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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.1-7, L.426 and Add.1, L.427 and Corr.1, L.428, L.429/Rev.2, L.430, L.431 and Add.1, L.432, L.433)

1. The CHAIRMAN: Before calling on the first speaker on the list this afternoon I wish to inform members that Nigeria has become a co-sponsor of the draft resolution contained in document A/C.1/L.425 and Add.1-7, bringing the number of co-sponsors to fifty-five. I would inform the Committee also that the draft resolution submitted by Liberia has been circulated as document A/C.1/L.434.

2. I now give the floor to the representative of Malta to introduce the draft resolution contained in document A/C.1/L.433, which has just been circulated.

3. Mr. PARDO (Malta): It is with great respect to you, Sir, and to members of this Committee that I have the honour to introduce the draft resolution contained in document A/C.1/L.433, which is co-sponsored by Malta, Mauritius and the United Republic of Tanzania. The co-sponsors of the draft resolution have attempted to take into account to the greatest possible extent the various trends of opinion in this Committee on the question before us. The draft resolution therefore, does not represent what the co-sponsors believe to be desirable—indeed necessary—but rather what we believe is the minimum that should be generally acceptable in greater or lesser measure at this

stage, and we believe that it is highly important that the Assembly record agreement on this minimum since technology, as so many speakers have stressed, is developing very rapidly and it is of great importance to seize with alacrity every possible opportunity to record any common ground which may exist if we are to be successful in our task.

4. The co-sponsors consulted with a number of delegations which we believe to be representative of most of the trends of opinion within this Committee. Unfortunately we were unable to consult all representatives owing to lack of time. For this omission we beg the understanding of those representatives with whom we were unable to talk.

5. The co-sponsors have attempted in all sincerity to submit a constructive, balanced text that will enable the future standing committee to build on the common ground developed by the *Ad Hoc* Committee. The text, we would stress, is not inflexible and we are most anxious to accommodate as far as possible any serious and well-founded objections which may be put forward. In this connexion, we are aware that some delegations may have some reservations on one or other of three or four points on which, with your permission, Sir, I should like to comment briefly.

6. The first reservation may concern the third preambular paragraph, which reads as follows:

“Recognizing that there exists an area of the sea-bed and ocean floor and the subsoil thereof which lies beyond the limits of national jurisdiction and which requires further definition.”

I understand that certain representatives may be somewhat averse to mentioning, even in a preambular paragraph, the fact that the area of the sea-bed and ocean floor lying beyond national jurisdiction may require further definition. I understand, although I do not share, the feelings of those representatives. I wish to assure them that the co-sponsors have attempted to take those feelings into account. We agree with the representative of Colombia [*1600th meeting*] that the question of the definition of the area of the sea-bed beyond national jurisdiction should be approached with great caution. We do not disagree with the concept of a new conference on the law of the sea in due course. But this paragraph does not impede either great caution in approaching the question of the definition of the area beyond national jurisdiction or a call for a new conference on the law of the sea. We are not urging that the future standing committee solve the question of definition; we are not even urging the standing committee to discuss the question of definition. We are only stating an obvious, patent fact which the General Assembly cannot ignore, and that is that the area beyond national jurisdiction is

imprecisely defined and therefore requires further definition. Of what use would it be to elaborate even the most perfect set of principles if we did not wish to consider at any stage the possibility of applying them to any specific area of the sea-bed? The whole purpose of our discussions, the whole purpose of the item which we are now considering, would be frustrated. Until we are willing to recognize that we are dealing with an area which is imprecisely defined and requires further definition at least at some time in the future, the item before us, as the representative of Malaysia said at our 1600th meeting, cannot assume reality and our exchange of views may be largely a waste of time.

7. Having said that, I should like to stress once again that we are not wedded to the present text of the third preambular paragraph and that we will consider amendments so long as they do not ignore completely the patent fact to which I have referred.

8. The representatives of some countries with which we enjoy close and cordial relations have indicated that they have some difficulty with the first operative paragraph. In their opinion that paragraph might be interpreted as the equivalent of a freeze on the further extension of claims to exclusive jurisdiction over areas of the ocean floor at some distance from their coasts. I have great respect for the views of the representatives of the countries to which I have referred. The original formulation of this paragraph was modified to take those views into account, although in our view—and we have reason to believe that it is shared by a number of representatives—the question of a freeze on ever more extensive claims over the ocean floor and its subsoil is both an important and an urgent matter.

9. I wish, therefore, that we could interpret the first operative paragraph in the same way as our friends. Frankly, however, I do not see how an appeal couched in deliberately vague terms could be considered the equivalent of a freeze of the present position. In fact, the paragraph implicitly recognizes that States cannot be legally restrained from extending their claims to exclusive jurisdiction over the ocean floor. The only purpose of this paragraph is to put the General Assembly on record as being not unaware of the problem that could result from an excessively broad interpretation of possible rights under the 1958 Geneva Convention.¹ We believe this to be a useful concept to introduce in a draft resolution at a time when exploration of the resources of the ocean floor and of its subsoil is being undertaken in ever deeper waters. Here again, I want to assure the Committee that we are flexible with regard to the exact wording of the text.

10. I should now like to say a few words on the second operative paragraph, which contains four principles. Members will note in the first place that we are not attempting a declaration. That is an exercise which must await the deliberations of the standing committee which I hope it will be possible to establish. We are merely commending to Member States the main principles on which virtually unanimous agreement had been reached in the *Ad Hoc* Committee.

11. As we have attempted to make clear in the third operative paragraph, this does not, of course, preclude the future standing committee from proclaiming in due course a full set of principles and norms. On the other hand, we believe that the work of the future standing committee would be facilitated were the General Assembly officially to record agreement with the principles in document A/C.1/L.433.

12. It is also clear from the statements made by many speakers in this debate that a large number of countries would welcome some indication of substantive principles at this session. As one representative has pointed out, it would be very difficult for public opinion in many countries to understand why the General Assembly cannot endorse the wide agreement on some principles which was recorded in the report of the *Ad Hoc* Committee. The principles listed in the draft resolution contained in document A/C.1/L.433 reflect in a slightly different formulation the draft statement of agreed principles in paragraph 88 of the *Ad Hoc* Committee's report [A/7230].

13. We understand that some delegations may have difficulty with the words "any exclusive rights" in the first principle in the second operative paragraph of document A/C.1/L.433. Those words are not indeed found in the corresponding principle (4) of the draft statement of agreed principles. We included those words because they render more precise the meaning of the draft statement of agreed principles. The present danger is not so much that a State will claim sovereignty over the ocean floor at 800 or 900 miles from its shores. It is likely that world opinion might consider such a claim to be a somewhat stained interpretation of the Convention on the Continental Shelf, done at Geneva in 1958. But the danger is that some technologically advanced countries might be tempted to claim exclusive rights to exploit the resources of areas of the sea-bed at some distance from the coasts of other States—resources, of course, which may have been discovered either by their nationals or under some programmes of international co-operation in the exploration of the marine environment. Such claims, were they to be put forward, could not easily be opposed by the international community, both because of the uncertain legal status of the sea-bed beyond national jurisdiction and also because it would be contended that it is in the interests of the population of the world to exploit sea-bed resources as soon as possible, even if at the present time only a few countries are in a position directly to engage in exploitation.

14. Here again we remain, however, flexible and if there is a substantial body of opinion that is of the view that the mention of exclusive rights in this context is likely to be inequitable to the majority of countries or to deprive the world of resources that are immediately indispensable, we shall consider with sympathy a change in the text.

15. Some reservations have also been mentioned with regard to the text of the third principle in the second operative paragraph in document A/C.1/L.433, concerning peaceful purposes. This text corresponds exactly with principle (6) of the draft statement of agreed principles. I have not consulted the co-sponsors, but I believe that the reservations that have been expressed could easily be met without enlarging excessively the scope of the item.

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

16. Finally, I would call the attention of members to two minor errors in the text of document A/C.1/L.433. First, in the fifth paragraph of the preamble, the word "or" after the words "location of States" should be deleted and replaced by a comma. Secondly, in the second operative paragraph, the words "the subsoil" should read "its subsoil". Perhaps a corrigendum could be issued.²

17. Finally, I wish once again to assure you, Mr. Chairman, of the full co-operation of my delegation and of the delegations of Mauritius and Tanzania. Our objective in producing the draft resolution contained in document A/C.1/L.433 has not been to attempt to impose our views or those of any one group of countries. In our view, as you well know, the General Assembly should be able already at this session to take more purposeful action. We have deliberately subordinated our desires to the search for common ground. The draft resolution that we have submitted for the consideration of this Committee is extremely moderate and extremely respectful of the different approaches of Member States to the complex 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. We believe, however, that our draft resolution is constructive, that it is balanced, that it builds on indisputable facts and that it represents another small step towards our goal. We are always willing to improve the text. The draft is submitted in a spirit of total sincerity and goodwill. We commend it to you, Mr. Chairman, and also to the goodwill of all representatives in this Committee.

18. The CHAIRMAN: Before calling on the next speaker, I should like to inform the Committee that the delegation of Spain has submitted an amendment to the draft resolution contained in document A/C.1/L.431 and Add.1 which has just been circulated. The English text of the amendment does not contain the reference to document A/C.1/L.431 and Add.1 although that reference does appear in the French text. The English text will very shortly be completed in that respect and recirculated.³

19. Mr. SHAHI (Pakistan): 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] has been presented most ably by the Rapporteur Mr. Victor Gauci of Malta. The Chairman of the *Ad Hoc* Committee, Mr. Amerasinghe, has greatly eased the task for us by his lucid and incisive analysis of the issues that we are now called upon to face. The quality of the report itself is a testimony to the manner in which he presided over the deliberations of the *Ad Hoc* Committee. I should not like to let this occasion pass without also expressing our appreciation to Mr. Roger Denorme of Belgium and Mr. Leopoldo Benites of Ecuador for their contributions as Chairmen of the two Working Groups.

20. The report itself in paragraph 85 states that:

"Within the limits of the time available, the *Ad Hoc* Committee studied in a comprehensive manner the

various aspects of the item and identified the main problems."

We fully endorse that statement.

21. The General Assembly is now called upon to take the necessary action to make further progress in the solution of these problems.

22. The initiative taken last year by Mr. Pardo of Malta in inscribing the item on our agenda⁴ was an act of vision, and was most timely. The advance of science and technology has made it possible, for the first time in history, to exploit the mineral resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction. At the same time that advance has confronted us with a fateful choice: either to establish an international order for this vast area which comprises the major portion of our planet or to let international anarchy and conflict reign supreme.

23. The report of the *Ad Hoc* Committee points the way, in pursuance of General Assembly resolution 2340 (XXII), to the indispensable initial steps which must be taken by the international community to prevent national appropriation of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, and to regulate their exploration and use in accordance with the principles and purposes of the Charter of the United Nations and in the interest of maintaining international peace and security and also for the benefit of all mankind.

24. That no time is to be lost in establishing an international order for this area by all nations and for the benefit of all mankind is made abundantly clear by the report of the *Ad Hoc* Committee. In pursuing that goal we are engaged in a race with technological developments which will enable the most advanced and powerful countries of the world to stake, and make good, claims to national sovereignty over that area. Unless an international convention is concluded without delay to establish its legal status as a common heritage and to govern its exploration, use and exploitation for the benefit of all nations, it is inevitable that conflict and tension will supervene and the great majority of mankind will be deprived of their patrimony.

25. My delegation considers that a declaration of general principles to govern the exploration, use and exploitation of the area is a necessary first step towards the adoption of an international convention which will create binding legal obligations. In that context we have noted the two sets of proposals in paragraph 88 of the report of the *Ad Hoc* Committee. Owing to lack of sufficient time, it was not possible for the session in Rio de Janeiro to reconcile the two texts. Although they have much in common, they differ in some important respects. Further discussions and consultations will be necessary before a unanimously agreed formulation of general principles can be adopted, and in this context I should like to recall what the representative of Brazil stated [1591st meeting]: that the task before us is to elaborate a specific régime.

² Subsequently circulated as document A/C.1/L.433/Corr.1.

³ Subsequently circulated as document A/C.1/L.435.

⁴ Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 92, document A/6695.

26. It was our hope that such a text would be adopted at this twenty-third session of the General Assembly but, in view of the limited time at our disposal and the time schedule for the consideration of the different items on the agenda of this Committee, we confess that we do not find the prospect encouraging.

27. My delegation was greatly impressed by the weighty observations made by the representative of France at the 1591st meeting of this Committee, urging the conclusion of unanimous and lasting agreements rather than majority recommendations which would have no effect, and that it would be preferable to work for unanimity on certain minimum principles, which would guarantee respect for those principles, rather than for a majority vote on more ambitious principles.

28. The Pakistan delegation is certainly not averse to every effort being made at this session to draw up a common list of general principles. Pakistan, together with certain African, Asian and Latin American Member States, submitted a working paper in the *Ad Hoc* Committee containing the draft of general principles [see A/7230, annex III]. If it is the general desire that an attempt should be made even now to reconcile that draft with that of the statement of agreed principles submitted by Western European, North American, Far East and Pacific countries, in an effort to reach a consensus, we are ready to play our modest part.

