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*Chairman: Mr. Agha SHAHI (Pakistan).*

**AGENDA ITEM 32**

**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 Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (*continued*) (A/7622 and Corr.1, A/C.1/L.473, L.474 and Add.1-2, L.475, L.476, L.477)**

1. Mr. VINCI (Italy): Mr. Chairman, in view of the many speakers inscribed on your list for this afternoon's meeting, I shall be brief. In my intervention at the eleventh meeting of the Sea-Bed Committee, on 29 August 1969, I stated that the reports of the Sub-Committees showed that progress had been made in our effort at implementing the provisions of resolution 2467 (XXIII) concerning the mandate of our Committee; and I added on that occasion:

"It seems particularly fit to recall that such progress has been achieved in only two years' time after the first presentation by our distinguished colleague and friend of Malta, Ambassador Pardo, of the proposal to include on the agenda of the General Assembly a new item which immediately appeared to imply far-reaching consequences."

2. That progress is visible in many aspects of the matter with which the Committee is concerned. It is certainly manifest in the very fact that the international community has well advanced in identifying the areas of interest and the problems existing in this field. Therefore, there is full justification for the warm tribute paid by many previous speakers to the Chairmen of the standing Committee, Ambassador Amerasinghe, and the two Sub-Committees, Ambassador Galindo Pohl and Mr. Denorme, as well as to their distinguished Vice-Chairmen and Rapporteurs. In

adding my sincere congratulations for the excellent work accomplished under the guidance of such effective teams, I wish to express also my personal regrets in connexion with the announced departure of Mr. Denorme from New York. He will certainly be entrusted with greater responsibilities, but we shall miss his deep knowledge of the problems facing us, we shall miss one of our most hard-working and dedicated colleagues, whose intellectual and professional integrity I, for one, often had the opportunity to appreciate.

3. I feel that we should acknowledge, first of all, the exhaustive work accomplished by the Sea-Bed Committee in their earnest effort to achieve as broad an agreement as possible on a "declaration of principles". On this score, a look at the synthesis contained in paragraphs 83 to 97 of the Legal Sub-Committee's report indicates that, if the differences of opinion are still great, there are a number of areas where agreement has been built up and widened. In other words, there are a number of common denominators on basic issues, and the disagreements substantially relate to the consequences to be drawn from such issues.

4. Thus, while we all seem to accept the concept that there is an area of the sea-bed and ocean floor and the subsoil thereof which is beyond the limits of national jurisdiction, all delegations are not yet ready to agree with our firm opinion that a precise boundary should be established for that area. Again, there seems to be a consensus that the area should not be subject to national appropriation or to claims or exercise of sovereign rights. But in order to establish such a rule—which we consider essential, as do many other delegations—my delegation in this case, and in others as well, is not so sure that it is really necessary and expedient to include in the set of legal principles a concept like that of the "common heritage of mankind", a concept which, despite the efforts made by many colleagues whose juridical knowledge we respect and admire, seems to give rise to certain doubts, especially in so far as a mutually acceptable legal definition is concerned.

5. That is why my delegation still holds the opinion it expressed in the Committee, namely, that such a concept might be embodied, with some drafting changes, in the preamble of a declaration of principles, in view of the fact that we share the philosophy behind it, but that our purposes and objectives will be achieved only if the principles involved are clear in their legal scope and content.

6. Indeed, we all know what is involved in this field, we all know the mandate of the Committee as exclusively stated or implied in resolution 2467 (XXIII), and we know the trends and tendencies which have surfaced in our debates.

7. My delegation continues to believe that it is in the interrelation between the various aspects of the item that we shall find our most challenging tasks. Political and legal problems are here closely connected; the question of the definition of the boundary of the area, in our opinion, must be solved at the same time as the question of the international régime and of the international machinery for the promotion of the exploration and exploitation of the resources of the area. In turn, both the régime and the related machinery are linked with the elaboration of principles and norms for the promotion of international co-operation in the exploration and uses of the resources of that area.

8. The work done by the Committee shows, in our view, that it is possible to approach all these interrelated questions in a businesslike manner, namely, without prejudging the positions of principle held by the different delegations but recognizing that these questions exist and that they must be faced. In this connexion we believe that we should not, either here or in the Committee, take any hasty decisions which, far from promoting international co-operation in the development of the riches of the area, might have the effect of deterring or hampering the gigantic international efforts which will be necessary to that end. We should, in any case, make sure that any régime we agree upon will fully guarantee the freedom of scientific research and exploration, as these are essential for the development of the resources of the sea-bed.

9. We take the same stand on the question of the restriction of the sea-bed exclusively to peaceful uses and purposes. We welcome the progress achieved so far in Geneva and we look forward to the discussions which will take place during the present session of the Assembly, particularly in the context of the debate on disarmament.

10. As we stated in the Committee, we realize that this approach is a complex and difficult one. But we are in search of solutions which require a serious consideration of the political, social and economic interests of our peoples none excluded—and which must be at this same time in the interest and for the benefit of mankind as a whole.

11. In the light of the foregoing positions, my delegation believes that the suggestion put forward by the Committee and contained in Part One, paragraph 19, of its report [A/7622 and Corr.1] is an acceptable one: namely, that the Secretary-General be requested to continue the study on the establishment in due course of appropriate international machinery. The Italian Government is considering with attention the study on the subject previously prepared by the Secretary-General [ibid., Part Three, annex II] and will give the same attention to any further document concentrating on specific areas. We believe that the businesslike approach we referred to previously, which was shown in the first study by the Secretary-General, will also be reflected in future documents of the same kind. It is also in the light of those positions which I have just described that we welcome and support the draft resolution submitted by the representative of Belgium [A/C.1/L.474 and Add.1-2].

12. As for the draft resolution submitted by the delegation of Malta [A/C.1/L.473], we appreciate the reasoning which has led that delegation to suggest consultations by

the Secretary-General concerning the possibility of reviewing the 1958 Geneva Convention on the Continental Shelf.<sup>1</sup> We feel that the convening of a new Conference on the subject would be the best way to tackle the problem in question. However, in order to ensure the success of such a conference we need, as the draft resolution itself implies, adequate preparation and consultations. My delegation is therefore considering the Maltese draft on this point with all the attention it deserves.

13. On the point concerning the appropriateness of asking the Secretary-General to ascertain from Member States their opinions concerning the limits of the area, we would like to be assured that such an initiative would not lead to a freezing of positions which might make the task of the Sea-Bed Committee in the definition of the boundaries of the area even more difficult than it is today.

14. We do know all the complications of these issues and the sensitive problems involved. To conclude on a positive note, I wish to express my delegation's confidence that the Assembly and the Committee will continue to adopt a balanced approach to this important item. We trust that future work in this area will prove that Member States possess the political will and the wisdom of furthering international co-operation aimed at the development of our knowledge of the sea-bed and at the establishment of a fruitful international system for the exploitation of its resources. To achieve that aim we think that we should entrust the Sea-Bed Committee with the task of defining a basis of agreement on the three main items—the principles, the limits of the area and the machinery—in order to prepare a comprehensive document for the twenty-fifth session of the General Assembly.

15. Mr. SHARIF (Indonesia): Before I proceed, may I be permitted on behalf of my delegation to extend our deeply felt sympathy and condolences and to express our grief and sorrow to the delegation of the Federation of Malaysia and the United Republic of Tanzania upon the untimely demise of their Permanent Representatives to the United Nations, Ambassador Dato Mohamed Ismail of Malaysia and Ambassador Akili Danieli of Tanzania.

16. I should like to associate myself also with the sentiments of sympathy that have been expressed to the delegations of Yugoslavia and Tunisia on the tragedies that have recently befallen their two countries.

17. As a country consisting of an archipelago of no less than 13,000 islands on a crossroads between two continents and two oceans, Indonesia attaches considerable importance to the subject under discussion: the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction.

18. From time immemorial Indonesians have regarded the seas surrounding their islands as part and parcel of their national life and a God-given source of food for their living. While farmers till the soil of plains and mountains on the islands, making agriculture their means of living, the seas have become the main source of food for our fishermen and people of the coastal areas. When industry and mining are

<sup>1</sup> United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

making progress on the islands, it is only natural that people should start looking beyond these limits and extend their explorations to the area of the adjacent waters, including the subsoil underlying the seas.

19. The surrounding seas have a profound effect on our physical environment. Rich mineral resources are lying in the subsoil of our shallow territorial waters, on which a large part of our developing economy depends. At present petroleum and tin are being extracted from these 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, using our science-ship "Baruna" to serve scientific and economic ends.

20. In the middle of this year, with the assistance of the United Nations Educational, Scientific and Cultural Organization, we conducted a joint scientific research project together with Malaysia in the straits of Malacca. We have assisted vessels for scientific research passing through our country, and we follow with great interest the scientific achievements of governmental as well as non-governmental bodies in this field, including the reported outstanding results of Global Marine Incorporated with its special drilling ship the *Glomar Challenger* and others. Science and technology continue to open new vistas of knowledge offering man a larger reservoir of resources to meet many of his needs.

21. It is with our own national programme of activities and the interest that our people have in matters concerning the sea and its environment in mind that we welcome the Committee's report contained in document A/7622 and Corr.1. My delegation is most grateful to the Committee for its invaluable comprehensive report. To the Committee's Rapporteur, Mr. Gauci, and its chairman, Mr. Amerasinghe of Ceylon, I should also like to extend my delegation's appreciation for their enlightening introductory comments which they gave in our meeting on Friday, 31 October 1969 [1673rd meeting].

22. Having studied the report carefully and having heard the statements of so many speakers before me, my delegation is pleased to note that there has been general agreement among the members of the Committee. All seem to agree 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.

23. My Government's position on this matter has been clarified in the statement of my Foreign Minister in the general debate before the plenary session on 1 October. He stated:

"On the question of the preservation for peaceful purposes of the sea-bed and ocean floor beyond present national jurisdiction, Indonesia adheres to the principle of 'the common heritage . . . of mankind'".

My Foreign Minister was also specific on the question of an international régime to govern the areas involved. He said:

". . . the establishment of an international régime to govern the exploration and exploitation of the sea-bed

and ocean floor beyond national jurisdiction is a basic step to prevent the use of that area for purposes of other than a humanitarian nature" [1774th plenary meeting, para. 124].

He went on to say further, in connexion with the demilitarization of those areas:

"In this connexion, my delegation would like to stress the importance of the demilitarization of that area. . . . We hope that [soon] an agreement can be reached on the demilitarization of the sea-bed and ocean floor beyond national jurisdiction." [Ibid., para. 125.]

24. In its statement last year<sup>2</sup> my delegation also stressed the few areas where full agreement was lacking and where further clarification was needed. One of these is a clear definition of the area beyond the limits of national jurisdiction. 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. The determination of what constitutes territorial waters and national jurisdiction must lie with each nation, but certain international norms would help to avoid the possibility of conflict.

25. We agree with the representative of Norway when he said that the lack of precise boundaries could be a serious obstacle to the formation of legal norms to govern the exploitation of the sea-bed and ocean floor, and that the most important task now is to work out a set of principles essential to the legal structure of a system for exploring and utilizing the sea-bed and ocean floor beyond the limits of national jurisdiction.

