributions to the knowledge of the sea-bed are well known, and I am sure that those among us who have personally made limited explorations of the sea-bed close to shore know that the life-support equipment which enabled them to stay under water was invented by Commander Prieur and Commander Cousteau. Documentary films have popularized the cruises made by several French oceanographic vessels such as the *Calypso* and the *Jean Charcot*. However, although they may be less well known to the public, the efforts we have made over the past twenty years to learn more about the deep sea are equally remarkable. At very great depths the French Navy has done pioneering work, launching two bathyspheres which have enabled us to explore the abyssal depths. One of them, the *Archimède*, which descended to a depth of 9,500 metres in 1962, is the only bathysphere capable of attaining the maximum known depth of 11,000 metres. Since then, we have considerably increased the scope of our exploratory equipment, by conceiving and constructing highly mobile submarine gear such as diving saucers and "telenauts", and by improving manned deep-sea diving techniques. A further advance was recently made with the setting up of floating laboratories and of actual submarine dwellings which enable divers to live and work on the ocean floor. I am referring to operation Precontinent III carried out off the French coast and similar in certain respects to the Sealab III experiment carried out by the United States of America.

86. I shall not bore the Committee with too many technical details, and I shall refrain from discussing in detail the various methods and techniques of undersea exploration recently perfected in France. At least the Committee will be aware of our interest in this new field which last year gave rise to the establishment of a public body, the *Centre national pour l'exploitation des océans* (National Centre for Maritime Exploration), which was given the task of "improving knowledge of the ocean and of developing studies and research projects concerning the exploitation of the resources of the ocean surface, the marine environment, the sea-bed and its subsoil". In any case the Committee will realize that our views on the scientific, economic and technological aspects of the problem of the sea-bed are based on already extensive research and that the caution or modesty of some of our assessments are based on experience.

87. Our experience of international co-operation within the United Nations has also taught us to be realists. Here, we have learnt to put diligence before haste, restraint before ambition and, finally, in those areas which directly

concern national interests, to work to achieve unanimous and lasting agreements rather than ineffective majority understandings.

88. In short, we are convinced that the competence we have acquired has given us responsibilities; and it is our awareness of these responsibilities which explains the position we adopted last year in connexion with the initiative taken by Malta, then during the work of the *Ad Hoc* Committee, and today, in considering the proposals before us.

89. The Committee will recall that at the twenty-second session, our basic aim was to draw up a list of the problems to be dealt with and to undertake the essential task of defining our activities in a new field. We indicated right at the outset that one of our first tasks was to establish the precise scope of this study; and since it was agreed that the study should be confined to the sea-bed and ocean floor beyond the limits of national jurisdiction, we had to enquire into the exact extent of those limits. We had to recognize that the Geneva Convention on the Continental Shelf² was ambiguous and that an attempt to achieve greater precision was required. This conclusion was dictated solely by logic. The present terms of the Geneva Convention being what they are, we might have been inclined, out of self interest and bearing in mind France's technological capabilities, to preserve the *status quo*. But we put clarity first. We repeated this with sufficient emphasis to make it clear to all that we regarded this as a matter of principle. However, today I wanted to recall this position so that every delegation might be aware of the strictly logical and rational motives which impel us to want to clarify the limits of national jurisdictions.

90. Our guiding concern for realism also explains our preference for creating an *Ad Hoc* Committee whose terms of reference would be confined to drawing up a list of problems and solutions. We have been happy to note that our work has in the end proceeded along those lines.

91. In the *Ad Hoc* Committee, we continually spoke in favour of strict adherence to the terms of reference set for us by the Assembly. Today I should be remiss were I not to say how much the French delegation has appreciated the conciliatory spirit shown by delegations whose own interests might perhaps have led to less restraint. Generally speaking, we are pleased that such moderation prevailed, as evidenced in particular by the constant respect shown for an unwritten rule of consensus which was observed throughout the course of our work. Thanks to this moderation, we have succeeded in preparing a report whose forthright observations and fidelity to the opinions of delegates have enabled it to meet with the unanimous approval of the members of the *Ad Hoc* Committee.

