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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 and 2, L.475, L.476 and L.477)

1. Mr. FONSECA (Colombia) (*translated from Spanish*): The delegation of Colombia would like to make some comments on the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction [A/7622 and Corr.1]. I have been following with interest the debate held here in the First Committee, under your sound and dynamic guidance, Mr. Chairman, on a subject which the delegations have rightly treated as of the utmost importance.

2. First of all I would like to express, however briefly, my delegation's thanks to Mr. Amerasinghe of Ceylon, the Chairman of the Committee, and to the Chairmen of the Legal and Economic and Technical Sub-Committees, Mr. Reynaldo Galindo Pohl of El Salvador and Mr. Roger Denorme of Belgium, respectively, as well as to the Rapporteur, Mr. Victor Gauci of Malta, who presented the important document a few days ago [1673rd meeting]. They have made efforts that deserve recognition, and the study they have submitted to us pursuant to General Assembly resolution 2467 (XXIII) constitutes modest but genuine progress as compared with the report prepared by the now defunct *Ad Hoc* Committee on the Sea-bed¹ and examined in this room last year.

¹ Official Records of the General Assembly, Twenty-third Session, document A/7230.

3. The document before us gives a broader view of the problem we are discussing and at the same time enables us to appreciate the magnitude of the difficulties we still have to overcome.

4. My delegation intends, however, to approach this debate in a spirit of optimism. Unlike most of the items on the agenda of the twenty-fourth session of the General Assembly, the item on the sea-bed opens up unsuspected prospects for the future of mankind. We must therefore steer our deliberations in a genuine spirit of constructive collaboration if we are to achieve the desired objective, namely to secure for all mankind the benefits of the peaceful, scientific and effective use of the untold wealth scattered over two-thirds of the planet's surface below the ocean depths.

5. By means of a vigorous, systematic process of international co-operation the developing countries must be trained to take an active part in the exploration and exploitation of these resources so as to secure for their populations levels of living compatible with human dignity. At the same time that process will give the industrial Powers a chance to provide technical and scientific co-operation, to widen the scope of international trade and to extend and enrich the horizons of man in the closing decades before the start of the next millennium. It would be hard to find an issue calculated to awaken greater enthusiasm.

6. Nevertheless, after a careful scrutiny of the report, and after reflecting on some of the ideas put forward by the delegations that have preceded us, it is clear that there is still a prevalence of views imbued with pessimism, short-sightedness or caution out of step with the realities of the age we live in.

7. During the twenty-third session of the General Assembly² I had the honour to explain my country's views on a number of legal, economic and technical aspects of the subject. Hence I do not think I need expatiate further or reiterate the position of Colombia on all the issues raised in the report. I shall confine myself to a few points, reserving my delegation's right to speak in the debate in due course should the occasion arise.

8. With regard to the formulation of general principles, we have noted with satisfaction that there is already a wide area of agreement; if in the realm of science and culture no nation can claim exclusive rights, then we can quite justifiably declare, conversely, that the sea-bed and ocean floor and the subsoil thereof, beyond the limits of national

² Ibid., Twenty-third Session, First Committee, 1600th meeting.

jurisdiction, are “the common heritage of mankind”. We can also agree that “. . . this area is not subject to national appropriation by any means whatsoever” and that “All States shall participate in the administration and regulation of the activities in this area as well as in the benefits obtained from the exploration, use and exploitation of the said area”. In this connexion my delegation entirely supports what was said by Mr. Benites of Ecuador:

“... the expression ‘in the interests of mankind’ must be understood to mean ‘in the interests of the international community’ and does not imply increasing or reducing the cost of goods for use or consumption as a result of the exploitation of the sea-bed and ocean floor, but implies using the net proceeds for the economic promotion of the developing countries, regardless of whether they have a sea-coast or not” [1676th meeting, para. 109].

9. We therefore support the notion that the resources in question shall be used for the benefit of mankind as a whole, irrespective of the geographical location of States and bearing in mind the special needs of the developing countries, including landlocked countries; and that the area in question shall be reserved for purely peaceful purposes, so that the arms race cannot spread to it, and that the great Powers may not emplace weapons of mass destruction there. With regard to that disturbing matter in particular, my delegation is most anxious to hear the views of the Sea-bed Committee on the report of the Conference of the Committee on Disarmament at Geneva³ concerning the treaty on the denuclearization of the sea-bed and ocean floor.

10. The report that the two super-Powers have reached agreement on this subject is encouraging. At the same time, the delegation of Colombia has the pleasant impression that there is a general consensus on the idea of creating, as soon as possible

“... appropriate international machinery for the promotion of the exploration and exploitation of the resources of the [sea-bed and the ocean floor beyond the limits of national jurisdiction] . . . and the use of these resources in the interests of mankind”,

to quote the Secretary-General’s report incorporated as annex II in Part Three of the report under discussion.