26. The slow process of reaching agreement on equitable international norms or conventions or generally accepted definitions is known to each of us. On the other hand, one is also not unfamiliar with the intense desire and strong pressure of the people in all newly independent countries to accelerate the development of their natural resources. The development of a country just cannot wait until a set of international rules and conventions have been agreed upon. We must also explore other ways and means, and seek preferably pragmatic solutions to cope with the situation. We are not unfamiliar with the question of the delimitation of jurisdiction and boundaries on continental shelves through bilateral and multilateral agreements on a regional basis, such as the shelf underlying the North Sea in West Europe. For our part, Indonesia and Malaysia, in accordance with their national laws and regulations and on the basis of the continental shelf as an accepted legal concept, have been able to arrive at an agreement initialled in Kuala Lumpur on 29 September 1969 on the continental shelf between the two countries. The exploration and exploitation of the areas falling within our respective jurisdiction need not be kept in abeyance any more.

27. The world is now at the threshold of the Second United Nations Development Decade. In our own country

<sup>2</sup> *Official Records of the General Assembly, Twenty-third Session, First Committee, 1601st meeting.*

economic development, that is to say the realization of the five-year development plan, is given first place on the Government programme. All funds and forces are concentrated on achieving that goal, both on the national and on the international plane.

28. It is in this context that in its present intervention my delegation has given its first attention to Part Three of the report [*A/7622 and Corr.1*] which relates to questions discussed by the Economic and Technical Sub-Committee. My delegation is in full agreement with the observations in paragraph 32 stressing the importance of scientific co-operation on a regional and international level. The Sub-Committee's report says further on this matter:

“An important element of such co-operation would consist in training national experts, in particular of developing countries, and in providing them with basic equipment to carry out research and investigation in this field. Such measures would lay the ground for the future direct participation of the countries concerned in the exploration and exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction.”

This is completely in line with our national policy.

29. Another point to which we also subscribe is included in paragraph 33 which stresses the possibility of new forms of international co-operation. The principles involved are:

“... for the development of the resources of the ocean floor new forms of international co-operation should not reflect present inequalities and differences between developed and developing countries. They should provide not only for equality of opportunity, but also for equality in the actual enjoyment and equitable sharing of benefits derived from exploitation of the resources of the ocean floor.”

30. My delegation would like further to underline the need for strict and adequate measures to prevent hazards and pollution as stated in paragraph 43. The clarifications in that paragraph need no further explanation. It says:

“Mineral exploration and extraction may interfere with fishing, while the use of dynamite in seismic exploration may kill fish locally. One single blow-out may pollute vast expanses of the ocean, and even spread to neighbouring countries, significantly upset the ecological balance and damage the traditional maritime activities.”

31. With the Committee, my delegation urges the necessity of adopting appropriate legislation on national safety codes for oil drilling within continental shelf areas as recommended in the same paragraph.

32. My delegation has also noted the reference in paragraph 51 to the need for “Basic documents, especially bathymetric, geophysical and geological maps... to help identify areas favourable for the occurrence of various minerals and to appraise their potential resources”. Systematic mapping and systematic geological surveys are further stressed in paragraph 60. From our own experience, we would support any proposal to meet these observations.

33. My delegation would like also to express its agreement with the recommendation in paragraph 55 on the need to standardize and calibrate instruments used at sea and in the laboratory, and the recommendation in paragraph 59 on the need for an international exchange of applied technological data.

34. These are our preliminary observations on the economic aspects of the question. My delegation will not go at length into the legal aspects which were included in detail in the report of the Legal Sub-Committee and dealt with intensively by so many speakers. We would like here only to draw the attention of the Committee to the urgency of commencing serious consideration on: one, the question of establishing clear, precise and internationally acceptable limits to the area of the sea-bed beyond national jurisdiction; two, a balanced and comprehensive declaration of principles; and three, safeguards against pollution and hazards.

35. On the question of an international machinery to govern the area, my Government believes, as I said earlier, that the establishment of an international régime to govern the exploration and exploitation of the sea-bed and ocean floor beyond national jurisdiction is a basic step towards preventing the use of that area for other than humanitarian purposes. At this stage of discussions, however, my delegation believes that further studies should be made. More technical data and a more definite set of principles and legal norms are needed before we can proceed to the establishment of an international body at the level of a specialized agency such as the International Atomic Energy Agency or the like.

36. To facilitate our present work and to meet our present requirements, a machinery such as the Outer Space Affairs Division established in the Secretariat within the Department of Political and Security Affairs—as prescribed in paragraphs 92-94 of Part Three, annex II, of the report [*A/7622 and Corr.1*]—could be set up.

37. As a matter of urgency at this stage, my delegation believes that a short-term comprehensive programme of technical assistance should be agreed upon to be carried out through the United Nations Development Programme in co-operation with such related specialized agencies as UNESCO, IMCO and others, in order to accelerate and step up the national programmes in the field of oceanography and related scientific research. Such programmes should include: first, extension of training facilities of qualified personnel; second, making experts available; third, making basic equipment available; fourth, assistance in geological mapping and surveys; and fifth, extension of facilities for an extensive exchange of applied technological data.

38. Meanwhile, my delegation is confident that the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor will continue its important task, spell out the differences and agree to a common platform; and, as a non-member of the Committee, my delegation is looking forward very much to the Committee's more positive recommendations in its report for discussion at the next session of the General Assembly.

39. Mr. KAYUKWA-KIMOTHO (Democratic Republic of the Congo) (*translated from French*): I do not intend to

speak at length on this widely debated question, but wish only to set out a few main ideas which my delegation would like to support.

40. But before dealing with the substance of our item, I should like to take this opportunity to congratulate the Committee on the Peaceful Uses of the Sea-Bed, its dynamic and distinguished Chairman, Mr. Amerasinghe, the representative of Ceylon, the Chairmen of the two Sub-Committees and all the officers of the Committees for the very useful work they have accomplished.

41. Many things still remain to be studied in detail and to be cleared up in the report, but if we take into account the complexity and scope of the subject, we can only congratulate ourselves on the results achieved. The principles which the Committee was able to work out, after many difficult discussions and on which general agreement could be reached, show the progress that has been made in this completely new question of the sea-bed and the ocean floor and their subsoil, for we have no illusions on this subject: much time and patience are still required before precise and generally acceptable principles emerge.

42. Speaking of the very existence of this area of the sea-bed and the ocean floor and their subsoil, my delegation, while welcoming the fact that this existence is recognized by all and that everybody is agreed that the area is beyond the limits of national jurisdiction, would very much like to see the Committee make even more thorough studies in order to reach a precise definition and delimitation of this area.

43. This is indispensable and is even a *sine qua non* condition for the elaboration of a new legal régime for the area. It is along those lines that my delegation will study with interest draft resolution A/C.1/L.473, proposed by Malta, for it is of the utmost importance that at the first stage every Member State should inform our Organization of its claims relating to the sea and the continental shelf. That would greatly facilitate the task of the technical experts of the Committee on the Peaceful Uses of the Sea-Bed. After these technicians have concluded their work, and taking into account the results achieved, it may be necessary to convene under the aegis of the United Nations a plenipotentiary conference of Member States, and this will be the second stage in order to settle the last differences regarding the definition of the area which must belong to the international community.

44. But it is already clear to my delegation that, because of this recognition of the existence of an area which must be given a new legal régime, two concepts of existing international law must be revised: the notion of the adjacent area beyond national jurisdiction and that of the continental shelf whose appropriation is justified only by the principle of exploitability. The danger of that principle has been stressed sufficiently by many delegations and I need not revert to it.

45. I now come to the very nature of this area. My delegation much regrets that the terms of reference of the Committee have been limited to the sea-bed and the ocean floor and the subsoil thereof. It considers that the area beyond national jurisdiction should have covered a global

entity including also the adjacent surface and the column separating it from the sea-bed and the ocean floor. It is this whole organic entity which should be removed from the existing international régime, put under a new legal order and—this is very important—used exclusively for peaceful purposes. We think that this would be an invaluable contribution in the field of disarmament. The idea should perhaps be pondered and studied further by delegations. We do not think it would be unrealistic to entrust also to the Sea-Bed Committee the task of studying ways and means of providing an entirely new international régime for the surface and the abyssal depths of the seas and oceans. That is in no way contrary to the principles of freedom of navigation on the high seas or respect for the interests of States in the exercise of this freedom. On the contrary, as Members of the international community, all freedoms are to be recognized to them in this area under the régime to be worked out. But it is essential to prevent the surface waters and the depths of the seas and oceans from carrying destructive war machines of some States beyond the zones which they should normally defend.

46. In that connexion we welcome *a priori* the news of the efforts of the two co-Chairmen of the Conference of the Committee on Disarmament to reach agreement on a treaty on disarmament and the control of armaments in the areas situated inside and outside the limits of national jurisdiction. But we shall speak about this in more detail when we receive the text of this treaty and the report of the Conference of the Committee on Disarmament.

47. The status of this area would be the one described in the report of the Legal Sub-Committee [*ibid.*, Part Two, para. 86]. But since we are still far from viewing matters in that light, we shall continue to define our position on the question of the sea-bed and the ocean floor and the subsoil thereof.

48. The sea-bed will remain the heritage of the whole of mankind, a concept that is fully in keeping with the reality we want to define. We think that this is a juridical concept which should quite appropriately form part of the new international legal system: the sea-bed shall not be the object of any appropriation by a State in any manner whatever, and no State shall exercise or claim sovereignty over or ownership of any part of it.

49. It must be devoted to exclusively peaceful purposes and by that we mean it must be totally demilitarized. In other words, any military activity, even of a scientific nature, must be excluded. That would free us from the always difficult task of deciding at what point such military activity is no longer scientific and becomes purely strategic.

50. The resources of the zone beyond jurisdiction must be used in the interests and for the benefit of all mankind, without discrimination against non-coastal States and taking into account the special situation of developing countries.

51. Finally, my delegation is wholeheartedly in favour of adopting protective measures against the pollution of the sea-bed, the surface and deep waters of seas and oceans in order to protect their flora and fauna. Safety measures must be taken against any activities in that area. A legal

system of State responsibility and sanctions must be set up in this field. We regret that the Committee was not able to devote sufficient attention to this aspect of the question, but we feel sure it will do so in the future.

52. With regard to the technical aspects of the problem, my delegation has duly noted the efforts made in the field of the study of the geological structure of the sea-bed. We still hope that, thanks to the co-operation of the Intergovernmental Oceanographic Commission and all Members States in research, the international community will within a few years achieve valuable results, enabling it to establish a detailed map of everything that can be found on and below the sea-bed and ocean floor, both as regards quality and quantity. The possibility should not be excluded that the sea-bed contains wealth which is unsuspected at present.

53. As far as the economic aspect is concerned, my delegation would like to pay a tribute to the Secretary-General for his most interesting report [*ibid.*, *Part Three, annex II*], which is certainly a most useful basic document. My delegation does not intend to take a final stand on this aspect of the question. Our Government attaches special importance to all economic aspects of the sea-bed, and it is carefully studying all their implications before stating its opinion.

54. However, it should be noted that my Government considers that an international machinery must be set up to administer in its own right the heritage of mankind represented by the sea-bed and ocean floor. We have said that that must be the basic task of such international machinery. A machinery for direct exploitation might have been suitable. But we recognize that we must achieve an ideal or at any rate a final result and we must not neglect to study it more thoroughly in order to learn all the aspects of this machinery. That will be the eventual task of the Sea-Bed Committee and of each Government. In the meantime we might be content not with a system of mere registration of requests of Member States, but rather with machinery which would co-ordinate, supervise or regulate all activities relating to the exploration and exploitation of the resources of the sea-bed and ocean floor.