29. We are only too conscious of the urgent necessity to arrive at an internationally acceptable definition of the limits of the area of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction. That task is inseparable from an examination of the Geneva Convention on the Continental Shelf.⁵ However, we do not consider that the adoption of a declaration of general principles should await agreement on such a definition.

30. Fears have been expressed by certain Member States that the adoption of a declaration of general principles might lead to the establishment of a supra-national authority for the exploration, use and exploitation of this area. We do not believe that a declaration by itself would *ipso facto* lead to such a result. The establishment of an international régime would obviously require the most careful preparation and negotiation and certainly the consent of the major Powers. At the same time, we should like to invite the attention of those Powers to paragraph 61 (e) and (f) of annex I of the report of the *Ad Hoc* Committee on the subject of ensuring the benefit of mankind by means of an international régime. It is stated in that context:

“Many delegations pointed out that the great majority of countries, in particular developing and land-locked countries, are, for technical, financial and other reasons, not in a position to participate actively in the exploitation of . . . [the resources of the area].”

“These delegations believe that an international régime under the auspices of the United Nations or in relationship with it would ensure that the marine mineral resources would be exploited in the interest of humanity as a whole”.

31. The report of the *Ad Hoc* Committee, invaluable as it is, demonstrates the need for an even more thorough study of the subject of the peaceful uses of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction. It is imperative that the *Ad Hoc* Committee's work should be carried forward on a continuing basis to enable the General Assembly to take the necessary political decisions for ensuring the preservation of this area for exclusively peaceful purposes, and its exploration, use and exploitation for the benefit of all mankind, and in particular of the developing countries of the world.

32. It is also evident from the report of the *Ad Hoc* Committee that it suffered from a disability in that its members did not consider themselves competent to draft agreements or to make specific recommendations to the General Assembly. The Committee construed its task to be only that of a survey of facts and of the expression of the views of its members. Consequently, if further progress is to be made, this limited mandate needs to be broadened.

33. The main purpose of the draft resolution in document A/C.1/L.425 and Add.1-7, co-sponsored by fifty-five countries including Pakistan, is to continue the work of the *Ad Hoc* Committee through a permanent successor body with wider terms of reference to enlarge its competence. The draft resolution that I have just mentioned specifically provides in operative paragraph 2(g) that the Committee should make recommendations to the General Assembly on all the questions with which it is charged.

34. The representative of Belgium, Mr. Denorme, has explained in his admirable sponsoring statement [1588th meeting] why it is considered necessary to establish a standing committee with such a mandate as to ensure continuity and to assert for the United Nations a key and co-ordinating role in international co-operation by means of the establishment of such a committee for the elaboration of measures of international co-operation for the exploration of the resources of the area for the benefit of mankind as a whole. He has been at great pains to set at rest any apprehensions that may exist in regard to the activities and field of competence of the proposed new subsidiary organ. Therefore, the concept of the standing committee as a focal point within the United Nations for the consideration of activities relating to the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction and the express provision in operative paragraph 2(f) of the joint draft resolution should dispel any doubts or misgivings about any duplication or over-lapping of its activities with those of the specialized agencies concerned, the Intergovernmental Oceanographic Commission of UNESCO or, for that matter, the Conference of the Eighteen-Nation Committee on Disarmament. As the representative of Belgium has so lucidly and felicitously put it, the objective of the co-sponsors is to create a committee for the co-ordination of international activity and not to superimpose a new structure upon those already in existence. He has also explained the need for maintaining the unity and cohesion of the item in order that the question may be pursued as an integral whole and not merely as the sum of its parts.

35. The representative of Belgium, on behalf of the co-sponsors, has also done his best to set at rest the fear

⁵ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

among certain delegations of a supra-national régime for this area. The sponsors disclaim any intention to introduce such a concept, whether directly or by implication, in operative paragraph 2(a) of the draft resolution. The Belgian representative also made it clear that there is no intention behind the draft resolution for what he calls supra-nationality. The standing committee would study the elaboration of norms and legal principles which would promote international co-operation in and facilitate the exploration, use and exploitation of the resources of this area for the benefit of mankind.

36. I shall not comment on all the provisions of the joint draft resolution because the representative of Belgium and some of the other co-sponsors have fully explained its scope and content and the interrelationship between its various parts. But I should like to lay emphasis on the fifth, sixth and seventh preambular paragraphs of the joint resolution [A/C.1/L.425 and Add.1-7] and to reiterate the three basic principles, therein: first, the exploration and use of the area for peaceful purposes; second, the importance of promoting international co-operation for the exploration and exploitation of the area for peaceful purposes; and third, that such activity should be carried out for the benefit of mankind as a whole, taking into special account the interests of the developing countries. Those three basic principles are common to both sets of general principles which were considered by the *Ad Hoc* Committee and to which I have referred earlier.

37. It has been sufficiently explained that the joint draft resolution embodies a delicate compromise between different and even divergent views. The sponsors have been engaged in intensive consultations through a contact group of which Pakistan has the honour to be a member. It is our hope that the contacts will lead to the evolution of a text which would represent an improvement in the wording of the draft without derogating from the principles embodied in it or radically departing from the terms of reference to be given to the standing committee. As negotiations in this respect are in progress, my delegation would not like to comment on the amendments to the joint draft resolution at this stage. It is our hope that all the remaining differences will be resolved and that the draft resolution, with any revisions that may be agreed upon, will be adopted by this Committee unanimously.

38. We should, however, like to mention two considerations in this context. Firstly, the draft resolution as it stands represents a delicate balance arrived at after a great deal of discussion and exchange of views. It represents a compromise and as such it does not satisfy all delegations. Many of the sponsors would have preferred to strengthen it further. We understand and appreciate the desire of some of the developing countries which are not among the sponsors of this resolution to do so. On the other hand, changes in that direction, though acceptable to many of the sponsors of the draft resolution, would undermine the chances of unanimous adoption. Secondly, we hope, through this draft resolution, to lay down the foundation of fruitful international co-operation among all States, irrespective of their geographical location. In our view the draft resolution makes this objective explicitly clear. If it is the desire of some States that the draft resolution should be amended

further to make this basic intention even more apparent we are willing to extend consideration to such proposals.

39. We have also before us a draft resolution submitted by the United States and some other countries, contained in document A/C.1/L.429/Rev.2, welcoming and commending the concept of an international decade of ocean exploration beginning in 1970, and recommending certain measures for the celebration of the decade. The United States delegation explained to the *Ad Hoc* Committee that this task is so extensive that it could only be initiated and not completed within the decade. We particularly welcome the suggestion that developing countries will be enabled, under the draft resolution, to arrange for selected areas of their continental shelves to be mapped, and that the developed nations concerned could provide equipment and the technical and financial support required. We appreciate this initiative taken by the United States delegation and we have already expressed our sympathy for the idea of the decade in the *Ad Hoc* Committee. We now reiterate our support for this draft resolution, and my delegation will be happy to vote for it. However, we hope that through the Secretary-General of the United Nations the committee which we hope will be established when draft resolution A/C.1/L.425 and Add.1-7 is adopted will be kept informed of the proposals for national and international scientific programmes and agreed activities to be undertaken during the decade. We trust that the Intergovernmental Oceanographic Commission will also keep the proposed committee informed of the achievements accomplished during this decade.

40. Also, we should like to welcome the initiative taken by the representative of Iceland in formulating a draft resolution on safeguards against the danger of pollution of the sea-bed and ocean floor and the subsoil thereof arising from the exploration and exploitation of the resources of that area [A/C.1/L.431 and Add.1]. My delegation fully endorses the objectives of that draft resolution. Therefore we are glad to co-sponsor it.

41. In resolution 2340 (XXII), we witnessed the birth of a new idea and a hope for the future. The idea is to inaugurate a new era of international co-operation in exploiting the vast riches which lie buried in the deep ocean. The hope is that those riches will be explored, exploited and used not only for the benefit of those who are able, technologically and financially, to exploit them, but for the benefit of mankind as a whole. In the not-too-distant future it is possible, if we resolve to do so, to solve the twin problems of insecurity and poverty and to bring about peace and progress. Whatever the causes of international tensions and conflicts, the fact cannot be denied that the great differences arising from the unequal possession of the resources of the earth and the techniques to exploit them, have led to war, subjugation and the consequent insecurity of the whole of mankind. Nationalism and the modern state system also add to those tensions. The proposal before us, therefore, is the beginning of a bold effort to explore the possibilities of consolidating the concept of international co-operation, under the aegis of the United Nations, above and beyond the narrow concepts of national rights. It is also the beginning of an endeavour to encourage a new phase of struggle against poverty and backwardness. Viewing the matter in this light,

we feel proud to be associated, along with all others, in this common effort.

42. Mr. DE PINIES (Spain) (*translated from Spanish*): May I be permitted, Mr. Chairman, to begin this statement by expressing my delegation's profound satisfaction at your election to the Chair of this important Committee? Your appointment is particularly gratifying to my delegation because of the many ties of affection, tradition and friendship that bind my country to yours.

43. I should also like to express our great satisfaction at the election as Vice-Chairman of Mr. Reynaldo Galindo Pohl, the representative of El Salvador, a country to which my own country is linked by deep-rooted and enduring cultural, historical and friendly fraternal ties.

44. I also wish to congratulate my distinguished friend Mr. Zollner of Dahomey on his election as Rapporteur of the Committee. He has already given, and continues to give, eloquent proof of his competence and knowledge of the issues entrusted to our Committee for study.

45. My delegation has followed with great interest and close attention the development of the studies in connexion with the item of the sea-bed, in particular all the researches and analyses done by the *Ad Hoc* Committee set up under General Assembly resolution 2340 (XXII). Starting out from that resolution, my delegation's interest has centred mainly on the studies carried out by the *Ad Hoc* Committee and the report it has just submitted in document A/7230, and on the recommendations in the report based on the studies carried on by the Working Groups that have been meeting to implement the resolution in question.

46. In that connexion, I have pleasure in expressing our appreciation to the Chairman of the *Ad Hoc* Committee, Mr. Amerasinghe, to the Chairmen of the Working Groups, Mr. Benites and Mr. Denorme, and to the Rapporteur, Mr. Gauci, for their excellent work.

47. In view of the fruitful work of the *Ad Hoc* Committee as embodied in its report, and of the tremendous importance and possible ramifications of the subject, my delegation feels that the time has come to begin to systematize the work to be done and to prepare the norms and principles that should govern the exploration and exploitation of the sea-bed and ocean floor. That is why we are co-sponsoring draft resolution A/C.1/L.425 and Add.1-7, which was so ably presented by the representative of Belgium, designed to set up a standing committee on the question of the sea-bed.

48. My delegation considers it desirable to establish regulations as soon as possible for the exploration and exploitation of the sea-bed and ocean floor in the interest of all mankind. But until such regulations are forthcoming, it would appear logical to avoid any act likely to be prejudicial to the common heritage of the marine environment or to coastal States.

49. Hence we regard very favourably the initiative of those countries which followed a suggestion made by the delegation of Iceland during the work of the *Ad Hoc* Committee and have submitted draft resolution A/C.1/L.431 and

Add.1, concerning a study of ways and means of reducing the possible danger of pollution of the marine environment from exploration and exploitation of the sea-bed and the subsoil thereof.

50. My delegation believes that the protective character of the draft resolution should cover not only the sea-bed and ocean floor and the superjacent waters, but also the adjacent coasts that might be affected.

51. We consider it necessary to prevent the potential repercussions of pollution of the marine environment on the flow of tourists to the coastal areas of many countries. This is what prompts my delegation to submit an amendment [A/C.1/L.435] to draft resolution A/C.1/L.431 and Add.1.

52. Mr. MESTIRI (Tunisia) (*translated from French*): In speaking on this question, the importance of which is becoming daily more evident, we in the Tunisian delegation are not surprised that it was introduced by the representative of Malta, a friendly country and a very near neighbour whose destiny has often been linked with that of Tunisia. For both our countries are sea-faring countries, and I think I can say that they have always been so, since their peoples have always looked on their lives either as a projection of their needs beyond their shores, in the form of fishing, trade and sometimes military expeditions, or as a part of the Mediterranean Sea, the mother of so many civilizations but also and above all the cradle of the first international systems, of the first concepts of zones of influence and balance of power.

53. The growing self-awareness which mankind has since gained, the refinement it has achieved in its legal concept of the world, in short, the elaboration of a more just international law in the moral and logical sense of the term, have helped men to reduce the threat of conflicts or, when conflicts did break out despite all demands of reason, to mitigate their consequences.

54. Therefore it is reasonable that today the international community is seeking to find concepts which will circumscribe the extent and the legal structure of a new area of resources—resources which are in fact much more guessed at than precisely known—in default of which selfish national interests, assisted particularly in the case of some Powers by science, technology and nuclear weaponry, might well quarrel over and share those resources amongst themselves to the benefit, of course, of the strongest, the richest and the best equipped.