11. In this connexion we have noted with satisfaction the statement by Mr. Phillips of the United States that although his delegation abstained last year in the vote on the resolution in question, it found the Secretary-General’s report extremely useful. One of the things he said was that:

“The more we have discussed with our colleagues the question of promoting peaceful exploration and exploitation of the deep sea-beds, the more we have become convinced of the need for some form of international machinery as part of the international régime. It will be a practical necessity if conflict is to be avoided and orderly development ensured” [1673rd meeting, para. 94].

³ Official Records of the Disarmament Commission, Supplement for 1969, document DC/232.

Further on he says:

“We all agree that the deep sea-beds must be developed in a manner which will benefit all mankind. At the present time, however, no international organization possesses the knowledge or capability requisite for actual exploitation. As we have previously stated, we recommend that provisions be made for payment of royalties on production in the area beyond national jurisdiction for the benefit of the international community” [ibid., para. 96].

12. My delegation considers that we should proceed without delay with the preparation of a wide-ranging study on the structure, status, functions and powers to be given to the proposed international machinery or organ, which should also be endowed with sufficient autonomy and authority to regulate, co-ordinate, arrange and authorize concessions, and to supervise and control all activities relating to the exploration and exploitation of the resources in question. We also consider it desirable to provide that, until such time as the international machinery is established and in operation, the industrialized countries shall refrain from operations for the exploitation of the resources of the area.

13. In the light of all the foregoing, Colombia is ready to support any resolutions calculated to speed up the process of setting up the international machinery, and hopes they will be adopted by the General Assembly.

14. With regard to the principle of “freedom of scientific research and exploration” and “the obligation to make results of scientific activities available”, we are in favour of such activities being carried on at all times in co-operation with the developing countries, particularly coastal States in cases where operations are carried on in the area contiguous to their national jurisdiction.

15. On the subject of the urgent need to delimit the area precisely, Colombia favours convening a third United Nations conference on the law of the sea, primarily for the purpose of studying and seeking general agreement on a precise and internationally acceptable definition of the breadth of the territorial sea and the limits of the sea-bed over which “the coastal State exercises . . . sovereign rights for the purpose of exploring it and exploiting its natural resources”, none of these matters being clearly defined in the Convention on the Continental Shelf signed at Geneva in 1958.⁴ When the representatives of countries go to that conference they should have a clear picture of the technological advances which today make it possible to exploit hydrocarbons and other resources at great depths. The bathymetric concept that prevailed in 1958 must yield place to an outlook on the future that will not for a single instant lose sight of the economic implications for the developing countries. My delegation will therefore support the draft resolution sponsored by Malta [A/C.1/L.473].

16. We also agree that due consideration should be given to the interests of other States in the exercise of the freedom of the high seas; similarly, we hold that States undertake responsibility for the dangers of pollution and

⁴ United Nations, Treaty Series, vol. 499 (1964), No. 7302.

disturbance of the ecological balance of the marine environment and of coasts and beaches caused by their activities in exploring and exploiting resources; and we endorse the principle that neither scientific research nor exploration automatically grants rights to States.

17. Colombia will be participating enthusiastically in the programmes of the International Decade of Ocean Exploration. It has intensified efforts to explore and exploit the resources of its own continental shelf and territorial sea. This zeal is quite natural for a country which has coastlines on the Atlantic and Pacific stretching for 2,900 kilometres. The Colombian Oceanographic Commission has been making strenuous efforts to co-ordinate national and international activities, integrating the activities of the various bodies concerned, in both public law and private law areas, with a view to joint oceanographic studies.

18. Colombia has begun to receive substantial technical assistance from international agencies such as the Inter-Governmental Oceanographic Commission of UNESCO, and FAO. Furthermore, the oceanographic work programme presented by Colombia to the secretariat of Cooperative Investigations of the Caribbean and Adjacent Regions (CICAR), covering a four-year period, has been so arranged that the results of the scientific investigations undertaken will not only make for a better knowledge of the Caribbean area among the international organizations interested in it; they also constitute a real contribution to the economic and industrial development of my country. In addition to any experience it may acquire from the investigation of the Caribbean area, Colombia has begun to develop a similar plan to be carried out on the Pacific coast over a period of approximately four years.

19. Up to the present time we have regarded the sea as the great highway uniting the peoples of the earth; we have explored and exploited it empirically. Today we recognize that the time has come to use it comprehensively for the benefit of mankind, with the help of science and technology and the consensus of the whole world.

20. The signs of the times give a warning to today's generations not to give succour to atavistic megalomania and selfishness. The headlong advances of the last few years bring out more and more with every day that passes the factors making the world interdependent, and call for urgent priorities if we are to avoid the terrifying downhill path of the arms race, the population explosion and the widening gap between developed and under-developed nations.