92. In emphasizing the realistic nature of this report, I have expressed the general approval of the French delegation for the work accomplished by the *Ad Hoc* Committee.

93. I should now like to comment on a number of special points in the various chapters of the report and, with your permission, to do so in the order in which they appear.

94. First of all, with regard to the scientific aspects of the question of the sea-bed, which are considered in paragraphs 13 to 29 of the report, we should like to recall our interest in the communication issued by the Chairman of the Inter-governmental Oceanographic Commission in document A/AC.135/17.

95. We feel that this report usefully complements the report submitted to the Economic and Social Council on the resources of the sea pursuant to resolution 2172 (XXI).

96. This document, which is purely scientific, in keeping with the work of the IOC, surveys current knowledge in the field of oceanography, while pointing to its shortcomings. Its main importance lies in the fact that it defines and places in their general context the problems of scientific exploration of the sea-bed and any eventual exploitation of its resources.

97. The report quite rightly devotes a good deal of attention to the question of mineral resources, which appears to be the most important. It points to the lack or insufficiency of bathymetrical charts in some areas and to the lack, too, of a systematic sampling of the sea-beds—deficiencies which could be overcome if an ocean exploration decade as proposed by the United States Government were instituted [*see A/7230, annex III*]. In short, this report makes us aware of the pressing need for making a world-wide inventory of geophysical under-sea data.

98. We should like to see this study include eventually a chapter on benthos and the role the ocean floor plays in the balance of biological populations, as well as with the upward motion of mineral-rich water. We feel that the detailed study of under-sea deposits, their creation and their distribution, should be a part of a study of the marine environment and of the phenomena affecting research and exploitation, such as currents, the effects of winds, the physical and chemical properties of the sea waters, as well as ocean and atmospheric inter-actions and weather forecasting, the improvement of which is the main aim of the Integrated Global Ocean Station System recommended by the IOC at its fifth session.

99. Lastly, we feel that the document submitted by Rear-Admiral Langenaar rightly stresses problems connected with methods of exploration and the accessibility of scientific data. The improvement of measuring instruments, the establishment of criteria for comparison, and, more generally, the standardization of data presentation are most necessary, and we would hope that regulations governing the exchange and storing of such scientific data might be precisely established.

100. With this in mind, our representative in the *Ad Hoc* Committee's Technical and Economic Working Group has supported the standardization and free exchange of scientific data.

101. Another point mentioned in the report under the heading "Scientific aspects" calls for further comment on our part. I refer to the proposals the Secretary-General submitted to the Economic and Social Council—contained in chapter III of document E/4487 and Corr.1-3, 5 and 6—which suggested, among other things, the establishment

² United Nations, *Treaty Series*, vol. 499, 1964, No. 7302.

of an "expanded programme of international co-operation" in order to reach a better understanding of the marine environment. We feel that the expanded role of co-ordination with which the Inter-governmental Oceanographic Commission will undoubtedly be entrusted will in all probability entail an increase in the means made available to it. This growth in the role of the IOC is, in our opinion, entirely consistent with its present regulations which entitle it to set up any necessary committee and which therefore enable it to establish any necessary co-ordinating body or bodies. In this way, the IOC can continue to exercise and develop its functions within the scientific sphere assigned to it without having to be burdened with the administration of funds provided by Member States.

102. In a more general way, and because the problem of co-ordinating scientific activities on the international level was discussed at length in the *Ad Hoc* Committee, as shown in paragraph 24 of its report, the French delegation would like to express its preference for the solution whereby such co-ordination would be entrusted to the Inter-governmental Oceanographic Commission. It also reaffirms its desire to avoid overlapping and duplication among the various international organizations engaged in scientific activities concerning the sea-bed and the ocean floor, and it expresses the hope that the co-operation which already exists between the IOC and several specialized agencies—FAO, WMO, IMCO—can be further strengthened.

103. In concluding these few remarks on the scientific aspects of the report, I should also like to say that the French delegation will support the United States proposal for a decade for ocean exploration. We shall express some views on its programme later, when the draft has been submitted officially.

