

United Nations
**GENERAL
ASSEMBLY**

TWENTY-THIRD SESSION

Official Records



**FIRST COMMITTEE, 1594th
MEETING**

Friday, 1 November 1968,
at 10.30 a.m.

NEW YORK

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Chairman: Mr. Piero VINCI (Italy).

Statement by the Chairman

1. The CHAIRMAN: Before I call on the first speaker inscribed on the list for this morning, I wish to make a very brief statement.

2. I am sure that I am reflecting the feelings of all members of the Committee when I express our sincere appreciation for the decision taken by the Government of the United States of America to cease all air, naval and artillery bombardment against North Viet-Nam at 8 o'clock this morning.

3. While I realize that the question of Viet-Nam is not on the agenda of the General Assembly, I feel confident that members will agree with me when I say that we in this Committee, the Political and Security Committee of the General Assembly, can take note of that development with satisfaction and hope.

4. Peoples all over the world have waited long and at times somewhat impatiently for a breakthrough towards peace in Viet-Nam. The door now seems wide open towards that goal, since the latest development will, it is to be hoped, assist the progress of negotiations in Paris. The road to peace is not short and not at all easy, but this latest move will certainly enhance the chances of a speedy and peaceful settlement in Viet-Nam. And I am sure that all members will join me in extending our best wishes to those who are engaged in the negotiations in Paris. We wish them success and God-speed in their endeavours.

5. Mr. BUFFUM (United States of America): Mr. Chairman, on behalf of my delegation I should like to express our very deep appreciation for the statement which you have just made. I assure you that I shall convey those sentiments faithfully to my Government and, through my Government, to our negotiators in Paris. What you have

said is fully consonant with the purposes and objectives of the United States. As President Johnson said last night, in taking this step, "what we now expect—what we have a right to expect—are prompt, productive, serious and intensive negotiations in an atmosphere that is conducive to progress". He concluded by saying that he would do everything in his power to move us towards peace. It is in that context and that spirit that I acknowledge with gratification the kind statement which you have just made.

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.1-4, L.426 and Add.1, L.427, L.428)

6. The CHAIRMAN: I wish to inform the Committee that New Zealand and Spain have become the forty-ninth and fiftieth co-sponsors of the draft resolution contained in document A/C.1/L.425 and Add.1-4.

7. Mr. RUDA (Argentina) (*translated from Spanish*): It is not an easy matter, Mr. Chairman, to comply with your request to refrain from expressing publicly our congratulations on your election and that of the other officers. We trust that the eloquence of our silence will be interpreted as an act of deference to your authority.

8. The examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind, is one of the items of the lengthy agenda of this session of the General Assembly that has aroused most interest and concern among delegations. In the course of the year that has elapsed since the Maltese proposal was submitted,¹ the United Nations has embarked on the study of the political, legal, economic, scientific and military aspects of this item. Furthermore, outside the sphere of the Organization, a large number of institutions have likewise turned their attention to the subject. It would appear that the promising features of the use of the sea-bed and ocean floor have

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

caught the imagination not only of scientists but of politicians and jurists as well.

9. The establishment of the *Ad Hoc* Committee, whose report [A/7230] is the background document in our debate, was a judicious move. The report is a good start for investigating the difficult problems that arise.

10. The *Ad Hoc* Committee, in which we had the honour to participate actively, worked extremely hard, and the results were gratifying. Much of its success was due to the skill and dedication of its Chairman, Mr. Amerasinghe, whose abilities and talents I would like to underline here. This well-earned tribute extends likewise to Mr. Benites of Ecuador and Mr. Denorme of Belgium, who occupied the Chair of the Legal Working Group and the Economic and Technical Working Group respectively.

11. The decision to establish the *Ad Hoc* Committee for the purpose of studying the scope and the various aspects of this item was taken by the General Assembly in resolution 2340 (XXII). The Assembly asked the *Ad Hoc* Committee to prepare a study which would include, *inter alia*, an account of the scientific, technical, economic, legal and other aspects of the item, and an indication regarding practical means of promoting international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of the present national jurisdiction, and of their resources.

12. The report submitted by the *Ad Hoc* Committee gives a broad account of the matters requested, thus complying with the task set by the General Assembly. It outlines the different opinions expressed, and for the most part it reflects controversial views. Thus the report is more than anything else an account of what took place during the *Ad Hoc* Committee's three sessions, and as far as I can see, it contains very few statements that can be regarded as implying agreement among the members.

13. It could not be otherwise, in view of the preliminary nature of the Committee's examination of an item of such tremendous importance for our countries. The first general reflection prompted by a detailed reading of the report is that we are indeed in the very early stages of a task which needs time for its study and time to mature. The national and international interests involved here are sufficiently important to corroborate that we are merely at the beginning of a lengthy process. My country's interest in the item is mainly due to the length of its coastline in the South Atlantic and the wide continental shelf that belongs to us under current international law.

14. For that reason my delegation would like to repeat once again at this session that we must proceed with the utmost caution before taking definite steps that could later create more problems than they solve. Haste in respect of items of such importance does not always yield the best fruits. We believe that the time has not yet come to adopt policies, to make concrete recommendations or to work out definitions. No doubt all this will come about in due course, once an exhaustive analysis has been made of all aspects of the new technology, the positions of the various countries and the need for change, if this is found necessary.

15. This being so, let me now go on to discuss some of the different aspects of the question. I shall begin, following the order adopted in the report, with the scientific aspect. The Argentine delegation considers that the summary description of this as given in the report, and necessitating prior studies of great importance, is sufficient to arouse an awareness of the problems that have arisen and to serve as an adequate pointer towards solutions. We have taken due note of the possibilities of international co-operation in the scientific investigation of the sea-bed and the ocean floor, which will increase the resources at the disposal of all peoples and thus promote general economic development.

16. Any such investigation must undoubtedly be carried out in full conformity with the rules of international law as it is today, particularly as regards the continental shelf. These rules grant sovereign rights in respect of the exploration and exploitation of the natural resources of the continental shelf to the coastal State. In our view there is no essential distinction to be made between research and exploration, and we hold that any research relating to the continental shelf and carried out there requires the consent of the coastal States, as is clearly stipulated in article 5, paragraph 8 of the Convention on the Continental Shelf signed at Geneva in 1958.²

17. Obviously, within this framework my country will not ordinarily withhold its consent when the procedure is in accordance with the precepts established in the paragraph in question. On the contrary, Argentina is ready to collaborate as fully as possible in any undertaking of this nature, so long as the legitimate interests of the coastal State and its rights over the shelf are respected.

18. Among the suggestions put forward in respect of the scientific aspects of the question, those made in the study by the secretariat of the Intergovernmental Oceanographic Commission (IOC) on scientific aspects of peaceful uses of the ocean floor [A/AC.135/17] strike us as timely. It seems to us appropriate to establish priorities if we are to obtain the quickest and most effective results in oceanographic research. In due course and in the appropriate forum we shall dwell on this point in greater detail.

19. We believe that IOC should be basically an international body for the promotion of the ocean sciences, and we also consider it important that the present participation of the major scientific associations and committees on an advisory basis should be maintained.