21. In a few days a new Apollo will leave the earth for outer space. The cost involved is about the same as the annual budget of a medium-sized country. To the general surprise, the cosmonaut Collins on his return with the men who had trodden the desolate surface of the moon said, "I prefer the earth". I would say to the super-Powers that we ought to give priority and preference to our seas and oceans over those remote, forbidding and desolate heavenly bodies. To conquer better worlds than our own, what we need is a launching-pad of universal well-being.

22. The frontier of the oceans is nearer and more realistic. That is where we must concentrate our economic and

scientific efforts. Equitable distribution of those vast resources is the perfect answer to the cruel poverty that afflicts two thirds of mankind.

23. Mrs. MYRDAL (Sweden): Through the statements of the great number of speakers that have preceded me in this debate, the issues connected with reserving the sea-bed for peaceful purposes have become even better clarified than they were in the resolutions of the United Nations, and also in the document laid before us by the sea-bed Committee [*A/7622 and Corr.1*]. May I add my contribution to the praise already bestowed on Mr. Amerasinghe and his colleagues for the diligent work and incisive analyses they have devoted to the intricate problems facing us. I also wish to express our appreciation of the special report concerning international machinery [*ibid.*, *Part Three, annex II*] by which the Secretary-General has elucidated the policy alternatives open to us.

24. The Swedish delegation now wishes to help move the deliberations forward by stating our policy positions on the main points, albeit in a preliminary way, and we note that as Chairman of the sea-bed Committee Mr. Amerasinghe was not able to provide decisive guidance, but we are happy to find that he has done so as leader of the Ceylonese delegation. In his speech a week ago he formulated policy lines which run exactly parallel with our own. Thus, I want to state from the outset that my delegation allies itself fully with his list of general principles for an international régime of the sea-bed [*1673rd meeting, paras. 44-55*].

25. Many excellent points have also been made in other statements to this Committee; I have learnt a great deal from several and may find time to refer to some of them. But the reason that I want so unequivocally to align the position of the Swedish delegation with that of the Ceylonese delegation is that we have noticed with regret a tendency on the part of some industrialized countries to avoid expressing the same conviction as representatives from less privileged countries do, namely, that the supreme principle to acknowledge on this issue must be that the sea-bed is "the common heritage of mankind". Well, Sweden definitely shares that conviction. I am happy to note the same attitude prevailing in statements not only by India, Brazil, Ecuador, Nigeria, Pakistan, Madagascar and several others which followed, but also by the delegations of Belgium, Norway, Yugoslavia, Iceland and, I believe, New Zealand.

26. We must by all means avoid a political split in regard to the utilization of the resources of this fascinating new environment. But we must honestly recognize that we stand at a crucial crossroads. If different positions were taken on this fundamental principle, it would amount to more of a parting of ways than is generally thought possible. In its turn it would entail differences on practically all the remaining issues, however technical they have appeared in the discussion.

27. Let me first, in a few words, indicate the importance of the sea-bed issue in a wider perspective. It cannot be considered as unique, but must be viewed as an outcome of forces which are now confronting us with what might well be a decisive turn of historical importance.

28. The question of the proper use of the sea-bed and ocean floor arises from a whole set of problems created by the rapid advance of science and technology, which opens up broad new outlets for man's activities. These new "futuristic" issues, as they may well be called—be they related to the possibility of reaching and exploring the sea-bed and the ocean floor, or of sending satellites into outer space for all kinds of different purposes, or of marshalling information through cybernetic systems, or of harnessing atomic power for rich yields of energy, or, by using nuclear explosions, for adventurous geophysical engineering—all these subjects are new, not only to man himself, as they constantly and rapidly alter his surroundings and put to a hard test his absorptive and adaptive capabilities.

29. From a global point of view they are no less exacting, as they call for quite new approaches and initiatives in regard to international solidarity. They offer, it seems to us, the real challenge for a new dimension of the activities of a world co-operative community and, indeed, a new era in our Organization. If this challenge is not constructively met, there remains a potential clash between the national interests of a few and the international interests of the many in each one of these fields. It is the obvious duty of our Organization to forestall such a clash.

30. The consequences of these revolutionary new technological developments have a pervasive influence on all nations. But these developments within science and technology are themselves far from evenly distributed. In regard to the kind of highly advanced technologies needed, for instance for reaching the deep ocean floor, only a few countries are independent participants in the developments lying ahead. A practical monopoly, or, I would rather say, a duopoly, will remain the outlook for the foreseeable future. Many of us cannot help but recall that these opportunities have accrued to the very nations which have pursued military research to levels way beyond the majority of nations.

31. If the break should be made in the drift of events and if the applications of the developments of modern science and technology should be made beneficial to all nations, new pledges for international co-operation, coupled with national restraint, are not only indicated: they are indeed indispensable. Therefore, it is obvious to my delegation that the role of the United Nations and its related agencies must be seen in a new perspective. It is even a matter of urgency that the United Nations should be given the means, as soon as possible, to encompass arrangements and agreements concerning these new technological developments within a framework of enhanced international co-operation.