55. My delegation considers that such machinery could be governed by an international régime to be set up, a régime which would be able to settle disputes arising from the exploration and exploitation of the sea-bed and ocean floor.

56. Such are the main elements of our position on this economic aspect of the sea-bed. We reserve our right to speak later on some of the details.

57. To conclude, my delegation was, generally speaking, satisfied with the Committee's report, which is undoubtedly the basis of all future work in this field. We are convinced that in future the Committee will be able to present far more detailed and elaborate information, on the basis of which we hope a general agreement will be reached.

58. Mr. GHAUS (Afghanistan): Two years ago the item proposed by the delegation of Malta, agenda item 92 of the twenty-second session of the General Assembly, drew the

attention of the world community to the timeliness of accelerating the search for a solution to one of the challenging problems of the post-war era: the problem of the peaceful uses of the sea-bed and the exploitation of its resources in the interest of mankind.

59. The work of the *Ad Hoc* Committee<sup>3</sup> last year had the merit of defining the major aspects of this complex and relatively new problem. This year the report [*A/7622 and Corr.1*] of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction encourages us to believe that, given a reasonable amount of goodwill and understanding, the difficulties which at times have seemed insurmountable could be overcome in the interest of all concerned. In reading through this document we find that the Economic and Technical Sub-Committee of the Sea-Bed Committee has made a promising beginning in examining ways and means of promoting the exploitation of the resources of the sea-bed and its subsoil and the related problems. The Legal Sub-Committee has made a valuable contribution in presenting us a synthesis [*ibid.*, *Part Two, paras. 83-97*] showing the degree of progress achieved in the formulation of the principles and norms which may eventually govern the legal status of the area and its exploitation.

60. The delegation of Afghanistan wishes to pay tribute to Mr. Amerasinghe of Ceylon, Chairman of the Sea-Bed Committee, to its Rapporteur, Mr. Gauci of Malta, and to all the other officers and members for the constructive work they have done. I would also like to pay a warm word of tribute to Mr. Denorme, the representative of Belgium and Chairman of the Economic and Technical Sub-Committee, whose contributions have always been outstanding in this field. I understand that he is leaving us for a higher post. We shall miss him. We enjoyed his co-operation last year in matters of mutual interest. We hope that at least during the remainder of this session of the General Assembly we shall be able to count on his collaboration.

61. The report of the Sea-Bed Committee indicates that the basic concept of "common heritage" is at present widely supported. In our view, this concept should constitute the basis on which the principles and norms defining the legal status of the sea-bed and the subsoil thereof and regulating its exploitation should rest. The process of the formation of international law governing this new field of human activity should hinge on this fundamental principle which would state:

"The sea-bed and ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction, including the resources of the area, are the common heritage of mankind."

62. The orderly exploitation of the resources of the sea-bed and its subsoil beyond the limits of national jurisdiction in the interests of mankind, irrespective of geographical location of States, necessitates the acceptance of the area mentioned above as the common heritage of mankind. The logical consequence of the acceptance of this fundamental concept would be that no State would have

<sup>3</sup> The *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

the right to claim or exercise sovereignty over any part of the area or subject it to any kind of national appropriation.

63. The next consideration which would derive from the concept of the common heritage would necessarily be the carrying out of all activities with respect to the sea-bed by the common consent of all States within the framework of a legal régime and through the instrumentality of an international machinery.

64. This legal régime built on a set of principles and norms should have in our view an internationally binding effect and should apply to the area and its resources. No separation of the two elements or entities can practically be agreed upon. Any attempt to regulate one would necessarily bring into consideration some or all aspects of the other. The representative of Ceylon, Mr. Amerasinghe, on 31 October [1673rd meeting] presented to the Committee a set of principles which could form the point of departure for further negotiations in this regard.

65. The international machinery to which we just referred would administer the sea-bed and its subsoil on behalf of the international community. It is advisable that efforts for elaborating a régime for the sea-bed and negotiations for the establishment of the machinery should be carried out simultaneously. We have found the report prepared by the Secretary-General [A/7622 and Corr.1, Part Three, annex II] extremely helpful in studying the question of the establishment of international machinery for the management of the sea-bed and its subsoil.

66. Generally speaking, this international machinery should be in our opinion an autonomous intergovernmental organization. It should operate within the framework of the United Nations system. All States—coastal, landlocked, developed and developing—should have the right to participate on an equal footing in the management of this new organization. The international machinery should regulate the orderly exploitation, exploration, conservation and the development of the resources of the sea. It would also take appropriate measures to prevent pollution of the marine environment.

67. Resources obtained from the exploitation of the sea-bed under the aegis of the machinery should be made available to all countries, land-locked and coastal alike. We submit that the elaboration of an international régime and the establishment of an appropriate machinery with respect to the sea-bed and the subsoil thereof are novel ideas which may take time to mature. But the extraordinary advances in the field of marine technology and oceanography have opened such possibilities hitherto unknown that measures should be taken without delay for safeguarding the common heritage of mankind from the dangers of exploitation and colonization in the interests of one country or a group of countries. In welcoming the study already prepared by the Secretary-General regarding the various aspects of an international machinery, we favour the view that the Secretary-General be requested to prepare a study in depth as recommended by the Sea-Bed Committee.

68. On the one hand, scientific progress makes the resources of the sea-bed and its subsoil available to man; on the other hand, it renders their exploitation an exclusive

privilege of the technically advanced countries. As international law governing the activities of the States with respect to the exploitation of the sea-bed and the subsoil thereof is, to say the least, rudimentary, it would be in the interests of the developing countries that no commercial exploitation of the resources should take place before an international legal régime and machinery governing the provisions of this legal régime are established. Pending the adoption of a generally accepted status concerning the ocean floor and its subsoil and procedures for its exploitation, all claims to the land beneath the high seas and its subsoil beyond the limits of present national jurisdiction should in our view be frozen. An adequate decision regarding this matter could be taken as of now by the General Assembly.

69. The designation of an area of the sea-bed beyond the national jurisdiction of States as the common heritage of mankind raises the question of the delimitation of the area existing beyond the national jurisdiction of coastal States. The view that the definition of the continental shelf contained in the Convention on the Continental Shelf<sup>4</sup> does not precisely establish the limits of the area under the jurisdiction of coastal States is widely shared. We believe that the Convention on the Continental Shelf should be reviewed by an international conference or by any other procedure which would be acceptable in this regard to make it more in conformity with the requirements deriving from the reservation exclusively of an area of the sea-bed under the high seas beyond the limits of national jurisdiction as the common heritage of mankind and falling outside the jurisdiction and sovereignty of coastal States.

70. One important corollary to the concept of common heritage is the reservation exclusively of the area of the sea-bed and its subsoil for peaceful purposes. Some progress seems to have been made in this field. A joint draft treaty concerning the denuclearization of the sea-bed is proposed by the United States and by the Union of Soviet Socialist Republics. This draft is going to be submitted to the Committee with the report of the Geneva Conference on disarmament. We reserve our comments on this aspect of the problem until the Committee takes up the item on disarmament.

71. Paragraph 49 of the report of the Legal Sub-Committee states: "It was widely acknowledged that a balanced and coherent declaration of principles should recognize that land-locked States ought to be placed on an equal footing with coastal States". This acknowledgement is of course endorsed by the delegation of Afghanistan. But what we had hoped to see was a further elaboration of the formulation "irrespective of the geographical location of States" at this stage, as contained in item 4 of the report of the Informal Working Group [ibid., Part Three, annex] and as appears in preambular paragraph 6 of resolution 2467 (XXIII) of the General Assembly.

72. Taking this concept as a point of departure, appropriate language could have been proposed for an independent principle exclusively related to the equal interests and needs of the land-locked countries and underlining their underprivileged situation in matters of trade, develop-

<sup>4</sup> United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

ment and access to the sea. The vulnerable position of the land-locked countries should be singled out in the endeavours of the Sea-Bed Committee which are aimed at laying the groundwork for a régime of the sea-bed and its subsoil beyond the limits of national jurisdiction. The participation of land-locked countries in the exploitation and use of the resources of the sea-bed necessitates the co-operation of coastal States and the provision of adequate facilities by them to the States without seacoasts. It would be advantageous if the Sea-Bed Committee could study in due course the modalities of the co-operation in this field between coastal and land-locked States on the basis of the right of the land-locked countries to free access to the sea as contained in the relevant international instruments.

73. Sometimes it is feared that within the all-inclusive term of “developing countries” the special situation, interests and needs and the special problems of the countries without a seacoast are overlooked in the arrangements regulating the exploitation and use of the resources of the sea. The problems facing the landlocked countries which are largely due to their geographical location, make it necessary to accord them special attention in order to enable them to participate on an equal footing with other countries in the exploitation and use of the resources of the sea-bed and the subsoil.

74. I wish to state that my delegation will carefully examine on the basis of the aforementioned considerations the draft resolutions which have already been submitted and those which are going to be submitted. We shall determine our position regarding those drafts primarily as a landlocked developing country. We strongly hope that our views regarding the interests of landlocked countries will be adequately covered in the drafts which the Committee may consider. If they are not, we shall be obliged formally to submit amendments to them.

75. The draft resolution proposed by several delegations in document A/C.1/L.477—which, I understand, has not yet been formally introduced to the Committee—lacks, in our opinion, a suitable provision covering that viewpoint. In view of the considerations to which I referred a few moments ago, we feel that at the present stage of the work of the United Nations regarding the sea and the sharing of its resources, a stage during which we are trying to lay the foundations of the future legal and political edifice, a stage during which we are beginning to build the framework of a scheme for co-operation among States in this field, proper emphasis should be put on the equal interests, needs and special problems of the developing landlocked countries—equal interests and needs as developing countries, special problems because of their geographical location combined with their under-development. The basic documents of the United Nations on which future work will hinge should adequately reflect that preoccupation.

76. We have therefore proposed an amendment to operative paragraph 1 of the draft resolution appearing in document A/C.1/L.477. This amendment is to add the following at the end of operative paragraph 1: “including the equal interests, needs and the special problems of the developing landlocked countries;” We hope that this amendment, which appears in document A/C.1/L.479 will be favourably considered by the co-sponsors of the draft resolution.

77. Mr. RAMPHUL (Mauritius): Over and above the fact that the question of the reservation for peaceful purposes of the sea-bed and ocean floor and its subsoil and of the use of their resources for the benefit of mankind should be followed with keen interest by everybody, Mauritius, being an island in the middle of the Indian Ocean—just in case you did not know—has a still more direct interest in seeing that the efforts being carried out towards that end come to fruition. In that respect the report [*A/7622 and Corr.1*] which is before this Committee spells out very clearly that the difficulties and problems that have to be faced are numerous and often without any apparent solution.

78. The Mauritius delegation was extremely active at the last session of the Assembly when the question of giving permanent life to the *Ad Hoc* Committee on the Sea-Bed and of expanding its membership had to be decided upon. There were then also many difficulties and problems and at one time many thought that we had reached an impasse and that the whole idea might as well be buried. It is therefore evidence of a feat of international co-operation that finally an agreement emerged among all the Members of the United Nations, not only concerning the constitution of the Committee, but also concerning its functions and terms of reference.

79. This example of international co-operation can be repeated and my delegation feels that whatever the obstacles in the way, with a minimum of goodwill among all, concrete results will in the end be achieved. The road towards these results may be long and tedious but where there is a will there is a way. It is our earnest hope, however, that with intensification of co-operation, difficulties may be overcome sooner than generally expected. My delegation wishes to commend the work of the Committee, although it would have liked to see more headway made.