20. The report prepared by the Secretary-General on marine science and technology [E/4487 and Corr. 1-3, 5 and 6] seems to us a very valuable guide, and my delegation made a detailed analysis of it at the forty-fifth session of the Economic and Social Council at Geneva in July this year, when we approved the Secretary-General's conclusion that "in the field of science and the related field of education and training the Secretary-General sees the need for greatly strengthened arrangements and for an expanded programme of international collaboration" [*ibid.*, para. 252/]. In due course, in the Second Committee, I imagine, we shall again give careful consideration to that

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

report, which forms a basis for systematic work designed to avoid duplication of effort and promote more effectiveness in international co-operation. We give this general approval to the Secretary-General's report subject to the comments we made at Geneva on certain paragraphs mentioning activities on the continental shelf, and particularly to reservations concerning paragraphs 30 to 33 of the report of the joint working group which met at Helio Cabala, Italy, in July 1967 [*ibid.*, *annex*], in which it comments on the relationship between the 1958 Geneva Convention on the Continental Shelf and the so-called traditional freedom of exploration and scientific research and the distribution of the findings. In particular we are unable to agree with the sentence:

"This tradition is jeopardized by the change in legal position introduced by the ratified Convention on the Continental Shelf" [*ibid.*, *annex III*, *para. 30*].

21. In the course of the meetings of the *Ad Hoc* Committee my delegation noted with interest the proposal by the United States of America [*A/7230*, *annex III*] that the 1970 decade be declared the International Decade of Ocean Exploration. In particular we approve the idea in the United States proposal for a long-term programme to stimulate research, promote co-operation and provide the nations concerned with the necessary knowledge for the exploration and use of the resources of the sea-bed and deep ocean floor.

22. We wish to indicate our support of those three initiatives, namely the plans prepared by IOC; the aims of the United States proposal in regard to the Decade; and the expanded programme proposed by the Secretary-General. All these initiatives are designed to ensure more effective exploitation of the ocean as a whole; but at the same time, we feel it is relevant to mention here that both the work of the Committee established under resolution 2340 (XXII) and the item we are discussing refer to and are strictly limited to the sea-bed and the ocean floor beyond the limits of national jurisdiction. In other words, the sphere of our competence is limited to the soil and subsoil beyond national jurisdiction.

23. We make this clarification so as to establish clearly that while we support these initiatives, we do not in any way advocate the view that in discussing the present item we should go into problems related to superjacent waters.

24. We fully agree with the many delegations which have pointed out in the *Ad Hoc* Committee that scientific research does not create any right to exploitation and cannot serve as a basis for claiming sovereignty or for invoking rights to subsequent exploitation.

25. Finally, among the scientific aspects, we regard as helpful the conclusions and recommendations made by the group of experts convened on the initiative of IOC and referred to in the Secretary-General's note in document A/C.1/973 distributed on 25 October. They supplement Economic and Social Council resolutions 1380 (XLV), 1381 (XLV) and 1382 (XLV) and will serve to assist in achieving maximum scientific progress in the use of the resources of the sea. However, we urge that in relating these resolutions and recommendations to the work set in motion by General Assembly resolution 2340 (XXII), the scope

established therein must be clearly borne in mind, just as in Economic and Social Council resolution 1121 (XL) it was decided to take into consideration only "the resources of the sea, beyond the continental shelf".

26. Both the Committee set up under resolution 2340 (XXII) and the one it is proposed to establish in draft resolution A/C.1/L.425 and Add.1-4, must deal with the sea-bed and the ocean floor and the subsoil thereof underlying the high seas beyond the limits of national jurisdiction. There must be no question of any claim or interpretation giving those committees the right to study, examine or consider other areas of the sea.

27. I would now like to turn to the technical and economic aspects.

28. The delegation of Argentina participated actively in the Working Group dealing with this aspect of the subject. The evaluation contained in the report of the Economic and Technical Working Group [*ibid.*, *annex I*], presided over by Mr. Denorme, represents a criterion that must be duly weighed. We believe that the technological advances in the exploitation of the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction can open up a new source of wealth for mankind, and that the economic consequences in the international sphere might well acquire vast importance.

29. The valuable documentation prepared by the Secretariat, the abundant bibliography on the subject, and even the information that has appeared in the press on this item, indicate that perhaps in the not too distant future, economic methods will be developed for the extraction of minerals and oil which can compete with the methods used for mining deposits on land.

30. But, as is evident from the very need for the programme suggested by the Secretary-General, or for the Decade proposed by the United States of America, there is as yet no really sound knowledge of the geographical factors, of present and future technical capacities, and above all, of the economic and political realities opened up by this vast domain which man is beginning to invade. This is yet another reason why we feel we must not draw hasty conclusions. If we wish our conclusions to be correct and sound, then we should not rush into decisions.

31. We do not, then, as yet possess sufficient criteria for full knowledge of the repercussions on the international market of the exploitation of minerals from the sea-bed; but everything suggests that the repercussions will be sufficiently serious to affect the economies of certain countries that produce such raw materials, as we have already demonstrated in the debate in the *Ad Hoc* Committee. Document A/AC.135/14 referred specifically to the consequences on world trade and prices in respect of manganese and phosphorite. The same consequences might well apply also to the prices of copper, cobalt and nickel.

32. Hence we believe that a solution should be worked out which, without hampering the efficiency of economic exploitation, will take into account the interests of the producing countries, particularly those in the category of developing nations. This would be an example of the

international co-operation so often mentioned in the forum of the United Nations but not practised as assiduously as it should be.

33. In our judgement, once the vital right of coastal States to exploit the resources of the sea-bed within the limits of their own jurisdictions is safeguarded, the exploitation of the ocean floor beyond those jurisdictions should be carried on for the greatest benefit of all, particularly of States which because of their lack of economic development stand in greatest need of those resources.

34. Another aspect of fundamental interest to my delegation is the possible interference of the exploitation of the resources of the sea-bed with the other traditional uses of the sea. The survey made by the Secretariat in document A/AC.135/15 gives us an idea of the importance of the problem of the effects on the superjacent waters of exploiting mineral resources.

35. It is of the utmost importance to make a detailed study and to establish the most effective means of ensuring that exploitation will not affect the living resources of the sea. Hence, we believe it necessary for the specialized agencies, within the framework of their particular speciality, to continue their studies and propose suitable ways and means of advising and assisting States in controlling the disposal of radioactive waste or any other type of contamination resulting from the exploitation of the sea-bed, thus avoiding impairment to the other legitimate uses of the sea.

36. My country, whose geography gives it a strong awareness of the sea, considers that the exploitation of the mineral resources of the sea-bed beyond the limits of national jurisdiction should be done on economic principles, but at the same time without impairing the rights of others. The United Nations must be a genuine instrument at the service of the needs and legitimate interests of the Member States, and a means of international co-operation calculated to achieve the purposes of the Charter. We are anxious to prevent the Organization from becoming a device used by certain commercial interests for selfish ends, without regard to the rights of the States Members of the Organization. This is a concern that my delegation has very much in mind in the over-all consideration of this item.

37. Analysis of the legal aspects dealt with by the Legal Working Group presided over by Mr. Benites, in compliance with General Assembly resolution 2340 (XXII), indicates clearly, I think, the difficult problems we shall have to tackle in relation to this item. Each of the points mentioned in the report could be the subject of wide and exhaustive treatment, calling for detailed consideration before any final stand or result is reached.

38. What is revealed, first of all, is that certain concepts of current international law on the acquisition of territory do not, as far as some delegations are concerned, solve the problems that arise in this matter. To sum up, one might perhaps say that the areas of agreement are no doubt in principle small, but they are of enormous importance. The only conclusions that might perhaps be drawn are that there is an area on the sea-bed, underlying the high seas, beyond national jurisdictions, that should be used ex-

clusively for peaceful purposes; and that the use of the resources therefrom should be for the benefit of mankind.