55. It is equally understandable that having learnt the lessons of the science of the past, which gave man the marvel of the atom without teaching him the moral way to use it—we should be aware of the need to avert the military dangers inherent in the area with whose future our Committee is concerned, namely the sea-bed and ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction.

56. A year has gone by since the delegation of Malta proposed to the General Assembly the inclusion of the question of the use of this area exclusively for peaceful purposes and the exploitation of its resources for the

benefit of all mankind.⁶ My delegation was quick to see the importance of the undertaking of which the representative of Malta made us aware. For us, it was—and it remains—a question of the need clearly to state three basic principles regarding this undertaking, namely: first, that the resources of the sea-bed and ocean floor and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction belong to all mankind; secondly, that failing any legal structure and until such a structure can be elaborated, no valid claim to ownership over these resources arising from any existing *status quo* can be made; and thirdly, that this new area must be reserved exclusively for peaceful purposes.

57. We feel that considerable ground has been covered since the twenty-second session, for since that time the item proposed by the delegation of Malta and included in the agenda of that session has been the subject of a debate in our Committee which, after it discussed it, decided to set up an *Ad Hoc* Committee entrusted with studying its scope and its various aspects.

58. This reflects the importance which the international community attaches to this new source of wealth—as well as conflicts—and it is not surprising that the Committee took its task very seriously. In any event, the report it has submitted to us [A/7230] bears out this fact. In accordance with the wishes of the General Assembly, we find therein a detailed study of the past and present activities of the United Nations, the specialized agencies and other intergovernmental organizations with regard to this question. We can also read a survey of the scientific, technological, economic, legal and military aspects of the question, to name only the most important. Lastly, we are given an indication as to the practical means for fostering international co-operation in the fields of exploration, conservation and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction, as well as the resources thereof.

59. We should like to express to the *Ad Hoc* Committee, and especially to its Chairman and other Officers, our gratitude for the work it has accomplished.

60. Nevertheless, in the light of the three principles I have just enumerated, I should like to make a few remarks on some of the ideas put forward in the report. With your permission, I shall begin with what we consider to be the urgent need to declare that the newly adumbrated resources belong to all mankind. Expressing a unanimous opinion, the report dwells on this point in several places, leaving no doubt whatsoever regarding the proposed destination of these resources. It clearly stresses the special attention members of the Economic and Technical Working Group appointed by the *Ad Hoc* Committee gave to the principle of the use of the resources of the sea-bed and ocean floor and the subsoil thereof for the benefit of mankind. This same Working Group, within the limits of the means and time at its disposal, attempted to give us some idea of what it described potentially as important resources and informed us that in the subsoil beyond the continental shelf of the seas and oceans surrounding us are to be found

petroleum, gas, manganese, phosphates and extensive deposits of metalliferous muds.

61. We, the peoples of the third world, who still lack the scientific and technological equipment of the advanced countries, know from experience that the explorer, filled with noble motives at the outset, can easily be led, by the temptation to appropriate, to forget and renounce his principles when he sees the prize awaiting him. In other words, although we agree with the *Ad Hoc* Committee in recognizing the need to foster the systematic exploration and evaluation of new resources, we are nevertheless firmly convinced that the scientist must in no case be supplanted by an owner. For we believe that if any human beings are terribly in need of these resources, it is we, the disinherited and the poor, who as yet possess only hope and courage.

62. So I come to the second principle I mentioned earlier concerning the need to elaborate legal principles which can act as a barrier against injustice. If we speak of injustice, we do so because beyond injustice which may be inflicted upon the weak, there is also the injustice that might be done to the strong States or to any other State which sincerely feels that failing any regulation, its present national jurisdiction includes this or that stretch of the continental shelf of the sea or ocean which washes its shores.

63. Of course, a legal instrument does exist: the Geneva Convention on the Continental Shelf of 1958,⁷ which can be invoked as a body of law in the settling of claims.

64. We might recall that the Convention recognizes that coastal States have the right to exercise sovereign rights over their "Continental Shelf", this expression being used

"... as referring (a) to the sea-bed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superadjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the sea-bed and subsoil of similar submarine areas adjacent to the coasts of islands."

65. As the Secretary-General of the United Nations notes in his annual report on the Organization's activities, "the technical possibilities of exploiting resources at much greater depths than 200 metres had apparently not been foreseen at the time".⁸ Doubtless, there is no cause for alarm here, since, as the philosopher said, mankind as a rule sets itself only those problems which it knows how to solve. We would certainly not blame the lawmakers of 1958 for failing to foresee the problems of 1968. However, since new situations call for new ways of thinking, we must now lay down, in line with the latest developments, the most suitable operative concepts and make up our definitions for the various elements involved: the "continental shelf," "present national jurisdiction," and so on. In short, we must build a legal structure for the new area of resources which has now come to rouse our hopes and aspirations. Of course, until this task is completed, my Government considers that any ulterior justification for any national

⁷United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

⁸Official Records of the General Assembly, Twenty-third Session, Supplement No. 1, pp. 47 and 48.

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

jurisdiction whatsoever over new resources based on the *de facto* status must be considered null and void.

66. We are equally convinced that our Organization has the duty to take any measures within its power to prohibit entirely any possible future use of the sea-bed and ocean floor for military purposes. Why do we use such strong words? We do so for a very understandable reason, since it has to do with our situation on the shores of a sea—the Mediterranean—which has in recent times become the stake for dangerous outside rivals, thus exposing the peoples of its coastal States to the gravest dangers.

67. We therefore welcome the unanimity with which the report expresses the desire of the *Ad Hoc* Committee's members to see the conclusion of an agreement on the "banning of the use of the sea-bed and ocean floor beyond the limits of national jurisdiction by nuclear submarines and banning all military fortifications and missile bases on the sea-bed and ocean floor" [A/7230, para. 46].

68. Any attempt to provide loop-holes or resort to sophistry in this matter would, in our opinion, be vain. Any agreement to be negotiated should—and I quote again from the report—take into account the fact that "a large number of delegates emphasized that all military activities in the area contemplated in the item should be barred" [ibid., para. 47]. The agreement must be categorical in this matter and should leave room for no mental reservation of any sort.

69. My country, which has signed the Treaty on the Non-Proliferation of Nuclear Weapons [resolution 2373 (XXII), annex], and which hopes to ratify it in the near future, is being consistent in adopting this firm stand on the use of the sea-bed and the ocean floor. In condemning any pressure, from whatever quarter, to install nuclear bases in a sea where the situation is quite explosive enough as it is, we are also keeping faith with ourselves, since we have always held that military bases, far from helping to promote the peace and security of nations, merely aggravate international tension.

70. In these circumstances, we are inclined to regard draft resolution A/C.1/L.425 and Add.1 to 7 submitted by the Belgian delegation [1588th meeting] as a useful contribution, since we feel that it confirms indirectly the three principles with which my delegation is most concerned.

71. It is in this light that the idea of establishing a standing committee entrusted with continuing the work done by the *Ad Hoc* Committee would appear to us to be most fruitful and to deserve our approval, and unanimous support. However, we should like to add that we hope this committee will be as representative of the various views in our Committee as possible.

72. Before concluding, I should like to state my delegation's opinion of the principles the *Ad Hoc* Committee has submitted to the General Assembly for its adoption. Among the principles contained in paragraph 88 of the report, in two separate categories, we should like to single out those numbered (1), (2) and (4) in sub-paragraph (a) and those numbered (4), (5) and (6) in sub-paragraph (b). The principles are completely in line with our thinking on

the problem, and we hope the General Assembly will give them its full endorsement.

73. We are especially hopeful since a reasonable way of achieving this has been put forward by the delegation of Mexico, which is fully aware of how much is at stake for the developing countries and has consequently submitted draft resolution A/C.1/L.430, the operative part of which stresses clearly and vigorously the need incumbent on the General Assembly of adopting the principles we all favour.

74. While reserving the right to state our views on any further developments relating to the item under discussion, we nevertheless believe that with the creation of a permanent committee entrusted with carrying forward the study of the matter before us on the one hand, and with the adoption by the General Assembly of a statement of principle on the other, we shall have taken a further step along the road towards well-being for mankind and towards human solidarity, and also towards international peace and security.

75. Mr. ANWAR SANI (Indonesia): I will respect your wish to avoid congratulating you, Mr. Chairman, and the other members of the Bureau on your elections, but I will take this opportunity instead to express our admiration for your conduct of this Committee, which more than justified our selection of you and your colleagues for your posts. Perhaps I should rather congratulate the Committee on its wisdom in choosing its officers.

76. Let me now proceed to make some remarks on the report of the *Ad Hoc* Committee before us and on the draft resolution to establish a standing committee to deal with the problems of the peaceful use and exploration of the treasures of the sea-bed and ocean floor, which Indonesia is pleased to co-sponsor [A/C.1/L.425 and Add.1-7]. My delegation feels that the report is a very valuable first step in defining some of the problems and setting forth some guidelines for further action. We wish to commend the Chairman, Vice-Chairman and Rapporteurs of the *Ad Hoc* Committee and its Working Groups, as well as all the participants, for the solid foundation they have prepared for us. We also wish to express our appreciation to the representative of Belgium for his excellent presentation of the draft resolution, A/C.1/L.425 and Add.1-7.

77. My delegation is very pleased to note that there has been general agreement among the members of the *Ad Hoc* Committee, and that it has been stated explicitly in its report, that the sea-bed and ocean floor beyond the limits of national jurisdiction is to be regarded as the common heritage of mankind to be used in the interests of mankind.

78. There are, however, a few areas of the report where full agreement was lacking and where further clarification is needed. One of these is a clear definition of the area beyond the limits of national jurisdiction in question. In order to deal effectively with this area beyond the limits of national jurisdiction we must first develop a clear and precise legal definition of where national jurisdiction ends and where the projected jurisdiction of an international régime would begin.

79. The determination of what constitutes territorial waters and national jurisdiction must lie mainly with each

nation, but certain international norms would help to avoid the possibility of conflict.

80. The old three-mile limit on the surface, or "cannon ball" distance, has no relevance here. The twelve-mile limit is still a useful legal concept, but even this has limited relevance to this new area of sea-bed and ocean floor. Even so recent a document as the Geneva Convention on the Continental Shelf,⁹ while providing some valuable guidelines, allows the gaping loop-hole of the phrase "to where the depth of the superjacent waters admits of the exploitation of the natural resources". That could very well be interpreted as meaning the shore of the State of the opposite side of a large sea if applied literally by a technologically advanced State.

81. One of our tasks is to prevent such a possibility from becoming a reality. This certainly should be one of the primary points for discussion in reaching agreement on a proposed international régime. Perhaps a new international conference on the law of the sea could be convened to clarify this and other legal implications that have been revealed in this new field of endeavour. It would be a loss of valuable time if discussion on scientific exploration and economic utilization had to be postponed for an indefinite period if the standing committee itself were to become bogged down on this question of jurisdiction.

82. In this connexion I feel it necessary to add that special attention should be given to the rights of coastal States, as mentioned in the report of the *Ad Hoc* Committee. The geographical and coastal configuration of some States, such as archipelagos, present special circumstances which must be taken into account.

83. Let me turn to some of the general goals in the peaceful use of the resources of the seas and of the oceans. Indonesia, as a nation of islands comprising one of the world's largest archipelagos, has a vital interest in all matters relating to the sea. Not only does the surrounding sea have a profound effect on our physical environment, but its living resources provide much of the protein in our national diet.

84. Not less important are the rich mineral resources lying in subsoil of our shallow territorial seas, on which a large part of our developing economy depends. At present petroleum and tin are being extracted from those areas and many of our plans for future economic growth are based on the further exploitation of these and other yet untapped and undiscovered resources. The vast potential of our seas is one of the keys to our goal of improving the life of our people. We are already actively engaged in oceanographic research on a national level, with the Indonesian ship *Baruna*, to serve both scientific and economic aims.

85. On the international level, that part of the sea-bed and ocean floor beyond the limits of national jurisdiction is also rich in resources, awaiting only adequate technology to exploit them. As resolution 2340 (XXII), the report of the *Ad Hoc* Committee [A/7230], and draft resolution A/C.1/L.425 and Add.1-7 all stress, these resources are the common heritage of all mankind and should be exploited to the benefit of all mankind.

86. Another aspect of this subject of the sea-bed and ocean floor beyond national jurisdiction that gives it special significance to us is our own experience with colonialism. There is a very real danger that a new era of a kind of colonial exploitation may occur if immediate and effective steps are not taken along the lines put forth in the report of the *Ad Hoc* Committee for an international régime to prevent such an occurrence. If a similar development as in the days of colonial expansion were to occur today, we might witness a race for control from the coast outward instead of from the coast inland to exploit this vast store of wealth. No human beings inhabit the ocean depths, as they did the territories involved in past eras of colonial exploitation. However a race for control of the sea-bed and ocean floor would surely involve mankind in much potential conflict.