32. The true place of science and technology in our so unevenly developed world is a subject that the Swedish Government has felt it necessary to return to on many occasions, for instance recently in the general debate here and in many connexions; for instance, with disarmament, communication satellites, pollution problems and so on.

33. Today, also, we must recall that the true significance of the debate which has been going on for two years concerning the sea-bed issue—once it had been, with such

farsighted vision, introduced by Malta⁵—is that on the one hand international co-operation is shown to be an absolute necessity, while on the other hand we must recognize that established frameworks for such co-operation are insufficient and in need both of new concepts and of new organizational forms.

34. The debate here, as well as the discussion in the sea-bed Committee, and its *ad hoc* predecessor,⁶ and the reports presented by these bodies testify to this dilemma: on the one hand the great importance all countries now attach to the future management of the world's oceans and sea-beds, but on the other hand our lack of preparedness. The subject has a bearing on several of the major questions with which the United Nations is confronted at this juncture in history: the call for disarmament, the scarcity of world food resources and the quest for a fairer distribution of the wealth of the world.

35. Hence, one of the most important aspects of this problem, which must also constantly be borne in mind, is the danger of pollution of the marine environment. We are thankful to Iceland for having proposed the urgent consideration of this problem which is, of course, part of the greater problem of preserving man's total environment. As we know, the United Nations and some of the specialized agencies are now studying these matters in depth, notably in preparation of the United Nations conference on the human environment to be held in 1972.

36. As we are so aware of these broader aspects, which are all truly urgent, my country, which is not a member of the sea-bed Committee but has assisted as an observer, cannot deny experiencing a measure of frustration that so little has as yet been achieved to fulfil the primordial task for grappling with all of them, namely, establishing a set of principles to rule a legal international order with regard to this important environment. As a creative compromise has not been achieved within the sea-bed Committee, the time has obviously come for some political decisions regarding directives to be given for further work. Many interventions in this debate seem to us to express the same concern.

37. There are, as far as our delegation can now judge, really five pivotal questions on which we must take some steps forward this year in order to guide the course of further negotiations. They are all bound up with the attitude various nations take towards creating an international harmony of interests in regard to the sea-bed and restraining attempts at appropriation of any of its areas or resources.

38. These issues, on which I want briefly to summarize the Swedish recommendations, concern: first, the principle of internationalization, second, the machinery needed for an international régime, third, the extent of the area lying beyond national jurisdiction, fourth, the connexion with disarmament measures, and fifth, the question of timing.

39. On the first, that is the question of principles, the main decision is to safeguard an international régime for the

⁵ Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 92, document A/6695.

⁶ Ad Hoc Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

sea-bed and joint management of its resources, as opposed to the principle of free access according to technological capabilities. It seems to us that the United Nations cannot afford to wait another year for a firm declaration on this point.

40. The Swedish delegation would be prepared to subscribe to the whole list of such principles as formulated by the representative of Ceylon in his statement last week. As all twelve of his principles follow in reality from recognizing the supremacy of the principle that the sea-bed is "the common heritage of mankind", it might suffice at this session to get that principle accepted as a foundation. That would allow the sea-bed Committee to work on evolving a definite set of international legal precepts in order to save the sea-bed area and its resources from competitive exploitation.

41. It may, of course, be that certain States are still opposed to accepting the implication which the concept "common heritage of mankind" has of denying to States or their citizens the acquirement of exclusive property rights over any parts of the sea-bed by use, occupation or any other means. But if any delegation still holds this view, it would imply opposition not because the concept lacks content, as has sometimes been vindicated, but rather because it has a content which is contrary to certain interests. We, for our part, hold firmly to the view that the principle "common heritage of mankind" requires that the sea-bed and ocean floor cannot be parcelled out but must be exploited jointly for the benefit of mankind as a whole. We choose this stand not out of any national interest but in order to ensure that the possibilities which the future holds for exploitation of rich resources of the sea-bed be so managed that the less developed countries are not deprived of this heritage.

42. The second cluster of problems concerns the type of machinery needed to assure an international régime for managing the sea-bed and its resources so as to be equitably beneficial to all nations. The report prepared on this subject by the Secretary-General [*A/7622 and Corr.1, Part Three, annex II*] has provided us with a comprehensive list of the options alternatively open to us for constructing such machinery. I might also refer to the monograph by the Stockholm International Peace Research Institute "Towards a Better Use of the Ocean", published this very month. A special chapter on "Alternative Forms of International Régime for the Ocean", written by the director of the Stockholm International Peace Research Institute, Mr. Robert Neild, presents a good check-list of the considerations which should guide a choice of operational form.