39. One of the problems to which the Argentine delegation attached most importance was the idea, which in our view is not in keeping with the terms of reference of resolution 2340 (XXII), of defining, or establishing more precisely, the limits of the sea-bed and the ocean floor underlying the high seas outside national jurisdictions. My delegation was opposed to dealing with this problem, which it considered not only outside the terms of reference of the *Ad Hoc* Committee, but also premature. The failure of the 1960 Geneva Conference³ showed how necessary it is to have adequate technical and political preparation in trying to define sea areas when faced with the hard facts relating to countries and even continents having different geographical features and different national interests as well.

40. As we see it, the jurisdiction of coastal States over the natural resources of the sea-bed and its subsoil, and those of the high seas, was determined in the first instance by customary international law, and secondly by article 1 of the Geneva Convention on the Continental Shelf, which can fairly be said to confirm the rule of customary international law on that point.

41. The 1958 Geneva Convention concluded, as we all know, that the interests of mankind would be better served by granting sovereign rights over natural resources in submerged areas adjacent to the coast, not only to a depth of 200 metres but—and I quote article 1: "... beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas".

42. These combined criteria—proximity and exploitation—should in our view not be too hastily set aside without a detailed prior analysis to see whether they do or do not provide a precise delimitation or whether they need to be replaced by some other type of concept to achieve this.

43. This is not the time or the place to go into the substance of the problem. But what I must point out is that in my delegation's view it is possible to obtain a sufficiently well-defined limit for the jurisdiction of the coastal State by applying these two concepts of adjacency and exploitation.

44. At the same time, sufficient advance has not as yet been achieved in the techniques of economic exploitation to encourage us to set aside lightly a concept already established in customary international law, one which in our opinion satisfactorily protects the rights of the coastal State while not affecting the régime of the high seas.

45. With regard to the approval of certain principles governing the use of the sea-bed and ocean floor on the high seas beyond the limits of national jurisdiction, as in similar cases that have arisen in the past with regard to this type of instrument my delegation starts out from the principle that a declaration of this nature must if possible

³ Second United Nations Conference on the Law of the Sea, held at Geneva from 17 March to 26 April 1960.

have the unanimous support of the Assembly, or at least of a substantial majority of the countries members of the international community, including more particularly the great sea Powers and the countries that have a special interest in the sea. A body of principles having the approval of certain sectors only would not have the moral force to operate with complete efficiency.

46. With a view to crystallizing the objectives of peace and international co-operation, my delegation, together with other Latin American and Afro-Asian members of the *Ad Hoc* Committee, prepared the draft declaration which is included in the report [*ibid.*, annex III]. My delegation takes this opportunity to confirm its full support for those principles, which it regards as a sound basis for the subsequent study of other aspects of the item.

47. As we see it, the exploration, use and exploitation of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdictions should be for the benefit of all States, whether or not they possess a sea coast, and especially of the developing countries, taking into account also the interests of the coastal States not only in the conservation and exploitation of those resources, but also in the protection of resources located within the national jurisdiction of those States.

48. We believe that the reservation of an area exclusively for peaceful purposes would serve the purposes and principles of the Charter, but that the territorial integrity of States must be firmly safeguarded if we wish to promote genuine international co-operation and preserve international peace and security.

49. The Declaration of General Principles formulated by our delegations also laid it down that the sea-bed and ocean floor and the subsoil thereof, as referred to in resolution 2340 (XXII), are the common heritage of mankind, and that no State may claim or exercise sovereignty over any part of that area.

50. The Declaration is supplemented by a series of guidelines to which activities in these areas must conform, including the recommendation not to create impediments to navigation, hunting and fishing, and to respect the rightful interests of the coastal States close to the area of activities.

51. As we have stated in earlier debates, we believe that, although the circumstances are different, before final decisions are taken we should carefully note the international precedents established in the Antarctic Treaty and 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, as well as the experience gained in their implementation. Nor must it be forgotten that the last-named Treaty on Outer Space was the outcome of difficult negotiations in the Committee on the Peaceful Uses of Outer Space which brought to a successful conclusion measures recommended by various General Assembly resolutions. The Committee on Outer Space first of all fixed its goals and subsequently adopted general principles which in due course culminated in resolution 2222 (XXI) recommending the Treaty.

52. My delegation is a sponsor of draft resolution A/C.1/L.425 and Add.1-4, proposing the establishment of a standing committee on the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction.

53. To avoid ambiguity, it might be useful to stress that the field of competence of the Assembly, as established in resolution 2340 (XXII), is the solid bed of the seas and oceans, in other words, the submerged land area and its subsoil underlying the high seas beyond the limits of present national jurisdictions. Thus the continental shelf in its widest sense is totally excluded.

54. This reminder is timely, for the terminology used in certain circumstances can give rise to error and misapprehension. The terms of reference of the standing committee should not be different from that of the *Ad Hoc* Committee. It should also be stated clearly that our field of study in no way embraces the waters superjacent to these land areas.

55. My country is resolved to participate actively, as it has done in the past, in promoting greater international co-operation and co-ordination for more widespread use of the sea-bed and ocean floor and their subsoil, in the area mentioned in the title of the resolution. But at the same time we are anxious to point out that this is an extremely important issue because it is directly linked with State sovereignty and security, concepts to which my delegation attaches particular relevance. The mere mention of it should suffice to make us weigh carefully our judgements and the consequences of any decisions taken here.

56. In conclusion, my delegation wishes to associate itself with the remarks made by the Chairman at the beginning of today's meeting concerning the situation in Viet-Nam.

57. The CHAIRMAN: I thank the representative of Argentina for the congratulations he extended to the Chair and to the members of the Bureau, as well as for the last comments he made about my opening statement.

58. Mr. ASANTE (Ghana): Mr. Chairman, in spite of your injunction I must congratulate and thank you. But you need not be afraid, Sir, I will be brief. In my country perhaps, because we do not blush, we do not inflict this involuntary embarrassment on our friends. We are therefore not extravagant in our praise.

59. So may I simply say thank you, Sir, for your wisdom in allowing us to talk ourselves out until we hardly knew what we were talking about, so that eventually we accepted your wise suggestion and can therefore look back until this very moment to a week of well-reasoned, constructive, instructive debate of far-reaching importance to the prosperity and peace of the world. In thanking you, Sir, may I also congratulate you and your colleagues on the Bureau on your elections. We have done ourselves well.

60. Ghana co-sponsored resolution 2340 (XXII), which established the *Ad Hoc* Committee whose illuminating report [A/7230] is now before us. In doing so we were seized of the importance of the exploitation of the sea-bed and the ocean floor and the subsoil thereof or, more simply, the deep ocean floor and the limitless possibilities it

opened up for international peace through co-operation for human knowledge and understanding and for the satisfaction of the ever-increasing needs of mankind. My delegation would like to place on record its gratitude to Mr. Pardo for reminding us that while we wade distressingly on *terra firma* in the quagmire of frustration of our own making, we should ensure that we do not drown each other in the deep blue sea when curiosity, idealism and avarice conspire to assemble us there. If we saw dimly at the last session, the *Ad Hoc* Committee now makes us see more clearly. The delegation of Ghana thanks the *Ad Hoc* Committee for work well done in so short a time.