104. Turning now to the next chapter in the *Ad Hoc* Committee's report, which deals with the economic and technical aspects of the question, my comments can be brief, since my delegation is in general agreement with the pertinent comments made by the various experts who gave us the benefit of their knowledge and experience. In this connexion, the French delegation would like to thank more particularly the representatives of the Secretary-General and also the distinguished oceanographers from the United States, the Soviet Union and the United Kingdom who honoured the meetings of the Technical and Economic Working Group with their presence. I shall therefore confine myself to noting that the report submitted by this Working Group [A/7230, annex I], like the documents drawn up pursuant to resolution 2172 (XXI), reveal the need for more detailed basic research before an in-depth study can be undertaken either on the feasibility of exploiting the resources of the sea-bed and ocean floor or on their advantages from an economic and commercial standpoint. In any case, such a consideration can only encourage us to strengthen international co-operation with regard to exploitation, as paragraph 80 of the report of the Economic and Technical Working Group quite rightly points out. France, for its part, is prepared to lend its skills to countries which request them.

105. The part of the report which follows deals basically, in the chapter entitled "Legal Aspects", with principles to be included in an eventual General Assembly declaration

and, in the chapter on "Other Aspects", with the non-militarization of the sea-bed and ocean floor. Further on, I shall restate the French position with regard to any eventual statement of principles. As for the military problems created by the sea-bed and ocean floor, we, like the majority of delegations, recognize their extreme complexity. Nevertheless, as proposed in paragraph 2 of an Indian draft resolution submitted in New York in July and annexed to the *Ad Hoc* Committee's report [*Ibid.*, annex III], we are in agreement with the principle of the use of the sea-bed and ocean floor exclusively for peaceful purposes. In this connexion, the French delegation wishes to recall that disarmament is a joint act and that, in speaking out in favour of the non-militarization of the sea-bed and ocean floor, it considers that the implementation of this principle depends on the progress achieved with regard to disarmament in other areas.

106. Lastly, I would like to add that during the discussions which were held in the *Ad Hoc* Committee, we were sympathetic to the argument of many representatives who held that the entire problem of the sea-bed and the ocean floor was but one problem, of which non-militarization was only one particular aspect, and that in those circumstances it would be wrong to separate that aspect from the problem as a whole, were its study to be entrusted to a standing committee.

107. Before concluding my consideration of this section of the report, I should like, on behalf of my Government, to support the suggestion made in paragraph 54, according to which the attention of the International Labour Organisation and other concerned organizations should be drawn to the human and social aspects of the question, in particular, to the conditions of work and the protection and training of manpower employed in this new environment.

108. The third part of the report, which was prepared pursuant to paragraph 2 (c) of resolution 2340 (XXII), is of special importance. It concerns the information which the *Ad Hoc* Committee would have to impart to the General Assembly concerning practical means of promoting international co-operation at the Assembly's twenty-third session.

109. In my preceding remarks, I have already expressed the opinion of the French delegation with regard to two of these means: the Secretary-General's proposal for an expanded programme of international co-operation and the American proposal for an ocean decade. The French delegation also supports the idea expressed in paragraphs 59 and 60 concerning the co-ordination of activities on the regional level, it being understood that such co-operation must not duplicate activities undertaken on a world-wide basis. Lastly, it welcomes the proposal made by Iceland, which resulted in a draft resolution designed to minimize the danger of pollution of the marine environment [*Ibid.*].

110. Although we take pleasure in being able to accept these proposals as a whole, and we reiterate our support for them, we nevertheless feel that, as our representatives stated at the *Ad Hoc* Committee's third session in Rio de Janeiro, the two basic ways of strengthening international co-operation might be to draw up a statement of principles and to create a standing committee for study and co-ordination.