43. Speaking in general terms, Sweden would be in favour of the speedy creation of international administrative machinery for the sea-bed and the ocean floor. Between the three main possibilities listed in the Secretary-General's report—namely registration of claims, a licensing system or an operational agency—it is obviously possible to make many combinations. In line with our desire to advance the positions of the United Nations in this field, we would wish this Committee to express itself in favour of such international machinery that its regulating and controlling authority would not be questioned. It should provide more than a

registry of claims and entail at least a system for licences and leases for exploration and exploitation, these having to be clearly restricted as regards both specification and duration in time. They must further be coupled with agreed rules about licence fees and their utilization, as well as about sharing of profits. The system evolved ought finally to be so structured that it would be capable of being supplemented with operational activities. A resolution asking the Secretary-General to continue a study in depth of the modalities of an international machinery with such functions would seem to be a necessary action at this year's session.

44. The third main issue, as yet unresolved, concerns the very extent of that area "beyond the limits of national jurisdiction", which we now all agree exists as an international asset. Very little if any progress has so far been made on the establishment of a precise outer boundary for this area. Certain States even contend that it is not within the mandate of the sea-bed Committee to make any recommendations in that respect. This is, in our opinion, a defeatist attitude with which we cannot possibly be satisfied. If the sea-bed Committee cannot carry out its mandate as long as the limits of the continental shelf areas of coastal States are not fixed, we must now recommend action to get that deficiency mended, be it through the sea-bed Committee or in some other forum.

45. Obviously, it is necessary to achieve immediately a common understanding as to what would be the most tenable definition of the continental shelf, which is and should remain under the jurisdiction of coastal States for exploration and exploitation of resources. This should not be such a formidable task. I believe that all could agree right away to obliterate the one deficiency in the present definition, which is the present permissive openness, caused by exploitability having been made one of the criteria. That constitutes an advantage, inexplicably given to technologically advanced nations, as they might, as has been stated repeatedly in this debate, proceed to reduce more and more that international area on which mankind has just begun to stake its claim.

46. The negative operation to delete that criterion might seem to be a simple act, and much would be won if we agreed that this should be done, even if it is not immediately codified in the terms of a legal convention. The positive construction is undoubtedly much more difficult, that is, to decide whether the second criterion now used in the Geneva Convention on the Continental Shelf⁷—the 200-metre-depth one—should remain as the only constitutive element, or whether some measure of maximum distance from the coastlines should be negotiated. Consultations on these matters should proceed, preferably, to our mind, through diplomatic channels, before any calling of a new conference to amend the 1958 Convention, as there must be some advance assurance as to the success of any such conference.

47. I now want to turn to the fourth of the major outstanding issues, namely, the rigorous upholding of the principle of reservation of the sea-bed and ocean floor "exclusively for peaceful purposes", as proclaimed in our

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

United Nations resolutions and reaffirmed in the very title of the agenda item under debate.

48. The question of the "demilitarization" of the sea-bed will call for more detailed examination in connexion with the debate under the disarmament items. I wish, of course, to reserve my right to deal with that issue when its proper turn arrives—when we start to discuss the report from the Conference of the Committee on Disarmament. But two aspects of the military counterpart of the sea-bed issue are of direct concern to our present deliberations. One is that when we are confronted this year with a proposal for a partial international agreement concerning only denuclearization and not demilitarization of the sea-bed, we must extol assurances that the "peaceful uses only" principle rests supreme and that a general renunciation of military uses is understood to prevail, even if detailed legislation to that effect is not yet ready. The Swedish delegation has tried in Geneva, so far in vain, to have the principle acknowledged that a partial demilitarization treaty must envisage a comprehensive one in order to comply with our guiding resolution 2467 (XXIII).

49. The second aspect concerns the link between possible forms of inspection, or, generally, methods to verify that no nuclear or, in the future, other military, installations have been implanted in the sea-bed. As all appropriation of the sea-bed and ocean floor beyond the continental shelf, either by use, occupation or any other means, is to be barred, no nation could prohibit verification with the excuse that any installations encountered would form part of peaceful activities to which a nation had exclusive rights. Even under a system with internationally granted leases or licences, the character of any activities would, of course, have to be duly registered with the international authority, which should also have the power to prescribe conditions as to access for verification purposes.

50. I have wanted to underline these relationships in support of our view that it will prove impossible to deal with the disarmament aspect of the sea-bed issue without a prior firm understanding as to the international jurisdiction over this whole environment. That is one reason why it is so urgent that we should proclaim the major principle of the sea-bed as a joint patrimony at this session. I also support those who have stated that a first practical requirement is that the sea-bed Committee should be given time to examine any proposal as to disarmament measures in the comprehensive perspective of all possible—and permissible—uses of the sea-bed.

51. As a fifth and final point I want to raise the question as to how we are to resolve the dilemma between urgent need for action, on the one hand, and requirement of time to continue negotiations, on the other. We must understand that further elaboration of legal principles, as well as of practical proposals for machinery to handle the international management of the sea-bed, will require at least one year's work. Further studies, as well as continued scientific exploration and research, are also called for.