61. The objectives which my delegation believes should guide deliberation on this item remain the same as they were at the twenty-second session, namely:

First, to prevent conflict among nations using the common heritage or resources of mankind;

Secondly, to ensure the economically most efficient use of these natural resources belonging to all nations;

Thirdly, to avoid contamination;

Fourthly, to prevent the military use of the deep sea ocean floor; and,

Fifthly, to ensure that all nations will be able to profit directly or indirectly from the opportunities and the vast potential resources of the sea-bed and its environs.

62. The mandate given to the *Ad Hoc* Committee under resolution 2340 (XXII), though of a preliminary or restricted nature as far as the vast problem is concerned, kept the essential objectives in view and has enabled this Committee to have a comprehensible brief survey of past and present activities on the deep ocean floor, an account of the scientific, technical, economic, legal and other aspects of these activities and an indication of the practical means of promoting international co-operation in human activities on the sea-bed and the ocean floor. We are mindful of the help the Committee obtained from the IOC and other bodies, and we place on record our appreciation for their co-operation.

63. The task facing us is to organize the study and use of this common heritage for the benefit of all. This is a formidable task. How can the exploitation of the deep ocean floor be carried out for the benefit of the people of Ghana for example? It is no comfort to me to tell me that I have a share in the gold lying scores of fathom fives under the deep blue sea when I cannot dig the gold under my feet. Therefore, if the theme of universal benefit which runs through the *Ad Hoc* Committee's report is to have any practical meaning, new concepts of international initiative in economic exploitation will have to be worked out. But to be useful these concepts cannot be evolved in the abstract. They should reflect objective reality from which indeed they should spring. More studies are needed before we can take realistic decisions. But then scientific advance is rapid today and we must take limited, concrete decisions now to avoid the creation of difficulties for the future.

64. The problem is also complex. It appears difficult for man to enter any environment without fouling it unneces-

sarily. This often means slow death for him. But these days he has found ways and means of hastening the process and it is necessary to ban his destructive gadgets from the deep ocean floor. But though complex, the problems relating to the deep ocean floor are related and should be examined as such. The report of the *Ad Hoc* Committee shows that there is need for further study and elaboration of measures which would make it possible for us to implement our desire for international co-operation in the deep ocean.

65. My delegation is therefore pleased to co-sponsor draft resolution A/C.1/L.425 and Add.1-4, which establishes a committee for that purpose. The draft has been brilliantly introduced by the representative of Belgium [*1588th meeting*], and the way in which other speakers have examined it makes it unnecessary for me to make a lengthy statement.

66. My delegation would, however, like to state that in spite of the guidelines given to the Committee it would be in the general interest to take a positive decision here that the deep ocean floor shall be used exclusively for peaceful purposes. An explicit statement on reducing pollution of the marine environment would also be useful, and in this regard my delegation is in sympathy with the Icelandic proposal [*see A/7230, annex III*]. In the view of my delegation the adoption of draft resolution A/C.1/L.425 and Add.1-4 would not invalidate the necessity for adopting at this session a set of principles to guide the exploration of the deep ocean floor. My delegation is in favour of the general set of principles referred to in paragraph 88 (a) in chapter IV of the report of the *Ad Hoc* Committee, contained in document A/7230. It is our view, however, that such principles should be universally accepted, and my delegation would work towards the unanimous adoption of a set of principles by the General Assembly.

67. An examination of the literature, reinforced by the *Ad Hoc* Committee's report, indicates that our knowledge of the deep ocean floor is not deep. Therefore, my delegation welcomes the United States proposal for an international decade of ocean exploration [*ibid.*]. The decade should stimulate addition to our knowledge of the subject and should throw an illuminating light on the principles and machinery to be agreed upon for the peaceful exploration of the resources of the deep sea floor.

68. The geological and geophysical knowledge gained may also help to solve some of the problems confronting us now and may even help to define with some precision and general acceptance the very area we are talking about. Of course, it may create new problems. Evidence may show beyond doubt that certain land formations which crop up from the sea, not far from where we now sit, drifted away from the African continent not very long ago. This may give me ideas; but then it may also indirectly help to clear our heads about such problems.

69. If sea fever impelled man to roam the seas for adventure and discovery, the cargoes he was to gather into his tall ships in the mad March days soon expelled the romanticism out of him. Even wild beasts do not normally attack their kind—but this is not true of even our romanticists. So as we peep at the treasures of the deep

may we profit from the lesson of the unnecessary suffering caused to peoples outside Europe by previous scrambles for territory. We must not learn from previous mistakes how to make new, elegant ones. Today a breath of fresh air sweeps across the international political scene. It is an appropriate time for us to help that air to gather momentum and become the wind which heralds a new dawn. We must register in a concrete way our abiding concern for peace by declaring in unmistakable terms here and now that the deep ocean floor must be used for peaceful purposes only and by establishing the minimum set of necessary principles to govern its exploitation.

70. The unanimous adoption of the essential elements of draft resolution A/C.1/L.425 and Add.1-4 would be an indication of our earnest resolve.

71. The CHAIRMAN: I thank the representative of Ghana for the kind congratulations he has extended to the Chairman and the other members of the Bureau.

72. Mr. BENITES (Ecuador) (*translated from Spanish*): Before I begin my statement, I would like to ask the Chairman to excuse me if I fail to observe the ruling of the Chair—I am not challenging it—in order to perform the pleasant duty, on behalf of my delegation and my country, of congratulating him on his election and the Committee on having elected him. We also extend our congratulations to the Vice-Chairman and Rapporteur. At the same time I wish to assure the Chairman that my delegation shares the hopes he expressed at the beginning of this meeting.

73. I have to apologize to the Committee on two counts—first, because for once I am going to ignore a rule I have imposed on myself in my many years at the United Nations, namely to bring written statements to meetings. Unfortunately I have not had the time to do so and I shall have to speak extempore. Secondly, unlike many speakers who with the best of intentions start off by saying “I shall be brief”, which instinctively puts the listener on the defensive, I shall begin by stating that I shall not be brief. However, I do promise to speak to the point.

74. It was a pleasant experience for me and my delegation to work under the orders and the able direction of Mr. Amerasinghe in the *Ad Hoc* Committee, which has now concluded its work. I wish to place on record our profound admiration for Mr. Amerasinghe, as well as for the Chairman of the Economic and Technical Working Group, Mr. Denorme, whose sagacity, energy and knowledge greatly assisted the work of the *Ad Hoc* Committee. Finally, I beg the Chairman to allow me to express my personal thanks for the kind words which some representatives have used about me.

75. I fear that this statement may prove to be a catalogue of difficulties rather than a sheaf of solutions. Nevertheless, the fact that I am fully aware of the difficulties, as I am sure all of us in this Committee are, is in itself an incentive; for there is no greater challenge to the intelligence and imagination and wisdom of man than the existence of difficulties and the need to find solutions.

76. Everything connected with this item is difficult, beginning with the wording itself. It refers to a new sea area

which the item describes as “the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction”. In the very wording we already have an initial difficulty, “the sea-bed and the ocean floor”. Some delegations have pointed out that a different system might be called for in the case of enclosed or semi-enclosed seas or areas and the vast wastes of ocean. Given good will, those little technical difficulties are not the most insurmountable in the world; but they do have to be borne in mind in connexion with any future study.