111. It was not for the *Ad Hoc* Committee to recommend a statement of principles to the General Assembly. At the most, as my delegation suggested, it could draw up a list on which, as we hoped, a general agreement might be reached. With this in mind, we put the following considerations before the members of the *Ad Hoc* Committee: there is and there will continue to be an area of the sea-bed and ocean floor beyond the limits of national jurisdiction. This means that at some stage of our work sea-beds and ocean floors will have to be determined in relation to national jurisdictions. With these two concepts as a basis, we feel that the Assembly could establish several ideas: the use of the sea-bed and ocean floor exclusively for peaceful purposes; the right of all States to explore and exploit these areas, which has as its corollary national non-appropriation of the sea-bed and ocean floor; the exploration and use of the sea-bed and ocean floor for the welfare and in the interest of mankind as a whole, due account being taken of the needs of the developing countries; the need to conduct sea-bed and ocean floor activities in accordance with international law, including the United Nations Charter; the need to respect the freedom of the high seas by refraining from infringing upon such traditional maritime activities as fishing, navigation, under-water cables, pipe-lines, etc.; the need to take steps to conserve maritime resources.

112. Most of these ideas can be found in the second set of principles included in the *Ad Hoc* Committee's report [A/7230, para. 88]. Some of these guidelines are also included in the first set of principles in the report [*ibid.*]. As we see it, it has not proved possible to achieve general agreement on one definitive text to be submitted to the Assembly at its current session. While noting this with regret, my delegation expressed the hope at Rio de Janeiro that the differences in viewpoints would be reduced and that it might be possible at this session to draw up a joint list of principles. In reiterating this hope, I should like today to re-emphasize the importance to be attached to the unanimous adoption of such a statement by the General Assembly. Everyone will agree that unanimity on a number of minimal principles would be a certain guarantee that they would be respected, and that unanimity is therefore preferable to a majority vote on more ambitious guidelines. Once again, the French delegation is appealing to the representatives most concerned with preparing such a statement to show the restraint necessary for the success of their undertaking.

113. In this conciliatory spirit, many countries belonging to very different geopolitical groupings have reached agreement in order to lay before our Committee a document which surely represents the most practical method today for promoting international co-operation: a draft resolution calling for the creation of a standing committee [A/C.1/L.425 and Add.1 and 2]. As a sponsor of this draft, the French delegation does not intend to go into its principal provisions today. It is aware that the best possible presentation was made at our meeting on Monday, 28 October, by the representative of Belgium, and in this connexion it would like to say how grateful it is to Mr. Denorme both for his efforts in preparing this text and for the spirit of compromise he evidenced in his comments upon it. We are, in particular, grateful to him for having made it so clear that, far from imposing a *ne varietur* text, the sponsors welcomed

"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" [1588th meeting, para. 46].

114. The French delegation is in any case convinced that every delegation will agree on the basic goal envisaged by the sponsors which is, as Mr. Denorme stated, to establish a co-ordinating committee and not to superimpose a new structure on already existing structures. Since the paragraphs of the draft are clear and require no explanation, there is no need to repeat that the proposed committee will carry out its task in such a way as to avoid, as stated in sub-paragraph 2 (f), overlapping or duplication of activities with those organizations which are already concerned with particular aspects of the question. This general remark, which I have already made, is especially applicable, among other examples, to scientific problems. The committee will deal with them in the spirit we have just defined, but the scientific aspects will normally and fittingly remain within the purview of the Inter-governmental Oceanographic Commission. We repeat once again, there is no question that the committee should take the place of any specialized agency or body or supersede it. On the contrary, it must preserve the cohesion and unity of the study it undertakes by serving as a co-ordinating centre.

115. Apart from these principles which probably command unanimous support, some of us may have reservations with regard to a few expressions which we may consider either too vague or too categorical. These reservations may arise out of a misunderstanding in reading or in translation. We, for our part, are aware of the moderation which has already been evidenced by many countries that are placing their hopes in the work of a standing committee, and we sincerely hope that some delegations, whose sponsorship of this draft appears to us especially desirable, will prove equally willing to co-operate. Once this agreement has been achieved—and we are convinced that it can be—it will be for each one of us to decide on the example which will guide our future activities. We should obviously benefit from the experience gained by the *Ad Hoc* Committee and, in particular, emulate its working methods.