80. It is the view of my delegation that one of the most important aspects of the present exercise is to be able to have a more precise definition of the area within the limits of national jurisdiction. That there is an area beyond those limits is obvious since the Committee was constituted to study and examine what should be done for that area. But where does that area start? The Sea-Bed Committee cannot by itself decide upon it. There are international conventions touching upon the question, but it would seem that too much elasticity remains. In this connexion, some suggestions offered by some delegations inside the Legal Sub-Committee are of interest and should be followed up, the objective being the reaching of an agreement as to the boundaries of the area which is the subject matter of the Committee’s exercise.

81. There are a large number of countries in the world that derive much of their livelihood from the sea; some of them are almost completely dependent on the sea. With the rate of development of science and technology in the marine field it is of the utmost urgency that present and eventual exploitation of the sea-bed and its subsoil be regulated.

82. Apart from the legal principles which have to be clearly set out, there must also be some sort of machinery, mechanism, institution or organization to see that the principles are implemented and generally to administer the

trust or heritage, whatever the term that will finally be agreed upon, in connexion with the sea-bed outside national jurisdiction. As I have just said, there is, at least among the Members of the United Nations, no controversy that such an area exists, although the boundaries are still in doubt.

83. Now, if an area is outside national jurisdiction and cannot be claimed by anybody, it must be within international jurisdiction. The question is, therefore: who is to assume this international jurisdiction? It is agreed in all quarters that the exploitation of the resources of the sea-bed and its subsoil will be for the benefit of mankind and, further, that the interests of humanity as a whole must be met. The other question is, therefore: how do we achieve this objective? One cannot just rely on the good faith of all would-be exploiters and hope for the best. That would be wishful thinking and abuses would flow from all sides. Since whatever is obtained from the bottom of the ocean is to be for the benefit of mankind and in the interests of humanity, there must be a sort of regulating body which will be representative of that same humanity, and here the small countries should not be forgotten.

84. At the twenty-third session the Assembly adopted resolution 2467 C (XXIII), by which the Secretary-General was requested to undertake a study on the question of establishing in due time appropriate international machinery for the promotion of exploration and exploitation of the resources of the sea-bed and its use in the interest of mankind.

85. My delegation welcomes the very interesting report of the Secretary-General on this question and commends the decision of the standing Committee to annex that report to the report proper of the Committee. It is unfortunate, however, that the Committee could not, owing to lack of time, finalize its study in detail of this question. In the Economic and Technical Sub-Committee some consideration was given to this very complex and delicate subject. Most delegations, however, could offer only preliminary views on it. The Committee has decided to consider this question further during its 1970 sessions and it is to be hoped that much more progress will be made next year on a question to which the basic resolution itself accorded a degree of priority if we are to be consistent.

86. It is, I think, proper that Articles 55 and 56 of the Charter of the United Nations should be recalled here. Under these Articles all Members of the United Nations have pledged themselves to take joint and separate action in co-operation with the Organization to achieve, *inter alia*, solutions of international economic and related problems. That pledge also covers the creation of conditions of stability and of economic and social progress and development.

87. The resolutions adopted last year made specific mention of the interests of the developing countries and the report of the Legal Sub-Committee specifically mentions that an agreement “seems to have emerged” as to “the use of the resources for the benefit of mankind irrespective of the geographical location of States and taking into account the special interests and needs of the developing countries” [*ibid.*, Part Two, para. 93]. In passing I would say that the

phrase “seems to have emerged” is surprising here since it seems to place a doubt on the concept. What is still under consideration is the question of the most appropriate and equitable application of benefits obtained to the developing countries, be they islands or land-locked—and here I have in mind many countries in Africa and elsewhere—but not the principle itself, which has been spelt out and agreed upon before. I take it therefore that it must be due to a phraseological difficulty since some other aspects, for example the régime, have not been fully agreed upon.

88. Be that as it may, we are now on the threshold of a Second Development Decade. In that endeavour the efforts of all are needed. It is our belief that the goals and objectives of the Decade could be more easily reached if the international community could count on a substantial contribution from the benefits of international co-operation with regard to the sea-bed. It is commonly agreed that circumstances will be more conducive to world peace if there is more economic stability; we can hope to achieve such stability, even if it is relative, only through an acceleration of development in many fields. It is therefore of the utmost importance that the sea depths, of which much is still unknown, should help those who live on the mainland and who have placed so many hopes on their contents. There is no doubt in our minds that the sea-bed enterprise not only will be viable but will most probably turn out to be one of the greatest ever undertaken by man. We shall all need patience and perseverance since there are still so many unknown quantities in the exercise.

89. It is possibly, however, in the minds of many that developing countries, especially the less developed of the developing countries and land-locked countries not very advanced in science and technology and with meagre financial resources, will make little or no contribution to this gigantic project and that therefore they should not, in all justice, participate in the benefits.

90. In enterprises of this nature, that concept is outdated because it is wrong to assess the value of a contribution by its quantity. The whole question should be approached from a different angle and in the best spirit of the Charter. It should be remembered not only that it is most often not the fault of the developing countries if they are less advanced and less wealthy, but also that our contribution must be regarded as qualitative and that the will to co-operate in this new era is worth millions in currency.

91. One further point before I conclude. There is no doubt in my delegation's mind that the use of the sea-bed must be exclusively for peaceful purposes. It should follow therefore that all military activities in the area should be prohibited. The Prime Minister and Minister of External Affairs of Mauritius, Sir Seewoosagur Ramgoolam, made specific mention of that point when addressing the General Assembly this year [*1765th plenary meeting*] and I can do no better than refer you to what he said. This question is in a way linked with the efforts of the Conference on Disarmament but any failure or delay to agree in Geneva should not be taken as an excuse to use the sea-bed or its subsoil for military purposes. In that connexion my delegation feels that the related provisions of the Antarctic

Treaty<sup>5</sup> and of the outer space Treaty<sup>6</sup> can be useful precedents.

92. I do not wish to take too much of the time of the First Committee. A great many delegations have addressed themselves to the present question and several of them have said what I would have wanted to say and there is no need for repetition.

93. I wish to say here that although my delegation would have liked more progress, there is no denying that the Sea-Bed Committee has done some very useful work. That Committee is not, however, all-powerful and must be helped in its gigantic task by all the agencies and institutions, whether international, multi-national or national, within their respective field of competence.

94. Over centuries men have been animated by the lust for conquest. They have wanted to conquer their neighbours so that they could have more power. Underlying most of those conquests have been avidity, cupidity and envy. Man's nature is therefore bent towards conquest; outer space is now being conquered but the new challenge to which we now have to respond is the conquest of the seas and oceans, but in a spirit very different from before. In so doing one will have to: be mindful of the inhabitants; be mindful of the environment; co-operate with one's neighbours even if for the moment one does not like them; be mindful of the national property of one's neighbour; be considerate in all one's actions; refrain from seizing or appropriating whatever one finds for one's own ends; bear in mind the benefit of mankind; and share with others all the fruits of the enterprise. That is the challenge and we have to accept it.

95. Let us hope, therefore, that the difficulties of unity on land and over the seas will disappear once we get under the sea. You may be interested to know that in my country and in our creole patois the term "under the sea" means to be intoxicated with liquor.

96. I should not like to end my statement without once again paying a well-deserved tribute to our colleague the representative of Malta for his initiative and the great work he has done and to our colleague the representative of Ceylon for his untiring efforts as Chairman of the Sea-Bed Committee. We, a small island, are glad to be able to salute here the most valuable contributions of two other small islands.

97. Our gratitude goes also to the Bureaux of the Main Committee and the two Sub-Committees. They, as well as the members of the Committee, have all contributed in no mean way to adding another stone to the edifice which the United Nations and its Charter are endeavouring to build so that the world may at last live in peace and plenty.

*Mr. Kolo (Nigeria), Vice-Chairman, took the Chair.*

98. Mr. CUDJOE (Ghana): Mr. Chairman, although I know this is against your expressed wish, kindly permit me,

<sup>5</sup> *Ibid.*, vol. 402 (1961), No. 5778.

<sup>6</sup> For Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, see resolution 2222 (XXI).

since this is the first time I have personally taken the floor in this Committee, to associate my delegation with the expressions of profound satisfaction which have been conveyed to you, to the Vice-Chairman, Mr. Kolo, and also to the Rapporteur, Mr. Barnett, by previous speakers regarding the conduct, so far, of our work in this Committee. I am confident that with you in the Chair, assisted by such distinguished members of the Bureau, a considerable degree of success will crown our efforts.

99. Ghana has not had the privilege of being a member of the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction, but as a coastal State with about 400 miles of coastline, and one whose interest in the resources of the ocean have already reached the stage where several oil companies have commenced off-shore oil prospecting, we have naturally been following the work of the Sea-Bed Committee with keen interest. We hope it will be possible for us to take our turn in the membership of the Committee in the near future.

100. It is with a deep sense of satisfaction that my delegation welcomes the report of the Sea-Bed Committee. Although the report is inconclusive in that no decisions were taken on any of the major issues involved, yet considerable progress has been made since the report of the *Ad Hoc* Committee<sup>7</sup> was submitted last year—progress that is indeed very encouraging when one considers the complex and formidable task before the Committee.

101. Even if nothing else has been achieved, at least the Committee has succeeded in identifying the problems involved, ideas and suggestions have begun to crystallize, some common denominators have emerged, and all the viewpoints expressed in the Committee, however divergent, have been compiled in the excellent document that has been presented to us for discussion. Indeed, this is an achievement and we hope that, with this preliminary exercise completed, we have reached the take-off point—a point from where the Committee will progress into more concrete and substantial discussions and possibly reach agreement on the main issues.

102. My delegation wishes to associate itself with the expressions of gratitude to the Committee as a whole, and particularly to the Chairman of the Committee, Mr. Amerasinghe of Ceylon, the Rapporteur, Mr. Gauci of Malta, the two Chairmen of the Sub-Committees, Mr. Galindo Pohl of El Salvador and Mr. Denorme of Belgium, and also their Rapporteurs, for a task well done. We also wish to thank the Secretary-General of the United Nations for his excellent report on the question of establishing, in due time, an international machinery. We hope that in the second year of the Committee's work we shall achieve more positive and definitive results.

103. The objective which my delegation believes should guide deliberations on the item of the sea-bed and ocean floor remain those that were outlined at the twenty-third session, namely, that: first, we must prevent conflict among nations using the common heritage or resources of man-

<sup>7</sup> *Official Records of the General Assembly, Twenty-third Session, document A/7230.*

kind; second, we must ensure the economically most efficient use of those natural resources belonging to all nations; third, we must avoid pollution of the sea-bed and ocean floor; fourth, we must prevent the use of the sea-bed and ocean floor for military purposes; fifth, we must ensure that all nations will be able to profit directly and indirectly by the opportunities and the vast potential resources of the sea-bed and its environs. It is with these objectives in view that my delegation wishes to make a few comments on the report that is now before us.

104. In the first place, my delegation wishes to express its satisfaction with the unanimous agreement reached by the Committee that there is an area of the sea-bed and ocean floor beyond the limit of national jurisdiction which shall not be subject to national appropriation. We hope that from this will develop the unanimous acceptance also of the view which my delegation holds that the area should be recognized as the common heritage of all mankind and therefore should be put to peaceful use for the benefit of all mankind.