77. The heading of the item speaks of “the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas”. Thus it specifies precisely and exactly the area outside territorial waters. Basically the two main sea areas are the territorial waters over which the State claims full sovereignty, as it does from the soil and subsoil below to the air space above; and then the vast marine area known as the high seas, where traditionally, on a basis of surface area alone, the dominant principle applied hitherto has been the freedom of the seas.

78. The wording raises a further problem when it speaks of “present national jurisdiction”. Beyond territorial waters, underlying the high seas, there is only one submerged sea area, i.e. sea-bed and ocean floor area, under national jurisdiction; namely that which constitutes the continental shelf. By definition, the continental shelf, as article 1 of the Geneva Convention on the Continental Shelf of 29 April 1958 puts it—I take this definition not because we entirely endorse it, but as a general description—consists of:

“(a) . . . the sea-bed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres . . .”

That is the first part of the definition; we shall look at the second part later.

79. Thus the sea area referred to in General Assembly resolution 2340 (XXII), as the representative of Argentina with his profound juridical insight has just pointed out, is the area lying beyond the continental shelf. Hence the submerged areas underlying the territorial sea and the continental shelf do not come into the picture.

80. The continental shelf concept raises grave difficulties and problems that will have to be studied very cautiously, very patiently, with all the assistance of the technical findings of scientific research; and since, as I said, I am only making a kind of catalogue of difficulties, I shall refer to those which refer specifically to the continental shelf.

81. The first difficulty that arises in connexion with the continental shelf is that there is a difference between the legal concept of the continental shelf today and the corresponding technical or scientific concept. On the basis of present knowledge, the continental shelf has been defined on purely bathymetric principles, i.e. on depth of water; technically, the definition is not entirely in keeping with this bathymetric principle. I would like to keep to the technical, not the legal definition (we do not accept it as such, but as a technical definition) embodied in the

Secretary-General's report⁴ submitted to the Economic and Social Council. The definition of the continental shelf as put before the Council in that report—which I mention because it served as a basis of discussion for the Technical Group, particularly in the meetings held in New York—does not indicate precisely that the continental shelf extends as far as the point where the gradual declivity ends and there is a sudden drop where the continental slope occurs.

82. New theoretical and technical doctrines are emerging around this point. For example, some scientists contend that differences in the geological formation of the earth's crust might give rise to a new concept of the continental shelf, one that would not be purely bathymetric, based on the depth at which the continental shelf lies below the superjacent waters, but would reflect the actual geological formation of the shelf. Thus, some have stated that the upper or sialic crust whose stratigraphic structure actually allows petroleum to form, reaches far below the continental shelf to certain levels of the continental slope. But these are after all purely technical matters, and I mention them simply because in the future they may have to be taken into account in the catalogue of difficulties I am placing before the Committee.

83. Another basic difficulty already raised is that the concept of the continental shelf is not that of a uniform mass from the geological point of view; within the shelf itself there are ridges and depressions, the so-called trenches and troughs, which at times cut across the continental shelf. Here we have right away a concept which may have legal repercussions. The present legal definition reads "adjacent to the coast". But how is "adjacent" to be understood? As continuity or contiguity? If it is understood as implying continuity, the moment a shelf is cut by a trough or trench, the continuity is broken. If it is understood as implying contiguity, these new aspects have to be considered.

84. Thus I proceed with my catalogue of difficulties, which I raise precisely with a view to concluding that at the moment we are not yet ready to take decisions but are merely at a stage where what is called for is a preparatory study.

85. A number of legal theories have emerged round this problem so ably stated by the delegation of Malta, and I would like very briefly to outline them because references have been made to them here in this room.

86. How far should the continental shelf extend? We have heard a theory expounded which we do not share, which indeed seems to us, in spite of the eminence of its author, to lack a proper legal basis, namely that of mean width. You take the average width of the continental shelf all over the world and calculate an average from that, fixing as the criterion not depth but a specific width in miles. I have great personal respect and admiration for the author of this doctrine, but I really cannot go along with him.

87. Another criterion suggested is to take as a basis a more or less arbitrary depth, greater than the present norm. This is a purely empirical criterion, and we cannot go along with it either.

88. A third criterion would extend the limit of coastal waters in a reasonable manner to a given number of miles, and regard all the floor lying below this area as the continental shelf; but this has no technical validity.

89. However, I do want to refer to two theories—and I ask the indulgence of the Committee in doing so—which I consider to be highly practical and extremely plausible. The first is the so-called median-line doctrine, which would extend the principle of accession to the entire sea-bed and ocean floor contiguous to a State as far as the point where a similar claim might be made by another State. I wonder whether it is realized precisely what problems this would raise, political problems where the existence of colonies established on islands would give the countries administering them a pretext to claim rights. This theory is totally unacceptable as far as my delegation is concerned.

90. Finally, a suggested variation of this doctrine is that lines of regional exploitation might be established rather than lines of world-wide exploitation. Experience over many years in the United Nations and in other organizations leads my delegation to feel—without taking a definite stand—that this idea of regional utilization is a hindrance rather than a help towards a solution, since it would create a series of very knotty political, technical and economic problems.

91. Having explained my delegation's attitude in regard to sea areas, I must say in conclusion that at the present time we could not see our way to accepting any principle of delimitation. It is out of the question to establish limits at present. All we can agree on is that such an area exists and that technical, legal and other studies are called for with a view to delimiting the area later on.

92. Having explained the difficulties concerning the area itself, I should now like to refer—and I will do so briefly—to the two general aspects of the item under discussion. The first is the reservation exclusively for peaceful uses of the sea-bed and ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction. The second is the use of their resources in the interests of mankind. These are two distinct problems, and as such they call for separate consideration.

93. The first reservation exclusively for peaceful uses, is tantamount, *mutatis mutandis*, to the prohibition of the use of these areas for warlike purposes. In this connexion, I should like to refer to an important working paper submitted by the Secretariat [A/AC.135/28.] which explains the great possibilities today of using the sea-bed and ocean floor for military purposes. In carrying out the survey or making the study, the Secretariat document divides sea areas into three parts: the shelf; the "deep ocean peaks", equivalent to the French term *guyots*, or as they could be called in Spanish, *mesetas*; and the "deep ocean bed".

94. As we now know, from the military point of view the prospects are terrifying. In the first place, it is feasible to install missiles enclosed in a capsule so that they can resist the pressure of the water, and then to raise them at a moment's notice to a point from which they can be launched. And if we are aware that today single-warhead

⁴ E/4449/Add.1 (mimeographed).

Polaris missiles can be launched from submerged submarines and that very soon it will be possible to launch multiple-warhead Poseidon missiles, there is every reason to be frightened by the prospect of weapons of mass destruction being placed on deep ocean peaks or on the continental shelf or even on the ocean bed at certain depths.

95. The other military use is the possibility of creating weapon "silos", i.e. means of stockpiling nuclear weapons under water for use at a moment's notice, enabling the zone of utilization of nuclear weapons to be vastly expanded—which would favour States that have great concentrations of such weapons on their own territories, since they would install them in the sea. This is technically feasible today, and here again I am still referring to the Secretariat working paper.

96. Finally, a most interesting study by Professor Goldie of Loyola University was read during the symposium at the University of Rhode Island. It mentions the possibility of establishing submarine bases for supplying nuclear submarines. An eminent American writer on military matters, Captain Long, even speaks of the possibility of chemical warfare through the poisoning of plankton—"plankton warfare", as he calls it.