87. A separate problem, but one clearly related to what I have just mentioned, is the problem of the extension of the arms race into yet a new realm. As far as we know this has not yet happened, but only now, before advancing technology proceeds any further, can we make sure that the sea-bed and ocean floor do not become a new arena for the arms race. Mutually agreed upon international principles are needed now before such a race gets under way. While the actual negotiation of such agreements might well be left to the Conference of the Eighteen-Nation Disarmament Committee, the general principles involved are a necessary and proper field of discussion in the proposed standing committee.

88. Since the aim of this whole field of endeavour is to use these marine resources for the benefit of all mankind we must be actively aware of the economic aspects involved. As many developing countries are heavily dependent on their export of raw materials extracted from the land, we should be alert to the possibility that marine mineral extraction will not adversely affect prices of these commodities on the world market. An orderly advance in technology and international co-operation in this matter can be a distinct factor in the forthcoming second decade for development, and should benefit both the developed and developing countries.

89. Another point of vital concern which must be dealt with is that of pollution. Until such time as the standing committee and the General Assembly can establish an effective, enforceable international régime, we must take interim steps to avoid pollution of the world's oceans by present exploitation. The problems of oil pollution and the dumping of radio-active wastes, for example, present a clear danger to the precious living resources of the sea upon which so many member States depend. We appreciate the initiative of Iceland in this respect and are ready to support the draft resolution [A/C.1/L.431 and Add.1] presented to deal with this serious problem. This aspect must be dealt with now. If we wait until a comprehensive set of principles governing all aspects of exploration, exploitation and security is agreed upon by all nations, it will already be too late to save many resources presently being exploited.

90. In the field of international co-operation for the peaceful and orderly development of these resources of the sea it is generally agreed and explicitly stated in the draft resolution A/C.1/L.425 and Add.1-7 that the standing

⁹ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

committee shall be primarily a focal point for co-ordinating international activities and co-operation. The research at present being conducted by the Intergovernmental Oceanographic Commission of UNESCO, IMCO, FAO, WMO and others will not be duplicated, nor is an extensive staff envisaged. It is our hope that the activities of the specialized agencies and research by individual Governments will supplement and complement each other. Here my delegation would like to suggest that international co-operation also involves regional co-operation, especially in those geographical areas where territorial waters and the limits of national jurisdiction are difficult to define. The whole area of South-East Asia seems to us a prime example of the benefits to be gained from such an approach. The regional commissions, as well as other regional associations such as the Association of South-East Asian Nations, might be useful bodies to assume considerable local responsibility for some of this activity.

91. The most intensive national efforts will of necessity be carried out by those countries economically and technically capable of doing so. We would hope that the spirit of international co-operation as set forth in the draft resolution will prompt these countries to make the results of their research available to all. It is assumed, of course, that the results of research in areas beyond national jurisdiction will in many cases be applicable to use in the territorial waters of Member States. In the pursuit of efficient and co-operative research in this growing field, we welcome the proposal for an international decade of ocean exploration, beginning in 1970, as put forth in the draft resolution tabled by the representative of the United States [A/C.1/L.429/Rev.2] last week.

92. The high level of international co-operation that led to the great success of the International Geophysical Year in 1957-1958 might well serve as an example and inspiration for international co-operation in this area. Many remarkable results accrued from the International Geophysical Year, not the least of which was the experience of nations working together in a spirit of amity without regard for their political affinities or differences.

93. The general principles for peaceful co-operation and international scientific research for the benefit of mankind need to be set down and mutually agreed upon. Such a declaration of agreed principles, we feel, should be along the lines of those in the relevant provisions of draft resolution A/C.1/L.425 and Add.1-7.

94. We cannot conclude our remarks without a special tribute to the Government of Malta for its remarkable vision in initiating the study¹⁰ of such a crucial but neglected realm. Indeed, the thorough exposition of all the implications and ramifications of this subject given by the representative of Malta in introducing the item at the twenty-second session [1515th and 1516th meetings], as well as his country's vital role in the subsequent preparatory work, make us all indebted to it.

95. The CHAIRMAN: I thank the representative of Indonesia for the congratulations he so kindly extended to me and to all my colleagues in the Bureau.

96. Before calling on the next speaker, I wish to inform the Committee that a revised text of the draft resolution introduced by Liberia is being circulated in document A/C.1/L.434/Rev.1.

97. Mr. JOHNSON (Jamaica): Mr. Chairman, on this my country's first intervention in this Committee, permit me, in a word, to extend to you and the other members of the Bureau the congratulations of my delegation on your well-deserved election to office in this Committee. I should like to compliment you also on the skill with which you have been guiding our deliberations.

98. My delegation has studied very carefully the report of the thirty-five man *Ad Hoc* Committee submitted in document A/7230. It is a clear and concise document and the Committee deserves our congratulations on its valuable work in carrying out the terms of its mandate as contained in General Assembly resolution 2340 (XXII).

99. This document sets forth some broad areas on which we are as yet uninformed and some essential points on which agreement is urgently required. This document has also thrown out a challenge to us to chart a course so that agreement may be reached on the essential issues. It is a challenge which will require, under the auspices of international co-operation, the skill, the ingenuity, the understanding and the good will of all States—be they island States, land-locked States or coastal States; be they regarded as developed or as developing.

100. In an effort to facilitate our work we must reach agreement on some related questions. For example, agreement is required on a new basis for defining the continental shelf. It is necessary also for agreement to be reached on the limit of the territorial sea. The double standard applied in determining what is the continental shelf represents a major difficulty. Also, the element of exploitation as a factor in determining the continental shelf by no means facilitates agreement as to where the sea-bed begins in relation to given areas.

101. The examples just cited are indeed timely reminders that each of the existing Conventions on the law of the sea¹¹ may be reviewed five years after its coming into force. Thus all but one of those Conventions on the law of the sea could, if required, be reviewed any time after 1969, the sole exception being the Convention on Fishing and Conservation of the Living Resources of the High Seas, which could, if required, be reviewed after 1971. In this context it is the view of my delegation that consideration should be given to the earliest possible convening of a conference to review the Geneva Conventions of 1958 on the law of the sea. Indeed, it might be appropriate for that conference to mark the beginning of the international decade of ocean exploration. My delegation shares the view that, pending the proposed revision of the Geneva Conventions governing the law of the sea, there should be no

¹⁰ See *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 92, document A/6695.

¹¹ Convention on the High Seas, done at Geneva on 29 April 1958, United Nations, Treaty Series, vol. 450 (1963), No. 6465; Convention on the Continental Shelf, *ibid.*, vol. 499 (1964), No. 7302; Convention on the Territorial Sea and the Contiguous Zone, *ibid.*, vol. 516 (1964), No. 7477; Convention on Fishing and Conservation of the Living Resources of the High Seas, *ibid.*, vol. 559 (1966), No. 8164.

further extension of the area of the sea, the sea-bed and ocean floor over which national jurisdiction is now being exercised. Also, as a party to the 1958 Geneva Convention on the High Seas, which imposes obligations on States Parties in relation to pollution, my Government is particularly interested in this question. No one can deny the adverse effects pollution can have on the resources of the sea. In this spirit, my delegation welcomes the initiative taken by Iceland in draft resolution A/C.1/L.431 and Add.1.

102. Referring again to the report of the *Ad Hoc* Committee, it is noted that the Committee was unable to arrive at an agreed set of principles on the subject matter of this debate. My delegation hopes that our deliberations in this Committee will lead to the enunciation of principles which will be generally acceptable. One of the principles early acceptance of which we would welcome is that on the reservation of the sea-bed and the ocean floor exclusively for non-military purposes. Agreement on this most important principle is not possible in the absence of complete understanding among the major Powers. The fact that the Conference on the Eighteen-Nation Committee on Disarmament has this matter under discussion need not preclude its consideration by the Committee which is envisaged in draft resolution A/C.1/L.425 and Add.1-7.

103. It is heartening to note from the debates which have taken place in this Committee that there is general acceptance of the concept of the common heritage of mankind in relation to the resources of the sea-bed, the ocean floor and the subsoil thereof underlying the high seas beyond the limit of present national jurisdiction. This clearly implies the undeniable need for international regulation and supervision of these resources—resources which are not the preserve of any nation or group of nations.

104. There is a distinct need to establish an international agency to be responsible for the attainment of the objectives implicit in this concept, and in the view of my delegation the study of the feasibility of this proposition is within the competence of the standing committee envisaged in draft resolution A/C.1/L.425 and Add.1-7, of which my delegation is one of the sponsors.

105. In conclusion, I should like to summarize the main proposals contained in this intervention. First, there is need for the earliest possible convening of an international conference on the law of the sea to review the 1958 Geneva Conventions on the law of the sea. Second, there is need for us to arrive at a generally acceptable set of principles which should include, of course, the reservation of the sea-bed and the ocean floor exclusively for non-military purposes. Third, there is need for the establishment of an international agency to regulate and supervise the exploration and exploitation of the resources of the sea-bed and ocean floor.

106. This, then, represents the present thinking of my delegation on the very important item before us, and we are ready, as always, to co-operate with this Committee in every possible way so that some progress may be achieved at this session in the interest of all mankind.

107. The CHAIRMAN: I thank the representative of Jamaica for the congratulations he so kindly extended to me and to my colleagues in the Bureau.

108. Before calling on the next speaker on my list, I should like to give the Committee some good news. I have cancelled the meeting scheduled for tonight. We shall be able to close the general debate on item 26 at this afternoon's meeting and I should like to express the appreciation of the Chairman and the members of the Bureau of the spirit of co-operation which has been shown by all members of the Committee in this general debate.

109. Mr. WIGGINS (United States of America): Under the agenda item which this Committee is now discussing, concerning the sea-bed and the ocean floor, the United States has joined with twenty co-sponsors in submitting to the Committee a draft resolution [A/C.1/L.429/Rev.2 and Add.1] by which the General Assembly would proclaim an international decade of ocean exploration beginning in 1970. We invite the co-sponsorship of every delegation.

110. This draft resolution gives constructive expression to the great and growing international desire, manifested by the enthusiastic response to Malta's initiative in the United Nations, to promote and advance the peaceful exploration of the sea-bed and the ocean floor—one of the least known of mankind's natural frontiers.

111. The proposal for an international decade of ocean exploration was first put forward by President Johnson in 1967. It has been welcomed and widely supported in a number of authoritative bodies concerned with the sea-bed, notably the *Ad Hoc* Committee on the sea-bed which was created by the General Assembly a year ago. My Government has been encouraged by this broad support to advance the proposal by means of the present draft resolution.

112. Before discussing certain of the provisions of the draft resolution, I should like to say why my Government so strongly supports the international decade of ocean exploration.

113. Over two centuries ago the poet Thomas Gray wrote:
 "Full many a gem of purest ray serene
 The dark unfathom'd caves of ocean bear."

But even today, in this age of burgeoning science, we know very little about precisely where, in the more than 100 million square miles of the deep ocean floor, the richest of those "dark unfathom'd caves" do lie, what they contain and how to recover their wealth at a cost worth paying. We do know that formidable economic and technical obstacles still lie between us and the exploitation of the wealth of the deep ocean floor. We do not yet know when, or even whether, these obstacles can be overcome.

114. The limits of our knowledge in this field are made clear in the excellent report of the Economic and Technical Working Group of the *Ad Hoc* Committee, document A/7230; Annex I—a report which already lies before this Committee and which I commend to every member. The thirty-five members of the Working Group and their expert advisers have produced an admirably concise picture of the little we now know—and of much more that remains to be discovered.

115. They have demonstrated how much more we need to know before we can answer two basic questions: First,

what resources does the sea-bed hold? Second, how and at what cost can those resources be retrieved and used for human benefit?

116. As to the first question, the report sums up the little that is known or suspected concerning resources on the sea-bed and the ocean floor beyond the continental shelf. Placer deposits of gold, iron and titanium in the form of ilmenite, diamonds and other industrial minerals may be present in the depths near the mouths of major rivers. Petroleum may be present in some of the sedimentary deposits extending beyond the continental shelf, as well as in small ocean basins such as the Gulf of Mexico, and even possibly on some parts of the ocean floor. Manganese nodules have been found extensively on the floors of the Pacific, Atlantic and Indian Oceans, and these contain higher admixtures of other important elements, notably cobalt, nickel, copper, and similar nodules found in shallower waters. Phosphorites are found on various parts of the continental shelf, the continental slope, and submarine banks. Recently in the depths of the Red Sea metal-bearing muds have been found, rich in copper and zinc.

117. To bring these fragments of knowledge into perspective, the report sums up its findings under three points:

“(a) It appears certain that substantial resources exist beyond the continental shelf.

“(b) Present knowledge of the extent of these resources and their distribution is still limited and incomplete.

“(c) It appears most appropriate to foster research and exploration activities in order to fill the extensive gaps in present knowledge.” [See A/7230, annex I, para. 10.]