52. But what about the timing problem in regard to exploitation? Several delegations—and not least the representative of the United States—have impressed us with the fact that "exploration and exploitation of the sea-bed is

continuing at an accelerated pace". Mr. Phillips went on to say in his statement [*1673rd meeting*] that he regretted the absence of guidelines which are necessary to ensure the orderly development of sea-bed resources.

53. I believe that we are all aware of the great risk that, while we deliberate, developments may take a course of their own. The risk that, as time passes, national property rights become acquired "by use, occupation or other means" must not be overlooked. Commercial interests are clamouring vociferously for go-ahead signals; their technical press can provide any number of quotations to that effect. Military interests seem to be no less eager. Powerful techniques are already in the hands of a few countries. And some of the areas belonging to the sea-bed lie at such shallow depths, like the sea islands and sea ridges, that a great number of countries can command the capacity to take possession of them—at least all countries which now have activities afoot on the continental shelf. It thus becomes urgent for us to act immediately in order to forestall any regrettable developments.

54. Sweden has repeatedly called for a "freeze" of the present situation so as to avoid national appropriation of the sea-bed and the ocean floor and, indeed, any forms of non-international exploitation of its resources. Several delegations—Brazil, Cameroon, Cyprus, Finland, India—have spoken of the necessity forthwith to restrain activities which would be contrary to the rules of the would-be international régime.

55. The Economic and Technical Sub-Committee also reports that some members expressed the view that: "... no activities should be permitted prior to the establishment of an international régime ...". [*A/7622 and Corr.1, Part Two, para. 46.*] The Swedish delegation finds it timely that such a moratorium on exploitation in the course of national claims be declared immediately.

56. No one should interpret this as an attempt to put a spoke in the wheels of development. The continental shelves provide ample scope for coastal States—and they are for obvious reasons the only ones that have pursued the necessary techniques—to explore, experiment and exploit, thus gathering experiences which will be available for later use in the wider international setting.

57. But we must beware lest the necessarily rather slow-moving process of international legislation should serve as an alibi for international inaction, thus leaving the field open for forces that might counteract the international interest. To agree on a moratorium regarding claims to exploitation of the sea-bed by national and private interests is a first step of action for which we must be ready immediately. To set up an international régime is the second one, which the sea-bed Committee, with the aid of a further study by the Secretary-General, should be directed to prepare so that definite action need not be postponed beyond 1970. The Swedish delegation will support any draft resolutions with these purposes and, generally, any proposals to effect progress.

58. Mr. EL GOULLI (Tunisia) (*translated from French*): Mr. Chairman, I should have liked to comply with your appeal to avoid congratulations had it not been for the fact

that you and Pakistan were involved. May I tell you how much the Tunisian delegation esteems in your person the diplomat whose wisdom, intuitive understanding and courteous authority have made it possible for our debates to proceed in an atmosphere of cordiality and mutual respect. And you belong to a sister nation which, when Tunisia was fighting for its independence, courageously supported in this Organization the principles of law, justice and peace in the interests of our people. Your friendly appeals cannot therefore prevent us from telling you how happy we are to see you in the Chair. We also wish to congratulate the Vice-Chairman and Rapporteur of our Committee.

59. Two years ago the Tunisian delegation joined many other speakers in thanking the representative of a neighbouring and friendly country, Malta, for having invited the United Nations to enter the age of the sea. That was no coincidence. From the earliest times Tunisia, a maritime country, found in the Mediterranean, through its successive civilizations an incomparable field of action for its fishing, its trade and its contacts with the outside world. Therefore, we remain true to our calling when today we fully take part in the common search for ways and means of regulating and controlling the exploitation of a new environment, the sea-bed, which has up to now, by its cold and its pressure, fiercely defended itself against man.

60. Technology has made possible an irreversible development which will open up an era in which many resources will be drawn from the sea-bed and ocean floor. Once the power of industries supports the laboratories and research centres, it will not take long for man to annex this rich province which covers nearly three-quarters of our planet and which harbours four-fifths of living things.

61. The cultural heritage of mankind will also be enriched. To speak only of the Mediterranean, it is well known that it is replete with treasure. Along the coasts, and on the high seas, the fabulous vestiges of civilizations have been accumulating for many centuries. The richest museum in the world, the "blue museum" sleeps under the ocean, under the foam and the sun, and awaits the goodwill and the mechanical genius of its rescuers.

62. The sea-bed will also enable man to fulfil another dream, that of finding a new living environment, the only solution for the population growth the world is experiencing. For statisticians estimate that there will be several hundred thousand million men in three centuries' time.