97. Having outlined these possibilities, taken from a Secretariat document, I now turn to the stand adopted on this matter in particular by the Soviet Union. The Soviet draft has of course not yet been submitted to this Committee as an official document, but we do have it as one of the documents before the Committee and forming part of the report of the *Ad Hoc* Committee [A/7230, annex III].

98. In the first place I should like to point out that the Soviet Union refers only to prohibition below territorial waters, i.e. to the marine areas underlying territorial waters, and would exclude from this kind of argument the submarine platform aspect; and if I understood my friend Mr. Mendelevich correctly when he made his statement, his argument is based on the assumption that the rights exercised over the continental shelf do not constitute sovereignty in themselves; they are sovereign rights for purposes of exploration and exploitation, but not for military use.

99. I do not intend to dwell at length on these points, which may perhaps be raised at the appropriate time and will no doubt be thoroughly thrashed out when that time comes. Let me simply proceed with my catalogue of difficulties. However, I do want to mention one point on which the United States of America and the Soviet Union appear to be in agreement, namely the referral of this issue to the Conference of the Eighteen-Nation Committee on Disarmament. As I understand it, the Eighteen-Nation Committee is a negotiating body, and I ask you to bear with me while I refer to this point in an accurate and documented fashion.

100. The Committee is a negotiating body with power to examine any aspect of the subject of disarmament; but in the first place this is not exactly a disarmament problem, because there are no armed zones as yet. The question is to prevent those zones from becoming armed, from becoming nuclear zones.

101. Secondly, it has been said frequently enough that the Disarmament Committee is the proper forum for this discussion. With all due respect to the Disarmament Committee and the splendid work it has done, I must beg to differ. So far it has been a forum for negotiations, to enable the co-Chairmen of the Conference of the Eighteen-Nation Committee on Disarmament to come to an understanding at one time or another on a few particular points. I should also like to point out that it is not true to say that the Disarmament Committee has been the forum where the main advances towards disarmament have been made. So far they have been made outside the Eighteen-Nation Committee. I shall refer briefly to them.

102. The Antarctic Treaty of 1 December 1959 was not negotiated in the Disarmament Committee. The Moscow Nuclear Test Ban Treaty of 5 August 1963 was likewise not negotiated there. There were prior negotiations on general items, but the Treaty itself was negotiated directly between the United States of America and the Soviet Union. The Treaty of Tlatelolco,⁵ which we hope will soon be properly in force, creating a nuclear-free zone in Latin America, was only indirectly considered by the Eighteen-Nation Committee. The Treaty on the exploration and peaceful use of outer space of 27 January 1967 was negotiated in the committee of that name, and not in the Disarmament Committee. The one and only instrument negotiated there, namely the very important and valuable Non-Proliferation Treaty, was the subject of bitter argument, and we hope that as time goes on its basic shortcomings can be corrected.

103. Finally, and in conclusion, since I have spoken at greater length than I would have wished, I pass on to the second point, namely 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, in the interests of mankind.

104. A captious interpretation has been given of this, and I should like to make my delegation's position clear at once. It has been said that increased wealth, improved techniques, the ability to exploit minerals more economically than on land, and greater affluence, are for the benefit of mankind. This is the indirect result, but in the first place the benefit goes to the undertakings involved. Hence my delegation considers that benefit to mankind should be understood to mean participation in the benefits or resources by the developing countries and particularly those which are land-locked. That is how my delegation interprets the expression "in the interests of mankind", not by the glib argument that whatever increases wealth is indirectly in the interests of mankind.

105. Lastly, it must be made clear what these resources are. General Assembly resolution 2340 (XXII) speaks of the use of these resources, the resources of this area, and it has been interpreted as referring exclusively to mineral resources. My delegation must therefore point out what it understands by mineral resources; and I take the definition of John Mero, one of the leading United States experts, who says that mineral resources are those which are placed

⁵ Treaty for the Prohibition of Nuclear Weapons in Latin America, signed at Tlatelolco, Mexico, on 14 February 1967.

on the market in inorganic form, even if they are organic in origin. For example, oil is of organic origin but is marketed in inorganic form. Consideration of living resources has been excluded.

106. I will not dwell on this point, first because I have already taken up too much of your time and attention, and secondly because it will be discussed in the Second Committee, and I shall have an opportunity there of referring to the problem of the resources of the sea and to the programmes, both the Secretariat's expanded programme and the Decade plan presented by the United States */ibid./*.

107. Following this long statement, which I trust the representatives will graciously forgive, I should like in conclusion to say that at the present time nothing justifies the belief that there is agreement on fundamental principles. From the legal standpoint, it would have to be established what rights can be exercised over this zone. It would be necessary to study all aspects of *lex lata*, existing law, which is very scanty, and all aspects of *lex ferenda*, i.e. the progressive development of law. In this respect I should like merely to make mention of an admired friend, Prof. Andrassy of Yugoslavia, who studied the Secretariat document *[A/AC.135/19/Add.1, section A]* and demonstrated *[A/AC.135/WG.1/SR.6]* that most of the concepts quoted in it were wrong, inasmuch as they referred, for example, to sponge fishing off the Tunisian coast or pearl fishing off the coast of Ceylon, but did not actually refer to the mineral resources of the new area. Thus very little has been done in this direction. Most of the points have still to be dealt with.

108. To conclude, therefore, my delegation along with many others has co-sponsored the draft resolution which would set up a standing committee to study all these aspects, every single one of them, without the manoeuvre of sending one part to a working group, another part to the Disarmament Committee, another to the Economic and Social Council, another to the Inter-Governmental Maritime Consultative Organization, and so on, which would leave this Committee empty-handed. Thus the purpose of the draft resolution is unpretentious: to begin a study which could be a lengthy one, which is obviously difficult, but which could lead to positive results in the interests of mankind.

109. The CHAIRMAN: I thank the representative of Ecuador for the congratulations he extended to the Chairman and to the other members of the Bureau. I am sure that I express the sentiments of all my colleagues in saying that those words were all the more appreciated since they came from Mr. Benites, who has been a highly esteemed Chairman of our Committee. I thank him also for the comment he made about my opening statement.

110. Mr. JOUEJATI (Syria) (*translated from French*): The initiative taken last year by the delegation of Malta in urging the inscription of the highly important item of the sea-bed and ocean floor, and the subsoil thereof and the exploitation of their resources and their use for peaceful purposes deserves our appreciation. We have already seen that it has given rise to this useful discussion of a subject which concerns the future of mankind, the increase of its

resources and the possibility of meeting to some extent its pressing needs.

111. The reservation of the use of the sea-bed and ocean floor exclusively for peaceful purposes, the effort to conserve their resources and to regulate their exploitation in order to obtain the optimum return in the best conditions of peace, equity, co-operation and harmony – these are the supreme goals, and the *Ad Hoc* Committee has been entrusted with studying the ways to achieve them.

112. Under the dynamic and enlightened guidance of Mr. Amerasinghe, the representative of Ceylon, and with the assistance of his collaborators, the officers of the First Committee and members of the two working groups, and also with the wise and effective collaboration of the United Nations Secretariat and other specialized agencies and bodies, the *Ad Hoc* Committee, succeeded to the best of its ability and within the very short time at its disposal, in carrying out the mandate entrusted to it. This mandate, as the *Ad Hoc* Committee's Rapporteur, Mr. Gauci, so aptly expressed it *[1588th meeting]*, consisted in "identifying and outlining the problems which became apparent from its fact-finding terms of reference".