118. Now I come to the second great question: How and at what cost can the wealth on the sea-bed and the ocean floor be retrieved? This is partly a question of technology, and partly one of economics.

119. The technology in this field is advancing steadily. Consider, for example, deep-water petroleum production. By the end of this year oil men expect to be producing from wells under as much as 200 metres of water. Within three to five years they expect to increase this maximum depth to about 500 metres. Within ten years they hope to be able to drill producing wells under waters as deep as 2,000 metres, or about a mile and a quarter; but this will require entirely new technology not available today, and its economic feasibility is a question mark.

120. A similar situation exists in the recovery of manganese nodules. These can now be recovered by dredging in depths of no more than 30 to 60 metres. Designs have been made for equipment that could recover these nodules at depths of more than 1,200 metres, but these designs are in a very preliminary stage.

121. As to the muds in the Red Sea depths, we do not yet know how to recover them in quantity. This technological problem is merely in the investigation stage.

122. But there are not only problems of technology that stand between us and the wealth of the sea-beds. There is

also—perhaps even more—the problem of costs. Minerals are usually far more accessible and, for this reason alone, cheaper to produce on dry land than they are under water. Therefore, sheer economics usually dictates that the dry-land deposits should be worked first. Recently phosphorite deposits have been discovered on all continents, and these are much easier to exploit than those under the seas. The marine manganese nodules have potential value chiefly because of their content of nickel, copper, and cobalt, but land deposits of these elements also exist in sufficient quantity and quality to put the sea-bed nodules at a great competitive disadvantage for some time to come.

123. Furthermore, these cost differentials increase rapidly with the increasing depths of water, as petroleum drillers well know. Thus, for the near future, at any rate, sheer economics gives a very strong advantage to dry-land resources, and to the shallower waters of the continental shelf.

124. But, of course, we would be foolish to confine our thoughts in these matters to the near future. The Working Group report wisely observes that “in spite of the factors that now seem to diminish prospects for early exploitation of ocean floor resources, the accelerating growth of technology and the widening interest of potential investors justify cautious optimism concerning their future development”. [Ibid., para. 26.]

125. If that cautions optimism is to be borne out, what is primarily needed at this time is not a rush to our dredges and drilling rigs to dig up the ocean floor. We do not yet really know what is on it that is worth digging up; nor do we know how to dig it up at acceptable cost and without the disruption and pollution that could seriously interfere with the living resources of the seas that are a part of our natural patrimony. Certainly no nation need fear that this proposal will be the signal for an old-fashioned, first-come-first-served, world-wide gold rush under the oceans. Such a thing would be as unfeasible as it would be unjustifiable.

126. As the Working Group makes very clear, the first requirement today is more knowledge through greater research. Such knowledge is of fundamental importance to man's understanding and use of the entire marine environment, including the sea-bed and the ocean floor. The realm to be explored is so great, and our knowledge of it is now in such an early stage, that the task of research before us is of world-wide dimensions—and demands a world-wide effort.

127. Such world-wide scientific efforts are not without precedent. The greatest of them up to this time has been the International Geophysical Year—an international scientific effort which has yielded a multitude of important discoveries. It is worth noting in passing that the original “year” was, by general agreement, extended beyond its original span in order to gain the greater benefit for science.

128. It is in precisely that spirit that President Johnson, noting the growing need for a knowledge of the oceans and the growing international interest in that subject, proposed an international decade of ocean exploration. In recent months that concept has been favourably received by a number of international bodies. Last June the proposed decade was considered also by the Intergovernmental

Oceanographic Commission, which pronounced it a useful initiative which would broaden and accelerate the investigation of the oceans and strengthen international co-operation in that field. In August 1968 the Economic and Social Council invited the General Assembly to endorse the concept of a co-ordinated long-term programme of oceanographic research and, in so doing, to take into account also "such initiatives as the proposal for an international decade of ocean exploration".¹² Also in August, when the *Ad Hoc* Committee on the sea-bed met in Rio de Janeiro, its members welcomed and widely supported the proposed decade.

129. What, then, is the decade to consist of? What would be the scope and substance of its work? How would it be organized and financed?

130. Those questions can be answered now only in broadest outline. My Government has not tried to prejudge the scope or types of projects or the exact arrangements for planning and organization, for the answers to those questions depend on further consultation with other nations. The United States expects to propose specific projects next year, and we shall in turn study with interest all the proposals of others. However, some comments on those questions may be useful even at this early stage.

131. Regarding the scope of the decade, I think it is clear to all that it would include not only the resources of the ocean floor but also those of the entire ocean. In fact, the continental shelf will undoubtedly provide the chief initial focus of interest for many States; but research on the sea-bed and the deep ocean floor, beyond the continental shelf and even the continental margins, will be an important component of the decade as we see it. Indeed, since the deep oceans cover by far the largest and least-known areas, and are the property of no nation, scientific research concerning them is a particularly appropriate field for international co-operation.

132. The heart of the decade's work in all these oceanic environments would be exploration in the very broadest sense—scientific as well as geographic. We would seek to discover what kinds of resources exist on the sea-bed; in what environments they occur; how they are formed; what their characteristics are; and what their potential may be. We would undertake surveys in order to draw geological, geophysical and bathymetric maps of the sea-bed to establish its topography as well as its geological composition and structure. By such surveys we could establish the broad character of the sea-bed, delineate its major geological elements and help to define the geological provinces favourable for the occurrence of potentially valuable minerals.

133. But, of course, it is by definition impossible to say exactly what questions science will try to answer as it probes this little-known realm. There is always an element of serendipity which causes investigators to think of new questions—sometimes the most inspired questions of all—as their explorations proceed. That is one reason why it seems wise to include in a single endeavour the entire oceanic realm, for we can only fully learn by further research what

connexions and mutual effects exist between the parts of that realm—the floor itself and the teeming waters that lie above it.

134. As one example of the benefits which the decades research may bring, we heard the representative of Libya refer on Monday 4 November [*1597th meeting, para. 19*] to the importance his country attaches to submarine archaeology and the need for international co-operation in the investigation of sunken cities and shipwrecks. That field of research would seem to be a most promising focus for some of the decade's projects.

135. Now a second question: how is the decade to be organized and planned?

136. My Government believes that nations should formulate plans for specific projects; seek appropriate co-operation with other countries and organizations in those projects; arrange appropriate ways of financing and carrying them out; and supervise their own work and publish their results.

137. If the decade is to succeed, many nations from all parts of the world must participate, particularly the developing nations. No doubt a number of interested nations, including developing nations, will not be in a position to undertake ocean expeditions by themselves, but nations can also play an important part in the decade by joining in a co-operative venture. The experience gained in that way will help them to develop their own projects. Technical assistance funds could be obtained through the usual multilateral and bilateral channels to help developing countries to undertake projects of especial interest to them. In addition, developing nations may wish to have surveys made of promising resources along their coasts, under arrangements acceptable to them.

138. Let me emphasize, in this connexion, an obvious but very important point. It is implicit in the very idea of a programme of international co-operation, in ocean exploration as in any field of endeavour, that the participation of any State is based upon its own continuing consent. That is true of activities conducted in areas beyond national jurisdiction. All the more is it true of activities by other States, or by international organizations, in areas subject to national jurisdiction. Thus no question can arise here of infringement of national prerogatives of any sort.

139. Another major element of the decade should be the training of ocean specialists from the developing nations. To that end my delegation supports the proposals of the Secretary-General that the Member States and the United Nations organizations should take the requisite steps to strengthen existing marine education and training programmes and initiate new programmes wherever necessary. Indeed, I would express the hope that one result of the decade of ocean exploration would be an increase in the number of institutions of learning the world over devoted entirely to the study of the sea and to the education of qualified scientists in this immense field of knowledge.

140. To co-ordinate all the scientific activities by nations participating in the decade, we anticipate that the principal forum would be the Intergovernmental Oceanographic

¹² Economic and Social Council resolution 1381 (XLV).

Commission. The IOC would co-operate with other interested agencies to that end—helping to arrange conferences, establish data banks and facilitate the exchange of information and doing whatever else might be necessary, without needless overlapping, to provide links between related projects. That responsibility would add to the IOC's work-load but would not change its basic character.

141. Indeed, it is clear that no action could change the mandate or terms of reference of the IOC, since these are matters lying solely within the competence of the member States of IOC and ultimately of the members of the parent body, UNESCO. My delegation has noticed with interest the summary of the results of a recent meeting of consultants convened by the Bureau of the IOC [A/C.1/973] concerning certain revisions in the IOC's organization and work. We quite agree with those who have observed that any decision on such matters as these remains the ultimate responsibility of the member States of the organizations concerned.

142. It has been asked what the relationship is between the decade and the Secretary-General's expanded programme. My Government sees the decade as an important part of a long-range programme of research and exploration under the general aegis of the United Nations. It is thoroughly consistent with the Secretary-General's proposal for promotion of international co-operation to assist in a better understanding of the marine environment through science.

143. Finally, may I say here a word about the procedure for handling the decade proposal in the General Assembly. My delegation has substantial reasons for believing it appropriate that this proposal be placed before the First Committee, and adopted by it, in connexion with the report of the *Ad Hoc* Committee on the sea-bed. This proposal was among several proposals which received favourable consideration during the meetings of the *Ad Hoc* Committee on the sea-bed and which are now reflected in draft resolutions before the First Committee. Also, I think it is generally understood that the standing sea-bed committee, whose creation we are considering here in the First Committee, will be one of the bodies through which the report on the decade will be made to the General Assembly. In fact, that standing committee will be the only United Nations sub-organ so concerned with this report.

144. In our draft resolution [A/C.1/L.429/Rev.2 and Add.1] we have thought it best to leave a certain flexibility as regards the channels through which this report will be submitted to the General Assembly. For example, the extent to which the IOC may be required to report through its parent body, UNESCO, is a matter determined by the constitutional relationship between those two bodies and it would not be proper to deal with it in the Assembly's resolution. Moreover, the question of whether it will be useful for the report to be channelled also through the Economic and Social Council is one which, in our view, would best be left for later determination.

145. Such is the nature of the proposed international decade of ocean exploration as we conceive it, and as the concept has thus far been developed in the discussion of the *Ad Hoc* Committee on the sea-bed, in the Economic and Social Council, and in other concerned organizations.

146. My Government believes this concept has now matured to the point at which the General Assembly should endorse it, and thereby officially launch the decade as a great international enterprise. That is the purpose of the draft resolution which the United States and its co-sponsors have presented, and on which we invite the co-sponsorship of every member.

147. Mr. SOLOMON (Trinidad and Tobago): Mr. Chairman, this is the first time that Trinidad and Tobago is speaking in the First Committee for this session, and after having, for the last few weeks, had the opportunity of observing the manner in which you have been discharging your functions, I feel that we have now sufficient evidence upon which to justify a modest expression of self-satisfaction with the wisdom we exercised in selecting you as our Chairman and in giving to the other members of the Bureau their respective responsibilities.

148. When the Government of Malta some thirteen months ago approached the Government of Trinidad and Tobago for a reaction to its proposal that the United Nations should take steps to bring within its aegis the question of the sea-bed and ocean floor beyond the limits of national jurisdiction, my Government reacted spontaneously with enthusiasm and encouragement. We were excited by the potential that this subject appeared, and still appears, to hold for the promotion of economic development in areas where it is so vitally needed; for the promotion of international co-operation, of which, unhappily, there is never enough; and for the promotion of scientific and technological advances that could not fail to be both spiritually and materially enriching in their consequences.

149. My Government reacted, too, with admiration for the inspired imagination that moved the Maltese Government to address itself to this idea, and today, a year later, we still do not feel that it is inappropriate for us to express again to the Ambassador of Malta our congratulations and gratitude for his historic initiative. It is an occasion of special gratification for us, too, when we reflect that Malta, like ourselves, is an island State, and a small State, and a State that is far from rich, and in spite of all this, a State that has shown itself quite capable of directing the international community in this matter with such visionary inspiration and foresight.

150. The distinguished ever-green, dare I say ever-flowering, Ambassador Baroody of Saudi Arabia, in his contribution to this debate some days ago [1592nd meeting], reminded the big Powers—as he tends, happily, to do from time to time in various forums of the United Nations—that they are not the repositories of all wisdom, nor, indeed, of all morality, and that they do not hold an entitlement to determine between themselves, without reference to the views of the vast majority of mankind, on what principles, both legal and ethical, or according to the imperatives of what interests, the world is to be organized. The value of the role that small States have to play in the charting of the future of mankind and in the guidance and containment of the behaviour of the super-Powers when they lock their horns against each other and cannot move, is demonstrated here again, by the leadership which Malta has taken in this area, as it was demonstrated by the leadership which

Ireland so necessarily, and so successfully took in the matter of non-proliferation. Neither Malta nor Ireland is likely in the immediate future to be in a position to exploit the ocean floors or, even if they wished to create nuclear weapons; neither for the time being is Trinidad and Tobago.