105. If we accept the principle that there is an area beyond the limit of national jurisdiction, then we must also agree that if we are to prevent anarchy and chaos there should be established principles and an international régime with full powers to govern the exploration and exploitation of the area. The reason for this and also for our concern as a developing country is obvious. Vast resources of mineral and other forms of wealth are now known to exist in the sea-bed and ocean floor. Although our knowledge of the ocean's potential is still limited, what little we do know now is so attractive that unless we agree on principles and on an international régime to govern the use of the area we shall be running the risk of a mad scramble for the sea-bed, and of course in such an eventuality the technologically advanced nations will have all the advantages, to the detriment of the developing countries.

106. I should like to quote from a report dated 11 October 1969 by Senator Claiborne Pell of the United States, entitled "The Oceans—Man's Last Great Resource", to illustrate my point about the attractiveness of the potentialities of the ocean. Senator Pell writes:

"The incredible magnitude of the oceans' resources can be measured by just one isolated example: The metal content of manganese nodules, for years a curiosity with no realizable value. One study of reserves in the Pacific Ocean alone came up with an estimate that the nodules contained 358 billion tons of manganese, equivalent, at present rates of consumption, to reserves for 400,000 years, compared to known land reserves of only 100 years. The nodules contain equally staggering amounts of aluminium, nickel, cobalt and other metals. Most of these resources exist at great depths of 5,000 to more than 15,000 feet, yet within five to 10 years the technology will exist for commercial mining operations, a development that will open to exploitation virtually unlimited metal reserves."

107. The report goes on to mention known reserves of oil, natural gas, and potentialities for fish farming techniques or "aquaculture" which would render present methods of fishing obsolete while multiplying the present world catch of fish fivefold or as much as tenfold.

108. Regarding revenues from the sea-bed, Mr. Pardo, the representative of Malta, is on record as having once estimated that at the present rate of development annual revenues from the sea-bed and ocean floor could reach \$6 billion by 1975.

109. From these few examples illustrating the attractiveness of the oceans' potential, it should be quite obvious that as the developed countries increase their technological knowledge about ocean exploration and exploitation the dangers of a scramble for the fruits of the sea become more and more imminent. "Once bitten twice shy", as the old saying goes, and we, the developing countries, having just freed ourselves from years of suffering which we had to undergo as a result of a scramble for territory, are naturally concerned about this. We appeal to the technologically advanced countries to ensure that we are not left behind again in this venture. That would be most tragic, and it is to prevent that kind of eventuality that we urge the unanimous support for the establishment of principles and of an international régime to control the peaceful uses of the sea-bed and ocean floor beyond the limit of national jurisdiction.

110. The question of establishing an international machinery is indeed important and complex, but at the same time urgent. If we do not deal with it as expeditiously as possible and arrive at definitive agreements we shall have ourselves to blame. If I may quote Senator Pell again, he warns us that technological advance will not await the resolution of political differences and that we are fast approaching a point where the pace of exploitation may govern rather than be governed by sound political judgement. My delegation therefore appeals to all Member States of the United Nations to treat this matter with the urgency it deserves.

111. In this regard my delegation is happy to note that there is a draft resolution [A/C.1/L.477] at present under consideration, calling for further study by the Secretary-General for a formal machinery, exercising jurisdiction over the sea-bed and its resources, and enjoying powers of regulation, co-ordination, supervision and control over activities related to the sea-bed and its resources outside national jurisdiction.

112. In supporting the idea of establishing such an international machinery, my delegation agrees with Mr. Hambro of Norway, an eminent jurist and the representative of a great maritime nation, when he states that an international registration system, which is among the proposals submitted, would be of very little use in meeting our needs, and is therefore unacceptable.

113. Regarding the question of pollution, although the Committee has not had time to deal with that matter in depth, my delegation is happy to note from the Chairman's remarks that the Committee accepted the adoption of appropriate safeguards against pollution and damage to living resources, and also the need for safety measures.

114. Concerning the question of precise definition of the limits of national jurisdiction, my delegation is in favour of the proposals made by a number of delegations for an international conference, at the earliest possible time, to

consider and take a decision on that matter. Precise delimitation is very urgent indeed, and we must take the necessary steps to commence its consideration as soon as possible, if we are to prevent encroachments on the area—encroachments which, as the Rapporteur has warned us, will clearly not be in the interest of all mankind.

115. With regard to the non-armament of the area, my delegation would like to stress that every effort should be made to keep the sea-bed reserved exclusively for peaceful purposes and free from the arms race. In this regard, my delegation is happy to note the progress that has recently been made in Geneva by the Committee of the Conference on Disarmament, concerning the proposed draft treaty for this purpose. This is a positive step in the right direction, and it is indeed very encouraging.

116. To conclude, let me reiterate that our interest and concern in the matter under discussion stem from two main considerations. The first is that Ghana is a coastal State, keenly interested in developing the resources of the ocean; and the second is that our colonial past and its attendant evils and sufferings compel us to ensure that we shall not have emerged from the colonial tutelage which resulted from the mad scramble for territory in the 18th century, only to plunge ourselves into the greater economic disaster that might well come about as a result of an uncontrolled scramble for the riches of the ocean.

117. At a time when the United Nations, in a conscious effort to bridge the ever-widening economic gap between the developed and the developing nations, is about to launch its second development decade, we must, all of us, endeavour to ensure that what is considered the common heritage of all mankind is put to peaceful use for the benefit of all mankind, particularly the poorer nations of the world. I am sure I speak for the majority, if not for all, of the developing nations when I appeal to the technologically advanced nations to help us bridge the economic gap between us and them. Where there is a will there is a way, and if the developed nations really mean to help us in this regard, they can easily do so.

118. One of the ways to indicate their goodwill would be to offer young scientists from the developing nations equal opportunities for training alongside their own scientists in ocean science and technology. For indeed, what is the use of passing on volumes of highly technical and scientific information to us when we have not had the basic training to enable us to understand and make use of such information? If we are to derive any benefit from such data, the developing nations must help us develop along with them in this relatively new field of ocean science and development.

119. The question of the peaceful uses of the sea-bed beyond the limits of national jurisdiction, with which we are grappling, poses a very great challenge to the United Nations Organization. If, on the eve of the twenty-fifth anniversary of the United Nations, we can resolve to meet that challenge, and from now on take positive steps to ensure that what is man's common heritage is used for peaceful purposes by all, and for the benefit of all mankind, particularly the developing nations, the United Nations will have more than justified its existence. I am confident that

we can achieve this if there is the political will and the inclination, particularly on the part of the developed nations, to do so.

120. Mr. JOUEJATI (Syria): The delegation of the Syrian Arab Republic wishes to join other delegations in paying tribute to the Sea-Bed Committee for its work. Special tribute goes to the leadership of its Chairman, Mr. Amerasinghe of Ceylon; and to the dedication of the Chairmen of the two Sub-Committees, Mr. Galindo Pohl and Mr. Roger Denorme; and to the three Rapporteurs. In this connexion, we wish to join the delegation of France in hoping that it will be possible for Mr. Denorme to continue his most fruitful participation, notwithstanding the high post to which he has just been appointed.

121. The Committee has been tackling a question most vital to the future of humanity. The report attests to the Committee's ability to grasp the immensity and complexity of the problems of the sea-bed that lies beyond the limits of national jurisdiction. The identification of those problems, which pertain to a new and vast field, is not an insignificant accomplishment. The fact that a variety of views should occur regarding the principles to govern the régime of exploration, use and exploitation of the ocean floor and the instruments to implement those principles, is only natural in view of the variety of national interests and, more particularly, in view of the uncertainty about the real future possibilities for exploitation. Hence, the logical caution that characterized the approach to the study of the suitable legal framework.

122. The merit of the work so far accomplished by the Committee lies in the fact that it provides an index, so to speak, of those problems. The topics to be elucidated are designated. Still more important is the clear emergence of fundamental and agreed principles. The beneficiary from the sea-bed resources beyond national jurisdiction should be humanity at large. The use of the sea-bed should be for peaceful purposes only; no appropriation is permissible of any portion of the area beyond national jurisdiction, by any State or entity; indeed, no subjection of any portion thereof to national sovereignty is acceptable.

123. These basic premises amount, in fact, to the pre-ambular part of any declaration of principles, as the French delegation pointed out in its recent intervention [*1680th meeting*]. The laying-down of these concepts amounts to providing the foundation upon which elaboration of specific principles becomes possible, covering the gaps in already-existing legal norms, completing them when necessary or enhancing those that are applicable. This work entails long and sustained effort. The cycle that has just been completed by the Committee does constitute initially significant progress.

124. The report of the Committee is supplemented by the study [*A/7622 and Corr.1, Part Three, annex II*] that the Secretary-General carried out in response to the request made through General Assembly resolution 2647 C (XXIII). That report of the Secretariat on the appropriate international machinery has also the character of a preliminary survey that attempts to give a reasonable delimitation, as a start, to the problem of the appropriate instrumentality for execution.

125. Of course, the kind of machinery most appropriate to promoting the exploration and exploitation of the resources of the sea-bed in the interests of mankind as a whole would emerge from the progressive development of legal principles, on the one hand, and the progress of investigation of the wealth of the sea-bed and the possibilities for exploiting it profitably, on the other. The concept of an international machinery would mature through the gradual elaboration of the legal status and the international régime of the sea-bed. Then it would be a reflection of the needs of the international community and its co-operative effort. The suggestion advanced by certain delegations that States be requested to give their comments on the study of the Secretary-General is worth considering. This would be the first step towards establishing comparisons of the attitudes of States and finding the means to assess and fill the gap between the need for the majority of nations to be represented in the organization envisaged and the capability and the know-how at present available only to a few.

126. An international machinery cannot be truly international if based on what the representative of Sweden termed “practical monopoly” or “duopoly”. Perhaps it would not be a digression at this juncture to draw the attention of the Committee more emphatically to the need for international co-operation in the field of scientific knowledge. The representative of Argentina has dwelt at length on this aspect [1680th meeting] and we wish to support his plea for freedom and the sharing of information acquired on the ocean floor, and its wealth.

127. The developing countries are anxious to enrich their rudimentary knowledge in this field. May I only add that of equal importance is the consideration by the Committee, with the shortest possible delay, of the need to train and instruct personnel from developing countries in the sea-bed subjects. This need was touched upon by the representative of Indonesia this afternoon and just now by the representative of Ghana. The adoption of concrete steps, with the assistance of advanced countries, would ensure that a nucleus of specialists from developing countries would be available in the event that an international machinery is established.

128. Now, along with this process of comparison based on suggestions and comments by States on the study of a possible international machinery, the Committee may, in its future sessions, concentrate on questions relating to such specific items as registration, rights of use, licensing, scope of concessions. Those are crucial questions pertinently raised by many delegations, and in particular the delegations of Norway, the United Kingdom and France.

129. The Committee may deem it appropriate, in these circumstances, to establish smaller working groups, though adequately representative, to devote themselves to the study of such specific items. A precedent in this respect has been established by the United Nations Commission on international trade law (UNCITRAL) where a working group, for instance, deals with international payments, while another deals with negotiable instruments. The results in hammering out unified attitudes have been encouraging.

130. If a conclusion can be drawn, it is that the Committee must pursue the task it embarked upon. It

brought out areas of agreement as well as disagreement. There are also preoccupations common to all, such as marine pollution, where the efforts of the Committee are urgently needed and its possible influence is welcome.