113. There is no doubt that the preparatory step has been taken towards all future consideration of the various aspects of this most important problem and towards the determination of their importance. First of all, the necessary conditions for progress in scientific research were clearly set forth. In this connexion, the contribution of the UNESCO Intergovernmental Oceanographic Commission stands out by its close familiarity with the question and by its precision. We must augment the research carried out by the IOC, strengthen co-operation between the IOC, the United Nations, and other appropriate agencies, and make use of the IOC on a consultative basis as a centre for data and information, and we must, therefore, allot to it the necessary funds so that it can successfully carry out these duties on a wider scale.

114. These suggestions created a practical framework for the implementation, on the scientific level, of the appeal made by the United Nations Secretary-General for international co-operation in this area *[see A/4487 and Corr.1 to 3 and 5 and 6, chapter III]*, and of the Economic and Social Council resolution recommending working out a long-range programme of tasks to be undertaken, such as ocean exploration decades *[resolution 1381 (XLV)]*. Collaboration and co-operation require the dissemination of information, especially to developing countries. We are pleased that this factor was emphasized, and that eloquent statements were made on the readiness of advanced countries to implement this recommendation. This is one of the advantages of such a discussion, strengthening as it does the chances for the international solidarity so essential to any real world peace.

115. We are aware that the task of co-ordinating scientific research in this manner is made easier by the fact that in this instance the United Nations is working from established premises and is joining in an undertaking which is already under way. Such is not yet the case with regard to other aspects of the question, such as that of exploitation or of legal development. In the case of these, some high

ideals are being entertained, but ways to achieve them must still be found. One of the difficulties of taking appropriate action is that these aspects are frequently interrelated and complex; another difficulty lies in the transfer of such a huge undertaking from the national to the international level. Yet another is the absence or lack—at the least—of clear and precise definitions of basic terms for all logical future developments. During the present discussion, we have found that even the terms we use daily, such as “exploitation”, can, because of differing economic and social systems, have various meanings corresponding closely to the goals, methods and mechanisms of the projected institution. These difficulties have quite rightly led the *Ad Hoc* Committee to recognize the importance of the need for further study [A/7230, para. 85].

116. Thus, the precise problem before us at this stage in our work concerns the most appropriate machinery for undertaking this further study and the terms of reference to be given the body selected.

117. The *Ad Hoc* Committee stressed the vastness of the problem. It carried out its task in a serious and diligent manner. It was fittingly representative of what Mr. Piñera called “the various sectors of our Organization” [1588th meeting]. Therefore, either its mandate must be renewed to enable it to develop further a study it has already begun, keeping the General Assembly informed of the progress it makes as it proceeds, or a new committee of a permanent nature must be formed. There is no great difference between these alternatives. The important thing is rather the scope of the terms of reference it is decided to bestow on the committee chosen. In order to succeed, we feel that the procedure which has been followed by the *Ad Hoc* Committee—that is, the constant concern to reconcile points of view so as to ensure unanimity—should be continued.

118. It is preferable to ensure unanimity, even if that should entail delays, rather than to accept majority resolutions. For, in fact, the question before us is quite different from other questions; it is a long-term question, far-reaching in its scope, and it deals with a subject which is of the utmost importance to the future of all mankind. We must, therefore, ensure that every effort made is a positive step towards achieving the best solutions, and we must see to it that projected solutions do not simply further divide us, thereby working against our initial goals of harmony and progressive development, set by those who pioneered the consideration of the question.

119. In this connexion, it is fitting to recall the lesson in realism which the representative of France so lucidly taught us in his outstanding statement:

“We have learnt”—he said—“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” [1591st meeting, para. 87].

120. The application of this lesson to the consideration of the problem before us may well be the guarantee for success in our work, for which all mankind is hoping. With the goodwill which exists on all sides, we may be able to

solve one by one the minor problems of jurisdiction, overlapping and duplication. To take but one example, this mode of procedure would create joint co-operation between the Eighteen-Nation Committee and our projected committee, and not a conflict of competence.

121. The first step has been unanimously taken, thanks to the spirit of co-operation and of respect for all points of view, and we can hope that the second step forward will be taken in the same spirit.

122. Mr. HILDYARD (United Kingdom): As this is the first time that my delegation has spoken not on a point of order, may I offer you very briefly, Mr. Chairman, and in accordance, I hope, with the spirit if not the letter of your request, our congratulations on your election as Chairman of this important Committee. May I also join in the tributes which have been paid to you both as a person of outstanding qualities and as the representative of your great country. I should like also to offer congratulations and to associate my delegation with the tributes which have been paid to our Vice-Chairman and our Rapporteur. With such a Bureau we can have confidence that our deliberations will be presided over with skill and impartiality and, as well as due seriousness and dedication, a sense of humour.

123. Before proceeding, may I also, Mr. Chairman, associate my delegation with the hopes that you expressed in regard to the future course of events in Viet-Nam, and with the best wishes which you formulated to all those concerned in the talks in Paris.

124. I would like first to comment shortly on the results achieved during the past year, and in particular 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]. We are entering an immense new world which presents a great challenge to us all. Everything related to the sea remains of deep interest and concern to my country. As a distinguished Commonwealth colleague reminded me recently, the British are reared on Shakespeare, cricket and the sea. Perhaps I should also add John Masefield, in view of the poetic and apt reference by the Rapporteur of the *Ad Hoc* Committee to “Sea-Fever”. In any event, my country has tried to play a full part in all the *Ad Hoc* Committee’s studies.

125. I believe that in the last ten months good progress has been made. We have identified and clarified the extent of the main problems and we have found a wide measure of common ground on which we can build in the future. For this my delegation would like to pay tribute especially to Mr. Amerasinghe of Ceylon, the Chairman of the *Ad Hoc* Committee, and to Mr. Benites of Ecuador and Mr. Denorme of Belgium, the Chairmen of the two Working Groups, together with their respective Bureaux. We are indeed indebted to them for the imagination as well as the dedication of their efforts. We are also most grateful to the Secretariat for the very excellent documentation and guidance with which they have unfailingly provided us.

126. As the report of the *Ad Hoc* Committee shows, a great deal more work clearly remains to be done. In this great venture, we must proceed carefully and slowly if we are to build on solid foundations. We want to avoid, if we

can possibly do so, hurried and ill-considered decisions which would create uncertainty and confusion and work against the orderly development in the future of the exploitation of the resources of the sea-bed beyond the limits of national jurisdiction, in the interests of mankind as a whole. Scientific and technical progress is increasingly rapid, but it is clear that the complications and cost of the exploitation of deep-sea resources will be very great for a considerable time to come. We can still proceed in a considered and orderly fashion without feeling that technical developments are running ahead of us and that we must adjust as best we can to harsh and imminent economic realities. This is certainly due in great part to the timely initiative of the representative and the Government of Malta,⁶ for which we shall always remain indebted to them.

127. In this connexion, I should like to say that any arrangements which we may discuss will, in the view of my delegation, be effective only to the extent that they are agreed. My delegation, therefore, has consistently attached the greatest importance to endeavouring to ensure that at every stage of the deliberation of this subject by the United Nations we should proceed only on the basis of general agreement. We believe that the progress so far justifies our confidence in this procedure and that it should continue to be followed in any standing committee.