116. In associating itself with a draft which, if adopted, will entail the disappearance of the *Ad Hoc* Committee, the French delegation would like to pay tribute to the outstanding way in which Mr. Amerasinghe presided over the Committee and express the hope that its tradition of realism, compromise and patient search for unanimity will be preserved and will inspire our future work.

117. The CHAIRMAN (*translated from French*): I thank the representative of France for the tribute he paid my country, and for the warm congratulations he extended to me and to all the members of the Bureau.

118. Mr. SHU (China) (*translated from French*): Mr. Chairman, while heeding your appeal not to devote our time to extending you our compliments, I cannot miss this opportunity of expressing to you, on behalf of my delegation, my warmest congratulations on your unanimous election to the Chairmanship of the First Committee. Your great experience in the conduct of international affairs,

your tact and your conciliatory spirit, as well as your exceptional perseverance and impartiality, have contributed to the smooth progress of our discussions.

119. I should also like to extend my delegation's equally warm congratulations to Mr. Galindo Pohl and Mr. Zollner, the Vice-Chairman and Rapporteur, whose assumption of these offices should be a guarantee for the success of our Committee's work.

(The speaker continued in Chinese.)

120. My delegation had occasion last year to express its support for examining the question of the sea-bed and the ocean floor. My delegation was among the first to welcome the initiative taken by the delegation of Malta. We voted for General Assembly resolution 2340 (XXII) of 18 December 1967. My Government promptly replied to an inquiry made by the Secretary-General under this resolution. Now I am glad that this Committee has decided to discuss this item on its agenda first.

121. My delegation attaches special importance to 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. The *Ad Hoc* Committee met in three sessions and has done very much in a very short time. It has studied various aspects of the question in a comprehensive manner and has contributed to a better understanding of all the problems involved. The Secretariat has also done a useful job in preparing the necessary documents and in making arrangements to facilitate the work of the *Ad Hoc* Committee. Now that a good foundation has been laid, the General Assembly is in a position to decide upon its future course of work.

122. To begin with the scientific aspect of the question, it may be recalled that international organizations, both within and outside the United Nations framework, have been engaged in numerous activities falling within the broad field of oceanography. The Intergovernmental Oceanographic Commission of UNESCO has been particularly active in dealing with the scientific aspect of the question of the sea-bed and the ocean floor beyond the continental shelf. The working papers prepared by IOC in documents A/AC.135/4 and A/AC.135/17 are of great reference value. My delegation appreciates the work of IOC and is in favour of the suggestion that it be instructed to formulate and co-ordinate an expanded programme of oceanic research.

123. My delegation welcomes the proposal for an international decade of ocean exploration. This is supposed to be part of a long-term programme of research and exploration within the framework of the United Nations. It is hoped that the long-term programme will extend beyond a decade and that necessary preparatory arrangements will be carefully made to ensure the success of the programme. In the meantime it would be desirable to start forthwith to promote international co-operation by improving arrangements for exchange and dissemination of all information derived from scientific research and by providing facilities and financial assistance for training and research for the benefit of the developing countries.

124. With regard to the economic and technical aspect of the question, the *Ad Hoc* Committee has made a thorough study in assessing the extent of mineral resources and their development and in examining all relevant implications and possibilities. According to the report of the Economic and Technical Working Group [A/7230, annex I], it appears certain that substantial resources exist in the sea-bed and the ocean floor beyond the limits of national jurisdiction. A breakthrough in technology is possible and new experiments are already under way. However, it is pointed out that present knowledge is still limited and incomplete. Considerable investments and human efforts will be required. In order to solve these problems, my delegation is agreeable to the idea that great emphasis should be put on international co-operation in the development and exploitation of these natural resources.