131. Then there is the readiness of other organs, such as the Inter-Governmental Maritime Consultative Organization and the Intergovernmental Oceanographic Commission, to co-operate fully with the Committee, and there are the commendable efforts of the United Nations Educational, Scientific and Cultural Organization to harmonize views on the regional levels.

132. In a word, the Committee is entrusted with the task of strengthening our preparedness—that preparedness which Mrs. Myrdal invoked in her eloquent address this morning when she compared “the great importance all countries now attach to the future management of the world’s oceans and sea-beds”, and “on the other hand, our lack of preparedness” [1680th meeting, para. 34].

133. Mr. MUGO (Kenya): We have before us the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, an area to which I shall refer from time to time during the course of my speech simply as the “sea-bed”. The contents of the report of the Sea-Bed Committee is a reflection of hard work in this extremely complex though very important subject. We wish, therefore, to congratulate sincerely the Committee’s Chairman, Mr. Amerasinghe of Ceylon, and the Chairmen of the two Sub-Committees, together with members of their Bureaux.

134. My delegation has followed with great interest what other delegations have said in this debate regarding the question of reserving the sea-bed exclusively for peaceful purposes. Most delegations have shown considerable concern mainly on three issues: namely, the nature of the international régime and international machinery to be set up, the delimitation of the area beyond national jurisdiction, and a set of general principles to govern the activities in the area in question. Those are the areas on which I should like to comment very briefly, starting with the question of general principles.

135. My delegation has always stood for a declaration of general principles since the debate on the sea-bed began. I should like briefly to recapitulate these principles, which my delegation shares with other delegations, especially those of the developing countries. The main principle from which all the others flow is the concept that the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction, are, together with the resources thereof, the common heritage of mankind.

136. From the common heritage concept it follows that all activities in this area, including exploration, exploitation and conservation of the resources thereof, shall be carried out for the benefit of mankind as a whole, irrespective of geographical location of States and taking into consideration the interests and the needs of the developing countries.

137. In order that our aspirations in this area may be realized, we must create an international régime and machinery to regulate, co-ordinate, supervise and control all

activities in this area. The régime and the machinery must be established within the United Nations system.

138. All activities in this area shall be carried out in accordance with provisions of international law and the Charter of the United Nations, and in accordance with the principles of the envisaged international régime.

139. No State or person shall appropriate or claim any right or title to the sea-bed and ocean floor and subsoil thereof on the basis of use or occupation.

140. The sea-bed shall be reserved exclusively for peaceful purposes. Not only is the arms race a colossal waste of badly needed resources but it also poses a very serious threat to the continued existence of man on this planet. We would, therefore, be failing in our duty if we did not prohibit an arms race in this new area.

141. The proceeds from the activities on the sea-bed and ocean floor shall be shared equitably, taking into account the special needs of the developing countries. In this regard, we are reminded of the ever-widening gap between the developed and the developing countries which, as many delegations, including my own, said during the debate on "the strengthening of international security", is a threat to world peace.

142. The knowledge gained through research for peaceful purposes on the sea-bed and the ocean floor shall be disseminated to all States without discrimination.

143. All activities in the area shall take due regard of the rights and interests of other States; shall not interfere with freedom of the high seas, and shall take measures to prevent pollution and other hazards ruinous to marine life.

144. I now turn to the question of an international régime and machinery. In exploration and exploitation of the sea-bed resources, the generally accepted norms of international law and the Charter of the United Nations shall continue to be applicable wherever relevant. These will apply especially to the freedom of navigation, fishery, laying of submarine cables, and the interrelations of nations on the sea and on land. But we cannot afford to fall back entirely on international law and the Charter of the United Nations, as these are not adequate for this new area. We must, therefore, formulate an international régime for this new frontier.

145. What should be the nature of the régime? It is important that the régime should cover all activities in the area, especially the exploration and exploitation of the sea-bed resources. The régime should also provide for the most equitable distribution of benefits obtained from the exploitation of the sea-bed resources for the benefit of mankind as a whole, and taking into account the interests and special needs of the developing countries. The régime should provide for granting of licences for exploration and exploitation of the sea-bed. The régime should be formed through an international agreement. In order to achieve those and other goals, an international machinery must be created which would act as an executive body.

146. The international machinery we envisage should be an autonomous international organization possessing full

international legal personality within the United Nations. The machinery should be responsible for the sea-bed and the ocean floor beyond the limits of national jurisdiction and the resources thereof. It should regulate conservation, exploration and exploitation of the resources of the sea-bed. Its regulatory powers shall also include organizing, co-ordinating and administering all activities in this area. In that connexion the machinery should have powers to grant licences for exploration and exploitation of the sea-bed resources. While this machinery may not initially be equipped to engage in the actual exploration and exploitation of the resources of the sea-bed, this should not be ruled out in the long run.

147. In the absence of an international machinery to regulate the activities in the sea-bed, the developing countries would indeed be placed in a very disadvantageous position in relation to the developed countries, which have the necessary resources and the know-how to exploit the resources of the sea-bed. Thus my delegation holds the view that pending the establishment of an international régime and machinery no State or body should take it upon itself to exploit the resources of the sea-bed and the ocean floor. Scientific research and exploration of the area could, however, go on, particularly if the interests of developing countries were safeguarded by associating their scientists with such activities. In that way the developing countries could gain the necessary knowledge and know-how about the exploration of the area.

148. I now come to the question of the delimitation of the area of the sea-bed beyond the limits of national jurisdiction. When the international régime comes into force, we shall be faced with difficulties if by that time we have not defined the area of its application. It is the view of my delegation that this is a matter which needs urgent attention. The 1958 Geneva Convention on the Continental Shelf<sup>8</sup> is not precise; my delegation would therefore welcome the convening of a legal conference to consider that and other related matters.

149. I have gone over very briefly the question of international régime and machinery and delimitation of the area of the sea-bed and the ocean floor beyond the limits of national jurisdiction, and the question of general principles which my delegation hopes will be adopted by the General Assembly in the not too distant future. My delegation has noted with satisfaction the work which has been done in those three areas. We would, however, urge that the work in all those areas should progressively advance together since a delay in any one of them will mean retarding the work of the other two.

150. In discussing the item on the peaceful uses of the sea-bed, we have set ourselves very noble goals, goals which, if realized, may display a measure of international co-operation hitherto unknown to this Organization. It is the hope of my delegation, therefore, that Member States will find it necessary to intensify this co-operation and even to widen it to cover other areas of the work of this Organization.

<sup>8</sup> United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

151. Mr. SINN (Sudan): This is perhaps the first time that this Organization has had such an invaluable chance to examine seriously and in an orderly manner a question of surpassing importance before the question has grown into a serious problem. We now have the opportunity of discussing the question of the peaceful uses of the sea-bed in an atmosphere that is not marred by tension or dispute.

152. We are indebted to the Chairman of the Sea-Bed Committee, Mr. Amerasinghe of Ceylon, and the Rapporteur, Mr. Gauci of Malta, not only for their enlightened role in the deliberations of the Committee but also for their excellent account of the development of its work. Our thanks also go to the two Chairmen of the Sub-Committees for their great and valuable effort.

153. Many delegations have referred to the complexity of this problem. In fact, the statement of the Chairman when he listed the points of agreement and disagreement as they emerged from the discussions in that Committee provided enough evidence of this complexity. Even at this level of close examination and intensive effort, a group of dedicated representatives has found the mere definition of the interrelated aspects of the problem under discussion a formidable task.

154. In his statement of 31 October 1969 the Chairman of the Sea-Bed Committee said the following:

“General agreement was reached on the point that the area shall not be subject to national appropriation and that no State shall exercise or claim sovereignty or sovereign rights. But no agreement was possible on the point that no one may acquire property rights over any part of the area by use, occupation or any other means. The common heritage idea was widely supported but not accepted by all. No agreement as to the extent to which the rules of existing international law apply, or should be applied in future, was reached, nor as to whether any rules of existing international law apply to economic activities in the exploration and exploitation of the area in the future.

“There was no agreement regarding geographical limits of the application of the principles of peaceful use or the scope of prohibition of military activities. Regarding an international régime, the need for the establishment of such a régime was recognized but no final agreement was reached on whether it should be characterized as ‘legal’, ‘international’, or ‘agreed’. It was, however, accepted that any such régime should be legally binding. Another point outstanding is whether the régime should apply to the area or only to the resources of the area. . . . There was no agreement on the main features of such a régime or on the question of the most appropriate and equitable application of the benefits of exploitation to developing countries.” [1673rd meeting, paras. 35-36.]

155. But we should not allow these difficulties to discourage us at this critical moment from intensifying our efforts to reach agreement on those aspects where agreement is in sight and endeavouring to work towards an agreement on those points which remain, so far, unresolved. That task, however, can be handled only by another session or sessions of the Sea-Bed Committee. On this point we are

in full agreement with previous speakers who have voiced the desirability of more sessions for the Committee.

156. Allow me now to deal briefly with some aspects of the sea-bed question in the light of one’s experience as a member of the Sea-Bed Committee. My delegation believes that high priority should be given to the question of the delimitation of the area beyond the limits of national jurisdiction. It has been proved beyond doubt, in the meetings of the Sea-Bed Committee as well as in this Committee, that agreement on all other aspects is dependent on reaching agreement on this question. We should be most interested to hear the views of the two co-sponsors of the draft treaty on the prohibition of nuclear weapons in the sea-bed on how they propose to respond to the mounting criticism of the Geneva Convention on the Territorial Sea and the Contiguous Zone<sup>9</sup> and that on the Continental Shelf.<sup>10</sup>

157. Some delegations have already come to the conclusion that an international conference is urgently needed to look into and revise, if necessary, the existing conventions on the sea-bed and the ocean floor. My delegation is ready to give support to these efforts which were made necessary by the enormous potentialities of this area revealed during the past few years. If such a conference as is envisaged by the representative of Malta in the draft resolution submitted in document A/C.1/L.473 can be arranged soon enough to make possible a real advance in the proceedings of the Sea-Bed Committee, we shall no doubt benefit by that.

158. We are not, however, of the opinion that the question of delimitation is inseparable from that of the nature of the international régime that would govern the area of the sea-bed and the ocean floor beyond the limits of present national jurisdiction. Our thinking on this matter is based on our conviction that, while an international régime should be conceived as essentially subject to amendments from time to time in response to economic, scientific and technological developments, the definition and delimitation of the area should be conceived as final and contingent. I should like, therefore, to stress that, in our view, a conference on the “delimitation” aspect should not be directed into dealing with the issue of establishing a “régime”. Furthermore, the legal aspects of the question of delimitation are, and should be, recognized as fundamentally different from those of the “régime”. We conceive of the latter, to a great extent, as subject to changing political considerations.

159. The second point that I should like to deal with is the “international régime”. Here we tend to support the notion that any “régime” that would be agreed upon should apply to both the area and its resources, since the importance of the area derives largely from the fact of the existence of the resources in it. Moreover, while we believe that the proposed “régime” should embody all possible safeguards and establish universally acceptable norms, we are of the opinion that it should provide for periodic review.

<sup>9</sup> *Ibid.*, vol. 516 (1964), No. 7477.

<sup>10</sup> *Ibid.*, vol. 499 (1964), No. 7302.