151. And that is precisely why my Government, and I dare say the Governments of all the other developing countries represented in this room, feel not an unmixed enthusiasm and optimism at the glorious panorama of potentialities suggested by this draft resolution; but it is optimism which is darkened by an anxiety born of the inescapable awareness that for reasons of economic and technological inferiority the real kernel of this matter is not accessible to us and that were it not for the United Nations, again in this field as in so many others, our physical dependence on the big Powers would be well-nigh total and our obligation to accept their leadership and patronage dishearteningly and exasperatingly inescapable.

152. We have other reasons for feeling anxiety however, reasons perhaps more alarming even than the possibility of being disinherited by the super-Powers. The essence of the political problem has to do with ownership—ownership in all its manifestations: rights of control, rights of occupation, rights of exploration, rights of research and so on, and the cognate right to exclude others from control, from occupation, from exploitation and research. Ownership as a theoretical and as a practical concept is, we are very well aware, at the heart of the ideological confrontation between the communists and the capitalists. So that now that our attention has been directed to vast new areas of potential riches, we must anticipate that the question of ownership will once more threaten to precipitate a confrontation between the big Powers—not a comfortable prospect now that they are both armed to the degree where they are capable of destroying us all in order to prove a point.

153. We perceive that the crucial problem here is to bring about a reconciliation between the great Powers in advance of the ideological confrontation that would otherwise take place if we were to leave the subject matter in its present state; that is to say in a state of *res nullius* which, to use a less technical formulation, simply means that it is “up for grabs”. As far as the developing world is concerned, this means that only a very small portion of mankind has any effective rights at all, actual or potential, because we are technologically ill equipped to engage in a game of grabbing with the big Powers. We can see no alternative other than to declare the area to be the property of all nations and to create supranational arrangements for its exploitation and administration and for the equitable and progressive distribution of its wealth.

154. So we have no difficulty whatsoever, Mr. Chairman, as you might well imagine, with the suggestion that due account should be taken of the needs of the underdeveloped world. We feel that if the riches of the deep are to be mined, then certainly a first claim on the profits should be the claim of those peoples who have the greatest need for economic relief. But we know from experience that this will have to be fought for every inch of the way, because the very nature of the operation puts the matter substantively beyond the reach of the technology of the developing countries.

155. Now we observed very carefully the attitude adopted by the representative of the USSR when he was describing the difficulties that his Government would have in participating in a régime calculated to preserve the area in question as the common heritage of all mankind [1592nd meeting]. We are not saying that we do not have sympathy with the Soviet position in so far as it describes the crux of the difficulties that we are going to have to resolve. But in so far as it expresses a position which is based on the assumption that in this area the ideologies cannot come to a compromise without destroying the objectives to which they both pay lip-service, then our sympathy for the Soviet position must vanish.

156. Today we have before us the report of the *Ad Hoc* Committee [A/7230] which is the first institutional creature to spring from the Maltese resolution. We note that it has already made commendable progress in suggesting for us what the conceptual dimensions of this subject-matter might be. Thanks to the work of the *Ad Hoc* Committee, we are today far more conversant with the nature and quality of the difficulties that will have to be overcome and the complexities that will have to be unravelled, particularly the legal and political complexities, before we can begin to inch our way towards the realization of the objectives which justified the original Maltese initiative. In the scientific and technological domain the picture is as unclear and as inchoate as in the other two. In each sector we are given considerable information, but we are left, nevertheless, with the certainty that before any of the subject-matter can be confidently managed, very, very much more work will have to be done. The *Ad Hoc* Committee has done highly commendable work in defining the problems to be solved and in suggesting how further advances might be made into what was a year ago virtually a trackless wilderness.

157. The *Ad Hoc* Committee's report advises us that it will be some time before even the most advanced countries will be in a position to exploit the deep sea with profit. We do not take this to mean that we can defer the issues of principle until that time. On the contrary, we feel that we would be in dereliction of our duty to posterity, and indeed to ourselves, if we did not take, now that we do have a moment's grace, adequate preventive measures against a recurrence of the imperialism which has already once so badly crippled the spirit and society of man.

158. Freedom of scientific research is a concept, again, which, while superficially attractive, nevertheless gives us pause. Freedom of scientific research must not be taken to mean that scientific researchers are free to proceed in an uneconomical or chaotic manner. Our thirst for knowledge in the area must not be so great that we permit and encourage scientific research to proceed in a manner which is incompatible with a régime of good order and international responsibility. Moreover, research in this environment is going to be an expensive business; and while we have no doubt that a certain amount of it might be undertaken in a spirit of pure investigation, we know full well that where a heavy investment is concerned the motivation is unlikely to continue for very long to be so pure. We must be aware that unless the research is conducted under the aegis of an international agency, that is to say, if it is conducted either by an individual State

acting on its own initiative, or by a corporation or even an individual, it is more likely than not going to be the precursor of a campaign of self-serving exploitation. So that those who have urged making an early declaration to the effect that the environment should permit freedom of scientific research might well be declaring an ideal which ignores the reality of economic motivation and ignores the relationship of interdependence between research and exploitation. They are both, in most cases, expressions of an incentive to profit, and so we must proceed with great care.

159. One of the central technical problems which face us is, of course, to define geographically and topographically the limits of the subject-matter, and we feel that this is a matter of some urgency because the longer the environment remains undelimited the greater will be the opportunity and temptation to alter the prospective boundaries before they become legalized. Perhaps the proper method would be for a third conference on the law of the sea to be convened and perhaps for a review of the Convention on the Continental Shelf¹³ to be undertaken. But what we can say at this stage is that the matter is urgent, and we feel that before long the permanent committee which we are hoping to establish as a result of this debate will be in a position to give some authoritative guidance as to how we should proceed.

160. However, now is the time when it must be made clear that any advance exploitation or occupation of the area, undertaken in the interests of private profit or national self-interest is a violation of the spirit of international co-operation.

161. Technology is creeping up on us on tip-toe and we must not allow ourselves to be confronted with a new world to be organized while we are still, from a philosophical and moral point of view, unprepared and still ready only for chaos.

162. The question of the demilitarization of the sea-bed and ocean floor is slightly more delicate and from an administrative point of view my delegation is so anxious for results that we are quite prepared to be absolutely permissive. We do not feel that it serves the interest of the international community to adduce legalistic objections to the proposal that the question of the non-militarization or the demilitarization of the environment, as the case may be, should be referred to the Conference of the Eighteen-Nation Committee on Disarmament. Whether that Conference is or is not a competent organ is to us of so little relative importance that we are prepared to ignore it completely. We welcome enthusiastically any proposal which will bring the big Powers together in a spirit of collaboration for the purpose of programming their military disengagement, and we really could not care less where the meeting is or what the forum, provided the dialogue is engaged and the objectives of demilitarization are advanced. So let us not quibble about the competence of the Eighteen-Nation Committee. If the big Powers will talk to each other under the aegis of the Eighteen-Nation Committee, we are perfectly happy, and we encourage and support any initiative in furthering this objective.

163. The report of the *Ad Hoc* Committee does not disclose anything from which we are entitled to conclude that the big Powers are unwilling to exercise restraint. We feel that they respect each other, or, if you wish, that they fear each other, too much to be indifferent to the dangers of permitting anarchy to reign in this environment. We feel that there is a genuine wish to co-operate, a genuine reluctance to engage in a new submarine arms race, and we feel, that in our modest way, the third world has an opportunity here to mitigate, by our presence and participation and by our interest, the starkness of a direct confrontation between the big Powers beneath the ocean.

164. The two draft resolutions proposed by the big Power [*ibid.*, annex III] raise the possibility that the environment is no longer as virgin as we might wish it to be. So perhaps the appropriate action from the General Assembly should simply be an exhortation to the big Powers to demilitarize, if they have already militarized the area, or to refrain from militarization, if they have not yet done so, and to proceed with all due dispatch, in any event to the negotiating of a treaty whose object would be to establish and maintain a régime of non-militarization on the deep-ocean floor.

165. The problem before the world community is precisely the problem of reconciling, without recourse to the lawlessness of the jungle, the apparently irreconcilable ideological positions of the super-Powers; because the alternative to reconciliation and to the submission of both ideologies to regulation by a universally accepted régime, will be to engage in a new colonial contest beneath the sea, with a repetition, magnified this time a thousand-fold, of all the sad consequences of the first one.

166. We commend the Government of Iceland for its initiative in putting before us draft resolution A/C.1/L.431 and Add.1 on the question of controlling pollution of the environment. We are pleased to co-sponsor that draft resolution. Iceland is not the only country which experiences justifiable concern over the threat to the environmental ecology. Trinidad and Tobago is a State comprising two islands, and we are traditionally and constantly engaged in an intimate relationship with the sea, from which we feed ourselves to an important extent and which is a source of recreation to our people, and whose beauty and healthful properties form an integral part of our culture. Pollution of the sea is, to our mind, an act of the most wanton vandalism; we greet the Icelandic draft resolution with enthusiasm and we petition all members of this Committee to join in its support.

167. The proposal that came from the United States for a declaration of an international decade of ocean exploration [A/C.1/L.429/Rev.2 and Add.1] is not unwelcome. In passing may we express the hope that any such project will be fully co-ordinated with the plans for the second development decade as part of an over-all effort to ameliorate the conditions affecting so much of mankind that require amelioration. It certainly will not be a disadvantage to learn more about the scientific nature of the environment in question, and as the international decade will concern itself with problems of exploration and scientific research to that extent we do support it.

¹³United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

168. But if the exploration is the inseparable concomitant of ocean exploitation, then we prefer to remain ignorant until we have settled the legal and philosophical régime that will regulate the manner of the exploitation and the consequences of it, rather than to encourage exploration which results in claims of the right to exploitation and the consequent risk that the law, when it comes to be agreed upon, will have no alternative but to ratify claims and acts which were transacted in conditions of anarchy.

169. In this connexion we strongly support the suggestion that there should be a freeze on further claims of international sovereignty or rights of exploitation beyond the area of the continental shelf.

170. The representative of Norway made the highly enlightened and practical suggestion [1593rd meeting, para. 16] that States might register with the Secretary-General all activities in which they are currently engaged, and we support this suggestion.

171. Many of the objectives in the proposals for declarations by the General Assembly have unfortunately, in our opinion, found expression in formulae which are at one and the same time too wide to be effective and too flexible to escape the possibility of ambiguity and conflict. The provision, for example, restricting the use of the environment "for peaceful purposes" is an expression certainly offered in good faith but one which from a practical point of view is so wide that it is capable of abuse from far too many angles. Nuclear missiles are being installed with the declared intention that they should "contain aggression" and "ensure freedom", and blood is regularly shed "for peaceful purposes". Even microbiological warfare research is being conducted at many centres throughout the world "for peaceful purposes", and for "defensive purposes". We feel that the aim should be either that the environment should be completely demilitarized, if there are already military installations there, or else it should be declared to be out of bounds absolutely for the deployment and installation of machines of war, whether the intention be to use these means in defence of peace or in violation of it. Let us try to avoid a form of words that invites semantic wrangling and try to say clearly what we mean.

172. The choice now before us is either to continue the mandate of the *Ad Hoc* Committee with or without modification or to create, perhaps with expanded membership, a permanent committee whose terms of reference will permit it to continue along the lines identified by the *Ad Hoc* Committee in the direction of the same objectives.

173. As one of the countries that pioneered the general review of the economic and social activities of the United Nations which resulted in the creation of an Enlarged Committee for Programme and Co-ordination, we are peculiarly sensitive to the unfortunate and self-defeating consequences that flow from a lack of co-ordination. So we feel that in this vast field there is every justification for the establishment of a permanent committee to be entrusted with responsibilities for co-ordination.

174. We feel certain that the proposal for the creation of a permanent committee contained in document A/C.1/L.425 and Add.1-7 which we have co-sponsored along with many

other countries, is both sufficiently clear and yet sufficiently flexible and accommodating to meet the needs of the present situation and we recommend it strongly to the First Committee.

175. The intention is not that the permanent committee should, of itself, necessarily engage in substantive research in the area, but that it should guide and co-ordinate the work being done by the specialized agencies and other organs which have been active in this field in the past and which might legitimately expect not to have their mandates usurped since their record is not unsatisfactory. The IOC has done remarkable work, has acquired valuable experience and we note that the *Ad Hoc* Committee has gone out of its way to commend its performance [see A/7230, para. 28]. We would not wish therefore to see any reduction in the mandate of the IOC nor would we wish to see any incursions into its area of operations by other agencies. The Committee for Programme and Co-ordination in the second part of its second session in June addressed itself to the problem. In its report there is this statement:

"The Committee notes the large number of interagency projects listed in the appendix and expresses the hope that they will be properly co-ordinated."¹⁴

An appendix of the Administrative Committee on Co-ordination report on Marine Science and its Applications lists a truly formidable number of organs already engaged in a great variety of projects in this area.¹⁵ The field is already quite cluttered.