128. My delegation shares the view that the next step is to build on the work of the *Ad Hoc* Committee, and that, as there is clearly so much work to be done, we should now establish a standing committee. My delegation was happy to co-sponsor the draft resolution contained in document A/C.1/L.425 and Add.1-4, introduced by the Chairman of the Technical and Economic Sub-Committee so ably and in such a spirit of conciliation. We believe that that draft resolution identifies well the problems and the common ground which have so far emerged; but we also would be happy to see amendments from any quarter which would enlarge the area of agreement without changing the basic direction. We would also be glad to support a draft resolution on the lines of that suggested by the United States, proposing an international decade of ocean exploration [*ibid.*, annex III] which we believe could give a great fillip both to our understanding of the problems involved and to the development which we all wish to see. In practice, a decade of ocean exploration would be concerned with the investigation not only of the ocean floor and its subsoil, but also of the waters of the oceans themselves, and would therefore include questions outside the scope of the item which we are at present discussing here. It is for this reason that it is envisaged that the co-ordination of such a decade, insofar as it is not handled on a national basis, should be allotted to the Intergovernmental Oceanographic Commission.

129. All maritime States must be concerned over the possibility of pollution of the seas arising from activities on the sea-bed which are, or may become, possible as a result of developing modern technology. My country and our neighbour, France, have cause to remember the sudden and very disagreeable increase in the oil resources of our coasts which resulted last year from the sinking of a large tanker

on the south-western coast of England. The Intergovernmental Maritime Consultative Organization is actively at work on the question of pollution from ships. My delegation is very glad that the delegation of Iceland has proposed that the whole question of marine pollution from activities on the sea-bed should be examined from the outset. We would be ready to support a draft resolution on the general lines of that proposed by the delegation of Iceland [*ibid.*].

130. With the help of the organizations mentioned in paragraph 4 of the fifty-Power draft resolution [A/C.1/L.425 and Add.1-4], we should have the infrastructure we need. As previous speakers have pointed out, however, there has been wide support for the idea that following the precedent in regard to outer space, the General Assembly should adopt a set of guidelines or principles to point more clearly the direction for our future work. The report of the *Ad Hoc* Committee presents two sets of such principles in addition to those which various delegations have themselves put forward. It did not prove possible in the time available to reach general agreement on any single set of principles. My delegation was closely associated with the formulation of the second and shorter set described in paragraph 88 of the report. As the representative of Ceylon and others have commented, the two sets have much in common. My delegation believes, however, that we would be well advised not to go into too many details at this stage before the full implications may be entirely understood. We therefore favour concentration on a clear and relatively simple outline such as the shorter set offers. These principles are in any case far-reaching. I should like to comment briefly on these principles, which I think are valuable in helping all concerned to define their attitudes more clearly.

131. The first states that there is an area of the sea-bed and ocean floor and the subsoil thereof underlying the high seas which lies beyond the limit of national jurisdiction. This is a basic concept which underlies both the draft resolution in document A/C.1/L.425 and Add.1-4 and the whole future work of the proposed standing committee. No one has disputed that view.

132. The second states that taking into account relevant dispositions of international law there should be agreed a precise boundary for this area. There are, as we know, differences of view as to where such a boundary should lie and as to when and in what manner some further international agreement on any boundary should be sought. This is certainly a question which will require much further study and discussion before general agreement can be reached. I believe that an important factor may be the timing. We may be able to make progress on delimitation after we have made more progress on other aspects of our work and have clarified and agreed further the arrangements which we should like to see.

133. The third principle states that there should be agreed as soon as practicable an international régime governing the exploitation of the resources of this area. My delegation strongly holds the view that there should be such an international régime. Nevertheless we believe that this whole question needs much further study before it will be possible to decide the precise nature of this régime. Nor can we say at this stage how any régime we establish will

⁶ See *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 92, document A/6695.

develop and evolve or what form it is likely to take in the more distant future. There will certainly be a number of differences of view both on substance and on semantics. We shall have to go into the whole question very carefully in a spirit of mutual understanding.

134. The fourth principle says,

“No State may claim or exercise sovereign rights over any part of this area, and no part of it is subject to national appropriation by claim of sovereignty, by use or occupation, or by any other means”.

I believe that this principle is now widely accepted. Indeed one may say that it was the idea enshrined in this principle which more than anything else inspired the Members of the United Nations to make the sea-bed a major item on the agenda of the General Assembly.

135. The fifth principle states that the exploration and use of this area shall be carried on for the benefit and in the interests of all mankind, taking into account the special needs of the developing countries. This principle also has underlain much of the work of the *Ad Hoc* Committee and is reflected in the draft resolution. Much study and effort will be needed to translate it into effective action, but it is clearly a basic objective.

136. The sixth principle states that this area shall be reserved exclusively for peaceful purposes. As the report shows, discussion of this question so far has centred round how further consideration and definition of the principle should be conducted. It remains the view of my delegation that such a reservation could not limit the inherent rights of States to secure their own defence in accordance with the Charter and international law. The consideration of any specific arms control measures which might accompany the reservation of the sea-bed for peaceful purposes is a matter which should be viewed as closely related to other fields of arms control. My Government strongly advocates international agreement on arms control measures whenever these will genuinely contribute to international peace and security. My Government has constantly worked for such agreements. A year ago [1524th meeting, para. 19] my delegation advocated in this Committee that the specific arms control aspects of United Nations consideration of the sea-bed should, after preliminary discussion in the *Ad Hoc* Committee, be considered in detail in the Conference of the Eighteen-Nation Committee on Disarmament. We are glad to see that that body has taken up this subject and, as its report indicates, agreed that this new subject would be a

fruitful area for future work.⁷ Indeed the disarmament items which this Committee is due to discuss at a later stage of its work are framed to provide, both in the report of the Conference of the Eighteen-Nation Committee on Disarmament and in the memorandum of the Soviet Government⁸ an opportunity for further discussion of this important question.

137. The seventh and last principle states that activities in this area shall be conducted in accordance with international law, including the Charter of the United Nations; activities in this area shall not infringe upon the freedom of the high seas. This principle is meant to supplement earlier principles and to confirm that it is not intended to cast doubt upon established principles such as the freedom of the high seas.

138. My delegation shares the hope expressed by the representative of Ceylon [1588th meeting] that it may prove possible to agree on some set of principles which we believe could act as guidelines against which we can all judge the possibilities or proposals which we discuss. We hope that any agreed principles which may emerge will be closely allied to the basic seven to which I have referred. If such agreement does not prove possible, however, in the immediate future, we hope that those tentative principles may prove valuable as a catalyst for the opinions and attitudes of all those participating in our work.

139. The sea-bed and deep ocean floor confront us with a great and fascinating challenge. Scientific and technical progress offers greater possibilities every day. In our handling of most of the other subjects with which we deal we are caught in the web of complications spun by the past. The sea-bed is a challenge to our own vision and foresight for it is we ourselves, and not a long series of past generations, who will be responsible for the shape of things to come.

140. The CHAIRMAN: I thank the representative of the United Kingdom for the tribute he paid to my country and for the warm expressions he used in congratulating the Chairman and the other members of the Bureau. I thank him also for having associated himself with the good wishes I expressed about Viet-Nam in my opening statement.

The meeting rose at 1.15 p.m.

⁷ See *Official Records of the Disarmament Commission, Supplement for 1967 and 1968*, document DC/231, para. 29.

⁸ See *Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda item 94, document A/7134.