125. In the report of the Economic and Technical Working Group, mention was made of the work of the Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas, which was set up under the sponsorship of ECAFE. This Committee for Co-ordination is undertaking various projects of interest to bordering States and has established a form of regional co-operation which might serve as an example for other regional seas and for co-operation on an ocean-wide scale. The usefulness of further studying this aspect was widely felt among the members of the Working Group. In this connexion I wish to add that my Government has undertaken some projects which were recommended by that Committee for Co-ordination at its fourth session, held in Taipei in November 1967.

126. With regard to the legal aspect of the question, the Legal Working Group has extensively discussed and clarified the main points of a legal nature. My delegation is in favour of the view that the areas of the sea-bed and the ocean floor beyond the limits of present national jurisdiction are not susceptible of appropriation and should be regarded as having special legal status as the common heritage of mankind. It would be advisable to establish an international régime under the auspices of the United Nations so that the resources of the sea-bed and the ocean floor would be developed with the co-operation of all Member States, and in particular with the technological and financial co-operation of well-developed Member States. The future proceeds from the development and exploitation of these resources should be fairly distributed for the benefit of all mankind.

127. It is important and essential to define or to delineate the areas of the sea-bed and the ocean floor beyond the limits of present national jurisdiction. In view of the wide divergence of opinion, it is quite understandable that so far no agreement has been reached. A suggestion was made in the *Ad Hoc* Committee that a third conference on the law of the sea be convened to consider a generally acceptable legal régime of the sea-bed and the ocean floor, including rules for the determination of the limits of those areas. This or a similar suggestion might be put forward for the future consideration of the General Assembly. However, it is appropriate that there should be a careful study and wide-ranging consultations before such a step is taken. In the meantime there should be a suspension of national claims to exclusive or sovereign title to those areas pending the elaboration of a generally acceptable definition.

128. It has become a common conviction that the sea-bed and the ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction should be reserved exclusively for peaceful purposes. It would be necessary to take concrete measures to prevent their uses for military purposes. The principles laid down in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies [*resolution 2222 (XXI), annex*] and the Antarctic Treaty³ might provide some guidance to our work. In the report of the Conference of the Eighteen-Nation Committee on Disarmament, dated 4 September 1968, it is noted that on the agreed agenda of that Conference an item was included which would permit discussion concerning the problem of prevention of an arms race on the sea-bed and that the Committee came to the conclusion that this new subject would be a fruitful area for its future work.⁴ The Conference of the Eighteen-Nation Committee on Disarmament has therefore been given the first opportunity to deal with the military aspect of the question. The General Assembly may wish to consider it after having received a report of that Conference in the future.

129. As to the general principles governing the peaceful uses of the sea-bed and the ocean floor, the members of the *Ad Hoc* Committee have tried hard to find an acceptable formulation, but without success. It is hoped that the same efforts will continue in the present session of the General

³ *Ibid.*, vol. 202 (1961), No. 5778.

⁴ See *Official Records of the Disarmament Commission, Supplement for 1967 and 1968*, document DC/236, pp. 17 and 29.

Assembly. It may be relevant to recall that in the case of peaceful uses of outer space the General Assembly, as early as 1963, adopted a list of principles [*resolution 1962 (XVIII)*], which were subsequently incorporated into the Treaty in 1966. In the light of this experience it may not be too difficult to work out a limited list of general principles which are of such a nature as to command the unanimous or near-unanimous support of the General Assembly.

130. The *Ad Hoc* Committee has done excellent preparatory work. It is up to the General Assembly to decide which course of action it will take. The Belgian representative has eloquently introduced the draft resolution contained in document A/C.1/L.425 and Add.1 and 2, which recommends the establishment of a standing committee with terms of reference more suitable to deal with the question. Such a standing committee would neither replace any of the existing specialized agencies nor duplicate their activities; it would be a focal point for the study of the various aspects of the question and would serve as a co-ordinator for international co-operation in the peaceful uses of the sea-bed and the ocean floor and their natural resources. Therefore my delegation is in favour of this proposal and is ready to vote for the above-mentioned draft resolution.

131. The CHAIRMAN (*translated from French*): I thank the representative of the Republic of China for the congratulations he extended to me and to the other Officers of the Committee.

The meeting rose at 5.15 p.m.