176. It will serve no one's interest if there is unnecessary duplication and it will be the responsibility of the proposed permanent committee to ensure, on the one hand, that there is no duplication of effort and, on the other, that no empire building is illegitimately pursued.

177. As we see it, at the present time the deep sea belongs to no one and is exploited by no one. It forms part of the legitimate current economic expectations of no one; it affects no country's budgeting or accounts. When technology is sufficiently advanced there is the near certain prospect of a bonanza which might well be sufficient to redress once and for all the crushing inequalities in the distribution of the world's wealth and development, and it is within the power of the world community to use the new riches to this end. The new riches can either be used to redress the imbalance, or they can be used to aggravate it. The community has a choice. And what perhaps makes the choice more agonizing for the advanced countries is that there is still time for the choice to be made with deliberation.

178. We feel that it is the role of small countries to help our powerful brethren make with proper deliberation the proper choice. Trinidad and Tobago welcomes the creation of a standing committee to deal with this matter and we would welcome the opportunity to serve on it. To the work of such a committee, Trinidad and Tobago would undertake to contribute to the fullest extent of its efforts and

¹⁴ See *Official Records of the Economic and Social Council, Forty-fifth Session, Supplement No. 9* para. 273.

¹⁵ *Ibid.*, Annexes, agenda item 23, document E/4486/Add.1, annex V, appendix, Forty-fifth Session.

our Government is prepared to service it with whatever technical personnel may be required in the appropriate fields of discipline. From membership of this Committee we are certain also that we will learn and this we are equally anxious to do.

179. We would welcome membership on this Committee also because as a maritime nation we have special interests; as a country whose economy is largely dependent on oil, a proportion of which comes from submarine areas, we find it necessary to take an active part in the preservation of our own life line; as a small State with friendly neighbours whose interests in this field are very similar to our own, we desire to join with those neighbours in arriving at a *modus vivendi* which would obviate later misunderstanding. For these and other more obvious reasons my Government has instructed us to indicate our keen interest to the Committee in gaining membership, and it is fully prepared to undertake the expense and sacrifice necessary to contribute usefully and effectively to the deliberations of the new proposed permanent committee.

180. The CHAIRMAN: I thank the representative of Trinidad and Tobago for the congratulations he extended to me and to all the members of the Bureau.

181. Mr. MENDOUGA (Cameroon) (*translated from French*): Mr. Chairman, your outstanding qualifications, your personal qualities and the fact that you are a citizen of the beautiful country of Italy, have given us confidence in appointing you to the post of Chairman of this Committee, which deals with political and security matters and that is why we elected you unanimously. In keeping with your request that we should not spend a great deal of time in congratulating you, I shall bow to your courteous authority by extending to you very simply but very sincerely the warm congratulations of the Cameroon delegation on your outstanding election. I shall be equally brief in congratulating your fellow Officers, Mr. Galindo Pohl of El Salvador, and my friend Mr. Zollner of Dahomey, on their election to the posts of Vice-Chairman and Rapporteur of our Committee.

182. The question of the exploration and exploitation of the sea-bed and the ocean floor beyond the limits of the national jurisdiction of States has a special importance for Cameroon. Cameroon gives onto the sea, and is thus interested in everything that happens in that area. However, the primary reason for our interest in this question arises, on the one hand, for the vast prospects offered to all countries—developed and more especially developing countries—by the exploration and use of the great storehouse of resources, the extent of which is still unknown, although early investigations leave no doubt that they are immense and, on the other hand, it arises from the challenge this complex question poses to our Organization, to the desire of Member States to co-operate and to the human imagination.

183. For this reason, I should here like to thank the delegation of Malta for having drawn our Organization's attention to this question at such a propitious moment.¹⁶ I

should also like to express our satisfaction with the report of the *Ad Hoc* Committee which was entrusted by resolution 2340 (XXII), adopted at the General Assembly's twenty-second session, with three basic duties, namely: first, to study, in co-operation with the Secretary-General, the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction; secondly to undertake a survey of the past and present activities in this field and of the scientific, technical, economic, legal and other problems relating thereto and, thirdly, to give an indication regarding practical means of promoting international co-operation in this enterprise.

184. The *Ad Hoc* Committee has fully discharged these duties. Its work will form a solid basis for our gradual progress towards the achievement of our goals, which must now be clearly stated, in keeping with the purposes of the United Nations.

185. These goals are specified in the wording of the item. They consist in exploring and in using exclusively for peaceful purposes the resources of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas, and in exploiting those resources in the interests of all mankind. Thus action at any level to achieve these goals must be carried out along the lines and within the framework determined by the Committee.

186. The Cameroonian delegation is of the opinion that the broad principles of this action must conform to the goals we have set ourselves. Furthermore, these principles must be based on the sense of human solidarity, the desire for international co-operation and the legitimate aspirations of the developing countries to enjoy the benefits of modern science and technology which should mark any human undertaking in the present-day world.

187. There is general agreement on most of these ideals. However, in the area of the exploration and exploitation of the ocean depths, in which man is going to be resolutely engaged in the near future, we must make them a living reality. To achieve this, the Cameroon delegation feels that we must here and now lay down the broad principles which must guide these activities. We should learn from experience and from history. When Europe, because of its human and economic potential and its material power to explore, set out to conquer and colonize other parts of the world, that represented for it an adventure which was as exciting and as full of promise as the one which has already begun and will continue in the depths of the ocean.

188. The aim then was to appropriate territories and their resources in accordance with the concept of *res nullius*. As we all know, the result was an expansionist movement whose direct outcome was, in short, colonialism, with all the results which the United Nations firmly and unequivocally condemns. Among these results, I should like to mention the conflicts of interest which so often degenerated into war and which finally resulted in the Berlin Conference of 1885 for the repartition of colonial territories. Furthermore, in this process the colonialist States deemed it necessary to set up military bases in the territories to which they had extended their rights of sovereignty. In other words, after engaging in an arbitrary expansionist movement, sometimes for reasons of prestige,

¹⁶ See *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 92, document A/6695.

sometimes on scientific pretexts and sometimes for economic motives, Europe moved towards an end result which is certainly not the one we are hoping to achieve today. Our Committee's agenda reveals the nature of our concerns.

189. This brief historical résumé is only intended to demonstrate, if further proof were needed, that now when nationalist designs on the areas of the ocean depths beyond the limits of national jurisdiction which are known to be especially rich in all sorts of resources have not yet taken shape, we have the duty to forestall any future problems by setting ourselves a frame of action in keeping with the goals I mentioned earlier, based on the premise that this area is the common heritage of mankind, that no State has the right to arrogate to itself or exercise sovereignty over any part of this area, and that all military activity must be excluded from it. The Cameroon delegation considers that this approach is the only one which can allow for a rational exploration and exploitation of the resources of the sea-bed and ocean floor.

190. In this spirit, my delegation considers that the draft declaration submitted by India, on the one hand, and the draft declaration submitted by a number of African, Latin American and Asian delegations on the other, which are reproduced in the *Ad Hoc* Committee's report [see A/7230, annex III], embody the essential principles which must be reconciled with all other differing but not contradictory points of view.

191. Over and above its political timeliness, which I have just mentioned, the frame of action we are calling for will be a legal instrument *par excellence*, for it will be drawn up in accordance with the new structures of international society, in other words, with the effective participation and with the special contribution of all its members, great and small, young and old. We shall no longer have a law in the sense that a regional law is extended to make it international, but a law resulting from the general will of all those to whom it will apply and of all those who will apply it.

192. In this spirit, before speaking further on the main ideals which have inspired the various draft resolutions before us, I should like to say that for many reasons which have already been given and which I shall not dwell upon, my delegation is joining with those which have approved the principle of creating a standing committee to pursue the question of the exploration and exploitation of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction. However, we should like to see the terms of reference of this committee broadened so that it may consider the question of calling a future international conference for the purpose of drawing up, in view of the urgency of this matter, the legal instrument, in other words, the frame of action, of which I spoke earlier. We intend in due time to submit a draft amendment in this sense, and we hope it will be approved by both the sponsors of the original draft resolution and by the Committee.

193. In thus stressing the urgency of adopting a legal régime to control this activity, the Cameroonian delegation is raising the problem of establishing an order of priorities in this area. We feel that we should first devote our energies to exploration and to basic research; next should come the

study of the technical bases for co-operation and participation in the exploration and conservation of resources in order, finally, to arrive at the stage of exploitation for the benefit of each and every State. In any event, we would feel that the terms of reference of the standing committee which we mentioned earlier could be extended also to include a survey of the factors in a projected order of priority.

194. Finally, I should like to make a few remarks, not with regard to the texts of the draft resolutions before the Committee, but to some of the main ideas contained in these drafts. I have already said what we would like to add to draft resolution A/C.1/L.425 and Add.1 to 7.

195. With regard to document A/C.1/L.426 and Add.1, which is predicated on the fact that the ocean depths beyond the limits of national jurisdiction are the common heritage of mankind, we are of the opinion that the idea of establishing international machinery for exploring and exploiting the resources of this area might at present be premature. Nevertheless, we feel it would be equally premature to reject it *a priori*. Thus it might be desirable for the proposed standing committee to study it in detail, bearing in mind our goals, and to work out possible alternative solutions to submit to the General Assembly.

196. The Cameroonian delegation welcomes draft resolution A/C.1/L.429/Rev.2 and Add.1, which deals with the idea of an international decade of ocean exploration to begin in 1970 and which would be part of a long-term programme undertaken by the United Nations as a whole. However, it should be stated once again that the activities of this programme, like the question of the sea-bed and the ocean floor, concern as I mentioned earlier, all States, without exception, whatever material means they may have for participating in this undertaking.

197. In the same spirit, we are convinced that this field of activity is a real challenge to man's imagination and that everyone can contribute to it in ways which must be worked out. Here, too, we would like to welcome the assurances given by the United States representative when he stressed the fact that all countries, including the developing countries, can make a contribution to make to this decade. We therefore intend to submit an addition to the original draft resolution so that the Intergovernmental Oceanographic Commission can study and report to the next session the ways and means of ensuring the effective participation of the developing countries in this general co-operative effort for the exploration of the sea-bed and the ocean floor which this proposed decade will represent. We are hopeful that here too the sponsors of this draft resolution and the Committee will support us, thereby guaranteeing that the decade will have the real co-operation of everyone.

198. Such are the remarks the Cameroonian delegation has felt called upon to make on this subject at this stage in our discussion.

199. The CHAIRMAN (*translated from French*): I thank the Cameroonian representative for his warm and friendly words addressed to my country and for the congratulations he was good enough to extend to me and to the other Officers of the Committee.

200. Mr. REYES (Chile) (*translated from Spanish*): Consideration by the United Nations of the suggestion made by Malta opens up vast horizons for all mankind.

201. 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, as unanimously decided upon at the last session of the General Assembly in resolution 2340 (XXII), could represent a historic stage in the progress and welfare of peoples and the achievement of peace.

202. Last year already I had an opportunity in this same Committee [*1526th meeting*] to point out on behalf of Chile the potentialities of this item, as today reflected and crystallized in the important work done by the *Ad Hoc* Committee set up by the General Assembly at its twenty-second session. The Committee's report [*A/7230*] constitutes a methodical, penetrating and as far as this was feasible a comprehensive examination of the topic entrusted to it by the General Assembly. The report gives an excellent account of the technical and economic prospects offered by the sea-bed and ocean floor beyond present national jurisdiction, a lucid statement of the legal problems raised by the subject, and an exposé of its scientific and military aspects.

203. My delegation reiterates its congratulations to the Chairman of the *Ad Hoc* Committee, Mr. Amerasinghe of Ceylon, to the Chairman of the Legal Group, Mr. Benites of Ecuador, to the Chairman of the Economic and Technical Working Group, Mr. Denorme of Belgium, to the Secretariat staff who worked so efficiently, and to the thirty-five members of the *Ad Hoc* Committee, whose work and devotion made possible the excellent results which will be placed before the General Assembly. My delegation wishes to acknowledge the honour done to it and the confidence shown in it in entrusting one of the Vice-Chairmanships of the *Ad Hoc* Committee to Chile.

204. My delegation spoke earlier in this debate [*1588th meeting*] to explain its co-sponsorship of the draft resolution that would set up a standing committee. The draft was originally submitted by the delegation of Belgium and has earned well-deserved tributes. The Chilean delegation believes that later on all the delegations which participated in the three sessions of the *Ad Hoc* Committee should form part of the standing committee. The negotiations to that end have allowed us to progress towards a basis of general acceptance, without whittling away the essence of the draft, which will make future work on the subject easier. The standing committee should be vested with all the powers needed for the proper attainment of the objectives set for the international community by the General Assembly.

205. There is no international law governing the sea-bed and ocean floor beyond the limits of national jurisdiction, nor the resources thereof. Law is being created. This legal régime is designed to ensure, in accordance with General Assembly resolution 2340 (XXII), that the resources of the area in question are used exclusively for peaceful purposes and for the benefit of mankind.