160. In order not to tax the patience of the Committee, I would refer briefly to some of the general principles which, in our view, should be included in the "international régime". First among those is the collective title of all mankind to this area. It should be regarded as a common heritage. The second major principle is that the sea-bed should be reserved exclusively for peaceful uses. The third general principle that we believe should be stressed is that the resources of the area should be used to bring some balance into the dangerously unbalanced economic situation between the developed and developing countries. We can understand the apprehensions of some of the developed countries that a "régime" which would tend to make developing countries the main beneficiaries of these resources might discourage private enterprise from investment in that area, but we maintain that, in the long run, it would be in the interest of the industrial Powers, as well as in the interest of the poor nations, if the rich would turn some of their skill to this area although the returns might not seem as attractive as they are in other areas.

161. A great deal could be said about the "international régime" but not necessarily in the general debate in this Committee. But whatever is the final shape of the régime, my delegation believes that an international machinery should be set up to regulate, co-ordinate, supervise and control all activities relating to the exploration and exploitation of the sea-bed resources.

162. We believe that for a start this machinery ought to have a reasonably wide authority over the area, which will enable it to allay the fears of the majority of nations about what might suddenly become a source of real danger. When the world has been assured of the basic equity of the proposed régime for the regularization of the exploration and exploitation of the sea-bed, when all nations have accepted the authority of this régime, then its operation could be fashioned in a way that would serve the best interest of the international community.

163. Finally, may I associate myself with those who reminded us all that this is a field in which the United Nations might one day be considered to have done some of its most constructive work. We hope that it will not let this opportunity pass; and we are confident that the Committee on 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, will, under the wise leadership of its distinguished Chairman, endeavour in the subsequent meetings to complete the task that it has begun with such hope and promise. For its part, my delegation will bend every effort in order to assist in this task.

164. Mr. PILAVACHI (Greece): Our Committee and my delegation were shocked and grieved a few days ago at the untimely death of two eminent members of the United Nations family. My delegation respectfully extends, through you, Mr. Chairman, heartfelt condolences to the families and Governments of Mr. Danieli of the United Republic of Tanzania and Mr. Ismail of Malaysia—the latter a personal friend and colleague in his capacity as High Commissioner of Malaysia in Canada.

165. The examination by this Committee of the report submitted by the Sea-Bed Committee offers to the Greek delegation the opportunity to make a few brief remarks. During the last session of the General Assembly, by adopting resolution 2467 (XXIII) we recognized: "... that it is in the interest of mankind as a whole to favour the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, for peaceful purposes ...".

166. We also considered: "... that it is important to promote international co-operation for the exploration and exploitation of the resources of this area" and that: "... such exploitation should be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries".

167. Concurrently with the recognition of these principles, the General Assembly established the Sea-Bed Committee and instructed it to study and submit recommendations on a series of legal, economic and technical subjects pertaining to these matters.

168. In creating the Sea-Bed Committee we were not under the illusion that after a few weeks of deliberations it would be able to offer us ready-made solutions to the various and complex problems surrounding the peaceful exploration and exploitation of the sea-bed and ocean floor beyond national jurisdiction.

169. There is a belief that one way to bury a question is to refer it to a committee. The perusal of the report before us does not give such an impression as regards the case of the sea-bed. On the contrary, one discerns in the report a sincere and thorough effort to clear the ground and find common denominators where disagreement exists. The subject is new and it involves principles and national interests. Caution and time are, therefore, elements of success in this matter.

170. The report mentions the points of agreement and those of dissent. It should be conceded that the latter counterbalance the former. However, there is a general consensus permeating through the report. It is the recognition that we are facing an important subject, affecting the whole of mankind, which has to be regulated by the adoption of certain principles, by a clearer definition of the area of the sea-bed under international jurisdiction and by the establishment of an international régime.

171. It was repeatedly mentioned by speakers who preceded me that failure in bringing about a logical and generally accepted solution will result in a scramble for the known or unknown wealth of the deep ocean floor, endangering the peace and prosperity of the world.

172. We hope that the Sea-Bed Committee, continuing its painstaking and patient work, will arrive at a narrowing of the antithesis of views summarized in paragraphs 83 to 97 of the report of the Legal Sub-Committee and that it will be able to draw a median line of agreement.

173. I wish to express the appreciation of my delegation for the work already achieved by the Sea-Bed Committee

and its confidence that it will carry on its mission to a fruitful conclusion. The Greek delegation subscribes also to the favourable comments proffered by previous speakers with regard to the report of the Secretary-General [*A/7622 and Corr.1, Part Three, annex II*] on the appropriate international machinery to be established in due course.

174. In connexion with the creation of an international régime regulating the exploration and exploitation of the resources of the sea-bed beyond national jurisdiction, my delegation took note, and will study very carefully, the eight propositions on the nature and scope of a régime put forward by the representative of the United Kingdom on 4 November [*1676th meeting*]. I wish in particular to draw the attention of the Committee to the seventh and eighth propositions respectively.

175. The United Kingdom view on the nature of an international régime to be established by means of an international agreement, reads as follows in the seventh proposition:

“The agreement should provide that the establishment of the régime should not affect the legal status of the superjacent waters of the high seas or that of the air-space above those waters.” [*1676th meeting, para. 125.*]

176. The last proposal reads:

“Finally, the agreement should provide that the exploration and exploitation of the resources of the sea-bed should not result in any unjustifiable interference with other uses of the sea-bed or of the high seas, including the conservation of the living resources of the sea, or in any interference with the freedom of scientific research.” [*Ibid., para. 126.*]

177. My delegation agrees that those two principles are essential parts of any international arrangement which may be agreed upon to regulate the exploration and exploitation of the resources of the sea-bed beyond national jurisdiction.

178. Greece has already made known its position on this aspect of the problem and has declared that any arrangements regarding exploration and exploitation should not affect the existing status of the freedom of navigation in the high seas.

179. In the debate last year on this matter my delegation also drew the attention of the Committee to the dangers of harming the conservation of living resources of the sea and the need to apply safeguards in order to minimize pollution resulting from exploration processes. The Geneva Convention on the Continental Shelf<sup>11</sup> states, in article 5, that:

“The exploration of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea . . .”.

180. However, this article fails to mention how a priority of uses is to be established in the light of what is justifiable. My Government is also of the opinion that the special rights

and interests of the coastal States regarding the conservation and exploration of the resources of the sea-bed and ocean floor should be taken into account.

181. Another matter, initially brought to our attention by the Libyan delegation, concerns the field of marine archaeology and the prospect of discovering in the near future archaeological treasures at the bottom of the sea. We understand that this question has not yet come for examination in the Sea-Bed Committee. We trust that at the appropriate time the Sea-Bed Committee will give its attention to this matter in which other delegations as well, apart from those of Libya and my country, have expressed keen interest.

182. In terminating this brief intervention, I wish to reiterate the hope that the Sea-Bed Committee will be entrusted with the task of continuing the valuable work it has already begun until it arrives at a successful conclusion. There is no better incentive for the Sea-Bed Committee than to know that it enjoys the confidence and full support of us all.

183. The CHAIRMAN: I have no other speaker on my list for this afternoon and since we have some time at our disposal before we adjourn may I suggest that, to speed up our work, I should call on the representative of Belgium, who has agreed formally to present his draft resolution in document A/C.1/L.474 and Add.1-2.

184. Mr. DENORME (Belgium) (*translated from French*): In formally submitting draft resolution A/C.1/L.474 to this Committee, the Belgian delegation had thought it could dispense with the lengthy comments on it. The fact that consultations had taken place in advance on the text, that those consultations had been taken into account to improve its drafting and that it was a basically procedural draft within the terms of reference conferred by the General Assembly on the Sea-Bed Committee at the twenty-third session, had led us to believe that explanations would be superfluous.

185. The willingness of the delegations of Australia, Austria, Brazil, Chile, Jamaica, Madagascar, the United Kingdom, Trinidad and Tobago and Turkey to co-sponsor the draft [*A/C.1/L.474 and Add.1-2*], and the commitment by many other delegations to support it unreservedly, had also confirmed us in this opinion. However, a number of conversations that I had had recently have led me to ask leave today to make a brief statement in order to explain the meaning and the scope of the ten-Power draft resolution.

186. I should like first to outline the aims of the draft.

187. The first aim is to enable the General Assembly to judge the work accomplished by the Committee in a year; that judgement, according to those who spoke in the general debate, was favourable.

188. Secondly, the draft proposes to refer back to the Sea-Bed Committee the study of the question of the sea-bed beyond the limits of national jurisdiction because I believe it is clear to all of us that the study should be pursued as energetically as it was during the preceding year.

<sup>11</sup> *Ibid.*

189. Finally, the draft notes in the Committee's report the useful work done by the Committee, as well as the suggestions which deserve our support and are to be encouraged by the General Assembly. In that connexion, the General Assembly would give more precise directives to the Committee.

190. I shall now make some comments on the general part of the draft, which includes, apart from the preamble, the first two operative paragraphs. My delegation thought it advisable to refer to resolution 2340 (XXII), which created the *Ad Hoc* Committee because it fixed the nature and scope of our work, as well as resolution 2467 A (XXIII) which set up the Sea-Bed Committee since it defined more closely the mandate which the General Assembly wished to confer on an auxiliary body. In adopting that resolution the Assembly was aware of the fact that the task was wide in scope and would take a long time to carry out. It therefore requested the Committee to "submit to the General Assembly reports on its activities at each subsequent session". It also stressed the fact that it was not sufficient merely to examine the problems and consider possible solutions, and therefore requested the Committee "to make recommendations to the General Assembly on the questions" falling within its competence.

191. The Committee was, however, unable this year to make such recommendations because no unanimous opinions were reached on the different questions under consideration.

192. The fact that the report prepared in the course of the present year does not contain such recommendations, however, should not, we feel, deter the General Assembly, after its examination of the report, from taking note of it "with appreciation", since we think it shows that considerable progress was achieved thanks to the effective and persevering work that was done. That is the purpose of operative paragraph 1. Operative paragraph 2 invites the Committee to continue its work, namely "to consider further the questions entrusted to it under resolution 2467 (XXIII), with a view to formulating recommendations on these questions". It is obvious that the Committee could not carry out its study in any but a gradual way "in the light of the reports and studies to be made available to it".

193. Thus, for example, the study on the prevention of marine pollution which was requested in resolution 2467 B (XXIII) will not be ready until next year.

194. In the light of the double reservation I have just mentioned, that is, firstly, the need to have available all the reports and basic studies, and secondly, the difficulty of arriving at recommendations on the basis of the examination carried out, the draft does not confine itself to referring to the Committee all of the questions the General Assembly has had on its agenda for two years, but wishes, firstly, to take note more particularly of what was done this year, feeling that the Committee should not re-examine questions from the very beginning but should build on the solid basis of the preliminary examination that has been made, in all cases where such a basis exists, and secondly, to indicate to the Committee a question of primary importance and particular urgency without thereby wishing to restrict in any way the general mandate conferred on the Committee in resolution 2467 A (XXIII).

195. Paragraphs 3, 4 and 5 meet this concern. The General Assembly "notes with interest" the progress already made in the Legal Sub-Committee, namely, the formulation of principles which would:

"... promote international co-operation in the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction and to ensure the exploitation of their resources for the benefit of mankind".

It will be noted that the wording of operative paragraph 3 corresponds exactly to the wording of paragraph 2 (a) of the resolution which laid down the mandate of the Committee.

196. The fact that no explicit reference is made here to the identical interests of the coastal States and landlocked States, or to the special needs and interests of the developing countries should not be interpreted as a change of attitude on the part of the General Assembly in connexion with resolutions adopted previously, which are, in any case, recalled in the preamble of this draft.