63. The questions which arise in this new field are of immediate importance since technology has already made giant strides. I would not wish to weary the Committee by dwelling on too many technical details, but according to many experts it is virtually certain that in the next ten years the use of machines and vehicles will be developed to remain under water for long periods of time down to depths of 900 metres. Within twenty years scientific exploitation will make it possible to have life at depths of 6,000 metres and to deploy commercial and military vehicles there on a large scale. Therefore, unless order is ensured through agreed legislation, a "gold rush" could break out among the technically developed countries through use and occupation of an area by the first or strongest of the pioneers, as was the case in the past when

new lands were opened and claimed by nations. Thus we can see a colonial area opening up which would deteriorate into a new world conflict in the no man's land of the sea-bed.

64. The report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor [*A/7622 and Corr.1*] has certainly brought the legal debates from the level of generalities to that of specific formulas for a certain number of definite ideas; but we should note the many formulas proposed for a single topic and, no doubt, several divergencies in viewpoints.

65. The opinions expressed in the report vary considerably, and we regard this as quite natural in view of the differences in the policies of the States which have taken part in the work and also in view of their geographical situation. We certainly did not expect a speedy agreement, which would have been rashly and hastily concluded. This shows in any case the complexity of the questions that arise and the long road that we shall all have to travel.

66. The key question in the legal field in this matter is that of the delimitation of the sea-bed and ocean floor. Resolutions 2340 (XXII) and 2467 (XXIII) adopted by the General Assembly imply that this zone is beyond the limits of national jurisdiction. But States are not always in agreement on the exact limits of that jurisdiction.

67. The Geneva Convention on the Continental Shelf⁸ did define these lands lying under relatively shallow waters at about 200 metres in depth, and to a certain extent the slope which extends from the shelf towards the abyssal depths. But everybody today—whether great Powers or small nations—recognizes that this definition is insufficient and ambiguous. An effort at greater precision and clarity is needed to define in a clear manner acceptable to all the limits within which the coastal States exercise sovereign rights. Only when we have such a definition shall we be able to do serious and enduring work in the areas beyond the limits of national jurisdiction. The proposal of the representative of Malta [*A/C.1/L.473*] to convene an international conference to this end should in our view be considered by the Committee.

68. In addition to the legal aspect, the exploitation of the sea-bed and ocean floor has an economic aspect on which my delegation would like to make some comments. We should like first to associate ourselves with all those who have expressed the unanimous feeling that the anticipated new resources are the heritage of mankind. The Economic and Technical Sub-Committee in its excellent report gives us an inventory of the fabulous resources of the sea-bed and ocean floor, as well as an idea of the evolution of technology through which research and studies are developing on an ever-increasing scale to enable man to live and operate at great depths. These techniques have to do mainly with the resistance of materials able to sustain considerable pressure, the adoption of means enabling men to live and work in the ocean depths and the discovery and perfecting of methods whereby man can live at pressures considerably higher than atmospheric pressure.

⁸ *Ibid.*

69. Thus to proclaim that the sea-bed is the heritage of mankind is not enough, if the various countries, especially those of the third world, have not, or cannot expect to have, the means to exploit the inexhaustible, but not easily accessible resources of the sea-bed. Tunisia, which in Salambo has one of the oldest specialized institutes in the Mediterranean, is making a contribution to oceanographic research. But we know that this task can be effective only if it becomes a common cause through the fostering of international co-operation, the imparting of information relating to programmes and results, and the combined preparation of geological, geophysical and bathymetric maps of the sea-bed.

70. We have in mind the setting up of technical assistance funds for developing countries in order to enable them to carry out specific projects. Such financing could be multilateral or bilateral. We also have in mind the training of a larger number of specialists in marine sciences and the setting up in all maritime countries of new institutions devoted to the study of the sea. Thus, last year we fully accepted the idea of an International Decade for Oceanographic Exploration, which was put forward by the Government of the United States and recommended by the Intergovernmental Oceanographic Commission (IOC), the Economic and Social Council and the *Ad Hoc* Committee to study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, and finally adopted during its twenty-third session by our General Assembly [resolution 2457 (XXIII)].

71. The co-ordination of the Decade was entrusted to the IOC, which, together with other agencies concerned, was to contribute to expanding international co-operation in this field. But the ocean is becoming such a vast and important subject that one wonders whether the IOC, with the means at its disposal, is the appropriate body, despite the very important results achieved by it in Europe. To carry out such an ambitious undertaking we wonder whether it might not be appropriate to expand the powers of the International Oceanographic Commission by setting up on the basis of that body an agency similar to such agencies as the World Meteorological Organization, the Food and Agriculture Organization or the World Health Organization.

72. Resolution 2467 (XXIII) did in fact request the Secretary-General to undertake a study on the establishment of appropriate international machinery. That document, contained in the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor as annex II to Part Three, is an excellent study and we are happy that it has played a decisive part in inducing countries which had abstained last year, during the vote on the resolution which requested such a study, to change their minds. My delegation thinks that this is an excellent sign and that we are really making progress.