206. In defining a central body of principles that can serve as guidance for the later work to be done by the standing

committee, a large area of common ground has been delineated.

207. My delegation repeats its adherence to the body of principles worked out by the Asian, African and Latin American delegations on the *Ad Hoc* Committee and annexed to its report to the General Assembly.

208. The resources of the sea-bed and ocean floor beyond the limits of national jurisdiction must be exploited for the benefit of mankind, and particularly of the developed countries. This idea presupposes the establishment of an international régime which will make it feasible. Those who are poorest, the inhabitants of the developing countries, whether land-locked or not, must benefit most of all.

209. When this idea is challenged and there is talk of absolute freedom of exploration and exploitation, it is tantamount to advocating, as it were, international guarantees to enable the technologically advanced countries that possess capital, or undertakings from these countries, to exploit the whole of this vast heritage for their own benefit, apparently from now on and without any of the safety requirements which conservation of the ocean's riches demand. The point here of potential concern to all developing countries is possible competition from future exploitation of the sea-bed with their own operations, particularly the acquisition of raw materials.

210. There is no question of our wishing to curb human progress or inhibit future exploitation; but we do feel that the international community should make provision for such eventualities in time and ensure that the interests in question are protected and the havoc that might result for certain countries avoided.

211. Exploitation of the sea-bed beyond the limits of present national jurisdiction can have various unfortunate consequences for the resources within that jurisdiction, as the report of the *Ad Hoc* Committee explains clearly; and in the particular matter of pollution we have before us the Icelandic proposal [*A/C.1/L.431 and Add.1*], of which Chile is a sponsor. The deleterious effects for the coastal State could have repercussions on its fishery and mining resources. My delegation considers that the interests of the developing countries, whether or not they have a sea coast, cannot be disregarded in any declaration of principles.

212. Mention has been made of the need for proper delimitation of the area beyond the limits of national jurisdiction, or the tracing of boundaries between national jurisdictions and the area that should be reserved for the benefit of mankind generally. In the case of outer space, work went on for years before the area was defined, yet there was no difficulty in making progress in the formulation of principles, agreements and draft treaties.

213. If such a delimitation were considered necessary, the logical moment to do it, if it is to be useful, would be after the principles regulating the activities of States in the area so often referred to had been formulated. It seems doubtful, however, whether there is any such need, since General Assembly resolution 2340 (XXII), in referring to an area situated on the high seas and beyond the limits of present national jurisdiction, obviously means the zone beyond the jurisdiction of any State.

214. It is not really appropriate to speak of military aspects. We must speak of exclusively peaceful uses, as General Assembly resolution 2340 (XXII) does, thus excluding military use of the area. As far as we know, the area has not yet been invaded for military purposes. This situation must be frozen immediately and absolutely, and any violation of it must be made the subject of international denunciation and sanction.

215. Document A/AC.135/28, which was requested by the *Ad Hoc* Committee from the Secretariat, contains an excellent study on this aspect of the question. It reaches the conclusion that there is no proof of military use of the sea-bed but that, in view of modern technological advances, it lends itself both to defensive installations and to the emplacement of long-range missiles, including nuclear weapons. The drafts placed before the *Ad Hoc* Committee, although partial, reveal a disquiet regarding these threatening prospects which we must all face.

216. There was a consensus in the *Ad Hoc* Committee, as there had been previously in the Assembly, regarding the exclusively peaceful uses of the sea-bed, and also regarding the need for the future standing committee to have a continuing competence in these matters and to supervise such peaceful uses. The Chilean delegation was one of the first to urge this in the *Ad Hoc* Committee, without prejudice to what the Eighteen-Nation Committee on Disarmament might decide under its own terms of reference.

217. The Secretary-General has proposed an expanded programme of ocean research under the auspices of the Intergovernmental Oceanographic Commission [E/4487 and Corr.1-3, 5 and 6, para. 256] which deserves our full support. The United States too has proposed [A/7230, annex III] an International Decade of Ocean Exploration to become part of the United Nations machinery and be co-ordinated with the above-mentioned programme; this too is of great interest. It is a matter of necessity and urgency to make headway in the knowledge of the resources of the sea and, as regards the sea-bed and ocean floor beyond the limits of national jurisdiction, and the subsoil thereof, to speed up the exploitation of their resources for the benefit of mankind.

218. In this connexion my delegation, like many others, wishes to make it clear that in its view scientific exploration cannot grant any right to subsequent exploitation, and if research is to be carried out within the limits of national jurisdiction it must be duly authorized by the coastal State, which as a rule would grant it, since it would be to its own advantage to do so.

219. My delegation considers that before any research is undertaken, such international organ as may be specified by the United Nations must be notified, so that proper supervision of the research can be established at that stage. The specialized agencies should study ways and means of giving technical assistance to the developing countries to enable them to extend their knowledge of the sea and its resources. Similarly, adequate means should be sought for the transmission of technological know-how from the developed to the developing countries.

220. The developing countries should be placed in a position to promote their own scientific research programmes so that they can exploit the resources within the limits of their national jurisdiction and in due course participate in the exploration and exploitation of the vast areas outside national jurisdiction, in accordance with the international régime to be established.

221. A geo-political assessment shows clearly that Chile, hemmed in between the Andes and the sea, is bound to turn to the vastness of the Pacific Ocean, from its extreme north to the South Pole itself. As early as 1946 Chile proclaimed a zone of exclusive sovereignty and jurisdiction of 200 miles measured from its coastline, to enable it to protect the wealth existing in the waters, on the sea-bed and in the subsoil, and this was expressly stated in the relevant Decree. Later, in 1952, in a declaration concerning the maritime area,¹⁷ the Governments of Chile, Ecuador and Peru proclaimed as a norm of their maritime international policy exclusive sovereignty and jurisdiction over 200 nautical miles measured from the coast line, adding that this included the soil and subsoil underlying the area.

222. These declarations defining national jurisdiction were not, and are not, arbitrary. The distance in question is based on economic considerations related to the fisheries which up to approximately that distance make use of the mineral resources of the land. It is also based on the maritime nature of the countries whose coasts are washed by the largest ocean in the world; on the scientific fact that unlike almost all the other oceans, the Pacific Ocean has virtually no continental shelf at all; and on other considerations which I do not think I need dwell on at present.

223. In the course of these debates we have perceived that the text and meaning of General Assembly resolution 2340 (XXII) have not always been fully interpreted where it refers expressly to the sea-bed and the ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdictions, and the use of these resources exclusively for peaceful purposes in the interest of mankind. These are concepts involving general principles which must be polished and developed from now on. That is why my delegation is insistent in its views.

224. We feel that General Assembly resolution 2340 (XXII) and the item as a whole, completely exclude from discussion here the sea area in question, which is quite obviously within "present national jurisdiction". My delegation raises the point at this juncture because it believes that a State has to make its position clear so as to avoid any possible misunderstanding later.

225. The Chilean delegation appreciates the splendid work done so far on this subject, which it regards as one of vital importance for all mankind and especially for the developing countries. At the same time, it is glad to have been able to play a modest part in the work of the *Ad Hoc* Committee and earnestly hopes it will be allowed to continue to co-operate in this noble cause. The United Nations, with the help of the standing committee to be set

¹⁷ See *Laws and Regulations on the Régime of the Territorial Sea* (ST/LEG/SER.B/6, United Nations publication, Sales No.: 1957.V.2), p. 723.

up by the General Assembly and with the co-operation of its specialized agencies, particularly the Intergovernmental Oceanographic Commission will carry out this task effectively. We shall collaborate enthusiastically in the task, in the conviction that we shall be serving the cause of all mankind and particularly of those most in need.

226. The CHAIRMAN: That concludes the list of speakers in the general debate. I call upon the representative of the Philippines in exercise of his right of reply.

227. Mr. YANGO (Philippines): This morning the representative of Malaysia, in the course of his statement, availed himself of the opportunity to discuss a matter which does not seem to have any connexion with the agenda item on the sea-bed and the ocean floor which is being considered by our Committee. Although he did not mention the Philippines his digression clearly pointed to the action taken by my Government and my delegation concerning the delineation of the baselines of the territorial sea of the Philippines. The Philippines, in the exercise of its sovereign right of legislation, enacted in 1961 Republic Act 3046 which defined the baselines of its territorial sea.

228. Pursuant to a request of the Secretary-General for the submission of national legislation to be published in the Legislative Series on the Law of the Sea, my delegation transmitted Republic Act 3046 to him in August 1967. Subsequently a map of the Philippines showing the baselines and the distances to the maximum limits of its territorial waters was also submitted in order to illustrate and make more understandable the baselines defined and established in Republic Act 3046. That Act was amended last September. To up-date the records of the United Nations the emendatory Act was likewise transmitted to the Secretary-General.

229. The representative of Malaysia said that we could perhaps have done better than produce a map to our liking and deposit it for reference in one of the offices of the United Nations. I say to the representative of Malaysia that he would have done better to consult the map and thereby discover for himself why Republic Act 3046 and the map were placed in the records of the United Nations, information which he should have acquired before engaging in a dissertation on the principles of international law and their possible reversal. If he had seen the map in question I believe he would not have been led into the error of making the digression which he did this morning.

230. I have already referred to an amendment to Republic Act 3046 which was also communicated to the Secretary-General. That amendment is the root cause of the unjustified charges of illegitimate ambitions made against my country by the representative of Malaysia. He had immediately concluded that the amendment and the map somehow dovetailed into each other. As I have said, he would have done better to consult the map, which I advise him to do forthwith.

231. The map does not include Sabah for the present, as the Philippine claim to that territory has not been finally decided by one of the modes of pacific settlement of disputes provided in the Charter of the United Nations, including adjudication by the International Court of

Justice. The Philippines has no desire to burden this Committee or the General Assembly with statements on the Sabah question. We believe that the dispute between the Philippines and Malaysia is a legal dispute. We have invited Malaysia to agree to have the matter referred to the International Court of Justice. We have not given up hope that Malaysia will finally say that a judicial settlement would be the best means of solving the question once and for all.

232. Meanwhile I should like to state that the Philippines maintains the reservation made by the Secretary of Foreign Affairs of the Philippines, Mr. Narciso Ramos, before the General Assembly on 15 October 1968 concerning the status of Sabah [*1696th plenary meeting*].

233. The CHAIRMAN: I call upon the representative of Malaysia, who wishes to exercise his right of reply.

234. Mr. RAMANI (Malaysia): I am very grateful to the representative of the Philippines, even though he has reservations about my representing Sabah, that he found that the digression I made this morning did indeed refer to him, as otherwise all my effort, energy and vocabulary would have been wasted. I am very grateful to him for having picked up the cap and put it on his head.

235. He has said that if only I had consulted the map I might not have fallen into the error into which he suggests I have fallen. I should like to assure him that I had anticipated this intervention and, long before making it, had consulted the map. Therefore, if there has been an error it was on the other side.

236. On Monday the representative of the Philippines, speaking in this Committee, said:

“We need not repeat here the present limits of the national jurisdiction of the Philippines. We have placed these in the records of the United Nations on several occasions, they included the recent amendments to the law defining the baselines of the territorial sea of the Philippines, as well as a map which is available for the perusal of interested delegations in the Office of Legal Affairs of the United Nations Secretariat.” [*1597th meeting, para. 162.*]

237. As an interested delegation we long ago examined that map and I should like to tell the representative of the Philippines that such an examination makes it absolutely clear that the Republic of the Philippines is attempting, at all events, to claim a certain portion of the territorial waters appertaining to the constituent State of Sabah, which belongs to the Federation of Malaysia, if the intention in creating those baselines was to take a first step towards perfecting their right to claim Sabah. And, as I said this morning, this was a reservation of a premature exercise of an inchoate right, and that is what I repeat.

238. In the Bill to which reference has been made, it was said in the explanatory note, paragraph 3—and he must have a copy—“Passage of this correcting Bill is urgent, as the Office of the Secretary-General of the United Nations is asking for the information herein”—and, Mr. Chairman, mark these words—“and a map showing the same.” I am

not aware of any letter written by the Secretary-General—and I have examined all of them—asking the Philippines to send a map. A map was sent and the map contains the particulars to which I have just referred. And as the representative of the Philippines thought fit to state this same fact in the same breath as part of the amending Bill, I considered it my duty, as representing the Government of Malaysia, to state our reservation that if—once again, if—it is the intention of the Republic of the Philippines to make this reservation as a first step to the exercise—as I called it, the premature exercise—of an inchoate right, we deny that right to them.

239. The CHAIRMAN: We have now concluded the general debate on the item under consideration related to the sea-bed and the ocean floor.

240. I have tried to arrange a meeting for tomorrow morning, but for technical reasons it has been impossible to do so. Therefore, we shall have a meeting tomorrow afternoon to start the discussion on the draft resolutions that have been submitted. I hope that on Friday we might be able to proceed to the vote and dispose of the item, in order to start consideration of the next item on our agenda.

The meeting rose at 6.25 p.m.