197: Paragraph 15 of the report of the Committee specifies that the "synthesis at the end of the report of the Legal Sub-Committee reflects the measure of progress achieved in the sustained attempt to arrive at a formulation of principles". Thus it is this synthesis that should permit the Committee next year to "expedite its work of preparing a comprehensive and balanced statement of these legal principles and to submit a draft declaration to the General Assembly at its twenty-fifth session", as is requested in operative paragraph 4 of the draft resolution.

198. With regard to the Economic and Technical Sub-Committee, the delegation of India has submitted to it a very sound suggestion. Paragraph 99 of that Sub-Committee's report states that:

"Following a proposal by the delegation of India the Sub-Committee decided that the Secretariat be requested to prepare, as a follow-up to the preliminary note A/AC.138/6 and in the light of the deliberations held in the Economic and Technical Sub-Committee during its session of March 1969, a study which would include a review of the measures taken by various Governments with regard to the development of their continental shelf mineral resources, in particular oil and gas, and the denominators which are common to these measures."

199. The different suggestions made in paragraphs 155, 156 and 157 of that report are the logical result of this Indian proposal, because in its endeavour to determine common denominators among the measures adopted by Governments to develop their continental shelf mineral resources, the Sub-Committee is proposing to extrapolate national experience in order to work out an appropriate code of the conditions governing the exploitation of the resources of the area within the framework of the régime to be created, as mentioned in paragraph 5 of the draft resolution.

200. Thus I have dealt with two of the three parts of the draft resolution before us: the general part confirming the

mandate conferred on the Committee last year; the part which, while noting what has been done so far, views it as a basis for next year's work, at the same time drawing the Committee's attention to its main task of working out a set of principles which will include the common denominators listed in the synthesis in paragraphs 84 to 98 of the report of the Legal Sub-Committee, but will completely that work by reaching generally accepted formulas on the areas of disagreement that still exist.

201. I have only one word left to say about operative paragraph 6. On this point may I recall that resolution 2467 A (XXIII), in its operative paragraph 4, requested the Committee:

“To work in close co-operation with the specialized agencies, the International Atomic Energy Agency and the intergovernmental bodies dealing with the problems referred to in the present resolution, so as to avoid any duplication or overlapping of activities”.

Relations of trust and co-operation were effectively set up between the Committee and these various institutions. It is therefore only natural that the General Assembly should “express its satisfaction . . . for their . . . participation in and contribution to the Committee's work”.

202. I should now like, if I may, to refer briefly to two paragraphs which, after consultations, were omitted from the draft resolution that is being submitted to the Committee. One of the paragraphs reads as follows:

“*Welcomes with satisfaction* the decision to request the Secretary-General to continue a thorough study of the question of creating an appropriate international machinery in due course”.

The fields to be studied are specified as follows in paragraph 19 of the report: (a) status of the machinery; (b) structure of the machinery; (c) powers and authority to be given to this machinery; (d) activities and functions of the machinery. This text was left out at the request of certain delegations which intended to submit a separate draft resolution on this matter. In the meantime such a text has been circulated as document A/C.1/L.477.

203. The second of the paragraphs omitted from the final draft reads as follows:

“*Approves* the plan of the Committee to organize in 1970, apart from a short organization session, two sessions of a duration of four weeks each, the second of which could take place in Geneva”.

A number of delegations felt that this concerned the internal organization of the Committee itself and did not belong in a resolution of the General Assembly.

204. Finally, I wish to thank all those delegations which have helped me with their advice and their suggestions in the preparation of this draft, and particularly those who, after our consultations, were kind enough to honour me by sponsoring the text.

205. On behalf of the sponsors, I wish to express the hope that there will be unanimous support for this draft.

206. The CHAIRMAN: The representative of Malta has made a request that he may now be given the opportunity of introducing the revised draft resolution in the name of Malta in document A/C.1/L.473/Rev.1. If the Committee has no objection, I will give the floor to the delegate of Malta.

207. Mr. PARDO (Malta): Mr. Chairman, I understand that you are anxious to adjourn and I shall therefore be extremely brief. I have understood previously that it was your wish that I should speak this afternoon. Our original draft was commented upon, sometimes favourably, more often unfavourably. Anxious as we were to take into account all views consistent with our objective, which is constructively to encourage progress towards an equitable international régime and efficient international institutions having competence over a precisely delimited area of the sea-bed, we have revised our draft to clarify our purpose. We hope that the revised draft will meet the wishes of some at least of those who have made suggestions to us. We are not, unfortunately, able to satisfy everyone, not because we should not like to but because many suggestions were made from diametrically opposite points of view.

208. The observations in this Committee and informal suggestions made to us may be summarized as follows. First of all, it was suggested that the Secretary-General should ascertain the views not of all member States but only of those States that are signatories to the 1958 Geneva Convention on the Continental Shelf. We did not incorporate this view in the revised draft since we believe that consultation of the entire United Nations membership is more in keeping with the spirit of article 13, paragraph 2, and article 14 of the 1958 Convention on the Continental Shelf<sup>1 2</sup> than a consultation limited only to signatories. Furthermore, if the true state of international opinion is to be sounded, it would appear to be far better to consult the entire United Nations membership rather than a limited group of States.

209. In the second place, some delegations have manifested apprehension at the words “an early date,” which were included in the second line of operative paragraph 1. We do not share this apprehension since words must be related to the subject matter. “An early date” may be 1,000 years in geology. In the United Nations it is invariably interpreted to mean a period of more than one year.

210. In the third place, it was suggested to us that it was unnecessary for the Secretary-General to ascertain the views of member States on the extent of the area of the sea-bed lying beyond national jurisdiction since this would lead to a freezing of positions or to a maximizing of claims. We have attempted to take an understanding attitude towards these fears by deleting the offending phrase, with reluctance, however, since we did indeed believe that it might be useful to obtain an up-to-date picture of the views of States on this question. This reluctance has now in fact become a serious doubt as to whether our conciliatory decision was wise in view of the draft resolution submitted by Uruguay and contained in document A/C.1/L.478 since this draft resolution discriminates against those States that have

<sup>1 2</sup> *Ibid.*

exercised restraint in extending their national jurisdiction or that have not officially made extensive claims to national jurisdiction over extensive areas of the sea-bed. I would reserve my right later on to comment on the draft resolution in question contained in document A/C.1/L.478.

211. The fourth comment which the original draft resolution submitted by my delegation has given rise to is that Member States should be consulted only on whether a conference limited to the definition of the precise limits of the sea-bed beyond national jurisdictions was either feasible or desirable. This point of view is incorporated in the first amendment submitted by Cyprus [A/C.1/L.476]. My delegation has difficulty in accepting this approach because events in the area within national jurisdiction or the action of States within their legal continental shelf can, and sometimes already do, affect the area beyond national jurisdiction or the area within the national jurisdiction of other States. This is particularly relevant in the case of pollution, and we are certainly not satisfied with the way the question of pollution is treated in article 5, paragraph 7, of the 1958 Convention on the Continental Shelf.

212. A further observation that we received was that it would be preferable in operative paragraph 1 to use the word “desirability” instead of the word “feasibility”. We did not understand the rather intricate reasons for the preference of some States for the word “desirability” instead of “feasibility”. However, to try to satisfy everybody, we have accepted both words and it will now read “desirability and feasibility”.

213. A further view which is incorporated in the amendments submitted by Jamaica and Trinidad and Tobago in document A/C.1/L.475 is that Member States should not be consulted on the desirability or feasibility of a conference to review only the 1958 Convention on the Continental Shelf, but rather on the desirability or feasibility of a conference to review all international conventions on the law of the sea.

214. We certainly agree that, as stated in those amendments, the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf and the superjacent waters are closely linked together, but that does not necessarily mean that it is either wise or practical to handle all these very complex problems simultaneously. Should they all be tackled at the same time, that would almost inevitably delay a favourable outcome of the work of the Sea-Bed Committee and, indeed, the problems of the sea-bed would become truly submerged in the discussion of the enormous mass of problems concerning the marine environment as a whole. It was for that reason that we opposed the establishment of a committee on the oceans two years ago and, in fact, we confined our initial proposals to the sea-bed alone, since only very few and very general norms of international law are at the present time applicable to the sea-bed. Furthermore, there can be no doubt that from a purely formal point of view, consideration of all the Geneva conventions on the law of the sea is clearly outside the terms of reference of the Sea-Bed Committee.

215. Finally, the amendment, in our view, is unnecessary, since all States in replying to the Secretary-General are, of course, free to reply, as no doubt some will, that a

conference limited to reviewing the Convention on the Continental Shelf and to agreeing on an international régime is not acceptable unless all the conventions on the law of the sea are reviewed at the same time. In that case the General Assembly will no doubt draw the appropriate conclusions and may decide that no further steps on this subject are desirable.

216. Another point of view, very persuasively argued by the representative of Chile yesterday, was that in fact the question of convening any conference, and hence the question of the definition of limits of the area beyond national jurisdiction, was not within the scope of the Sea-Bed Committee.

217. I would not wish at the present time and in view of the lateness of the hour to argue with the theoretical validity of the view of the representative of Chile since, among other things, it would take us very far afield. I would assure him that I share his view that any conference should be carefully prepared. But the fact remains that the question of the peaceful uses of the sea-bed beyond national jurisdiction is very different from that of outer space. In the latter case, exploitation is not imminent; in the former, there is great probability of lucrative exploitation of almost all areas of the sea-bed fairly soon and there is, therefore, great danger of progressive national appropriation of vast areas. If we refuse to identify precisely the limits of the area to which an international régime would apply, our work here risks being overtaken by events and any international machinery eventually evolved would be unlikely to have an effective function.

218. Finally, it was pointed out to us that we should attempt to make as much progress as possible both on the question of régime and on the question of limits, since both were closely interrelated and in our original draft we had omitted any reference to the principal purpose of our work as defined in paragraph 2 (a) of resolution 2467 A (XXIII). We felt that those observations were well founded. The practical urgency of making a first step towards a conference to review the 1958 Convention on the Continental Shelf and to define the precise limits of the area beyond national jurisdiction resides in the fact that the type of international régime eventually established, the eventual form of such a régime and the type of machinery that may be internationally acceptable will be affected by the decision on the definition of the area beyond national jurisdiction.

219. That does not, of course, mean that the régime established cannot be modified, but that the initial international agreement on a régime and on a machinery is likely to be influenced by whatever will be decided with regard to limits. Nor, of course, will the work of the Sea-Bed Committee be prejudiced by the addition of paragraph 1 (2) to our original draft resolution. As we see it, the function of a conference would be to give the finishing touches to the work of the Sea-Bed Committee and to ratify whatever will have been accomplished by that Committee.

220. I trust that I have not neglected any shade of opinion. It is, I regret to say, difficult to satisfy everybody, and I hope that in submitting a revision of our initial draft

my delegation has not fallen between a number of different stools. We wish to assure members that we have submitted our revision in good faith and with the object of encouraging progress in our work. We hope that our revised draft will be examined in this constructive spirit.

221. I would emphasize that States will have ample opportunity to express their views in full in their replies to the Secretary-General whatever may be the precise form of the enquiry in the draft resolution. There is no doubt whatsoever that the General Assembly next year will draw

the appropriate conclusions as to whether to proceed further from the replies received.

222. The CHAIRMAN: I thank the representative of Malta for presenting his revised draft resolution. I am truly grateful to him for acceding to my request to do so this afternoon. Two meetings are scheduled for Monday, at 10.30 a.m. and 3 p.m. sharp.

*The meeting rose at 6.10 p.m.*