73. There is a final question that I would like to talk about, the urgent need to prohibit the use of nuclear weapons or other weapons of mass destruction or the building of fortifications in areas beyond the limits of national jurisdiction. The mere comparison of achievements in the nuclear field and in that of the sea-bed shows that there are possibilities for using the sea-bed for military purposes. Those possibilities are capable of achieving such

destructive effects that it is urgent for mankind that agreements should be reached among the Powers on the limitation of armaments as well as on some amendments to the principle of freedom of the high seas and the system of *laissez-faire*. The Powers have already agreed to demilitarize space and the Antarctic. Those agreements are essentially predicated upon the setting up of a control system.

74. Despite the limited possibilities in this field because of the ease with which camouflage can be achieved in the ocean, an opaque environment where satellite surveillance is not yet effective, conversations have started at the Conference of the Committee on Disarmament in Geneva. We are told that some progress has been made in the negotiations and are all the happier to learn this, since the Mediterranean, which we share with other countries of Africa, Europe and Asia, has for some time been the centre of a new rivalry which exposes the coastal populations to the greatest dangers.

75. We hope that after an agreement is reached in Geneva the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor will, at the twenty-fifth session of the General Assembly, have something to say about the geographical limits to be determined for exclusively peaceful uses of the sea-bed and about the extent of the prohibition of military activities.

76. To share the sea is a challenge. In the olden days any rival could do harm to the sailor by laying hands on his potential wealth, for vast profits have always been made out of the sea. Unfortunately, in the past the sea was never a peaceful haven. It was a battlefield among the seafarers, an arena from which they strove to keep out over-enterprising landmen. If things are changing, we shall feel reassured. The world community is endeavouring to improve the laws and to work out a more just international law, from the moral and logical standpoint, in order to reduce the dangers of conflict. To paraphrase Longfellow: the sea which divided men is finally going to unite them. That should give us hope for the future of mankind.

77. I would not wish to conclude this statement without paying a tribute to the excellent work done by the "Committee of Forty-Two" and to the remarkable way in which Mr. Amerasinghe has guided it. We hope that the General Assembly will again entrust it with the task of continuing that work and we are convinced that the suggestions made in the debate in our Committee will furnish useful and constructive ideas for its coming sessions.

78. The CHAIRMAN: I thank the representative of Tunisia for the generous words of tribute which he has addressed to my country and for his kind references to me personally.

79. Mr. CHAYET (France) (*translated from French*): The report of the Committee on the Sea-Bed, which we are now considering, enables us to assess the progress made along the road marked out for us two years ago by the representative of Malta.

80. Like many other representatives, we are measuring the gaps and noting the obstacles that still exist, and we shall make the necessary comments on those points.

81. But I think we should say forthwith that the impression left with us after reading the report and from our delegation's participation in the work of the Committee is encouraging. The areas of disagreement are not so wide that they cannot be narrowed down in time, of the atmosphere of mutual understanding in which the members of the Committee works continues to prevail. With regard to the substantial results achieved this year, they are such as to lead us to recommend to the General Assembly that it should prolong the existence of that organ.

82. I have mentioned the gaps in the report. The first and the most obvious is the absence of any recommendations, whereas under its mandate the Committee was invited to prepare such recommendations. That in part explains the brevity of the Committee's report. But that omission is not so much a proof of failure as a proof of wisdom. The members of the Committee are fully aware—as are the representatives of this Committee—of the complexity of a problem which concerns political as well as legal, economic and military interests. They know that in such a field, success depends on the co-operation of all States and that no proposal would have a practical chance of being accepted unless it was almost unanimously endorsed. In the absence of such agreement, the Committee wisely refrained from approving recommendations that were likely to remain controversial. It decided, however, to include in its report the reports of its two Sub-Committees. Those two documents, drafted respectively by the Legal Sub-Committee and by the Economic and Technical Sub-Committee, make a valuable contribution to the study of the two main questions submitted to us for consideration: the preparation of a declaration of principles and the establishment of an international régime for exploration and exploitation. The third important question, as we all agree, is that of the reservation of the sea-bed for exclusively peaceful purposes, but that subject falls more within the purview of the plenary Committee.

83. The Legal Sub-Committee devoted most of its work to the first question, namely, the preparation of a declaration of principles. It was unable to agree upon a final and complete text, but the synthesis which sums up the work of the Committee—I refer to paragraphs 83 to 97 of the report—is I think worth bearing in mind. The Sub-Committee was in fact, able, mainly as a result of the skill of its Rapporteur, Mr. Badawi, to summarize the proposals submitted on each of the points that might be included in a declaration of principles, so that it could draw up formulas that were widely acceptable.

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

84. We believe it is useful to mention all those common denominators, since that is what they must be called and since we think they will have to constitute one of the essential bases of our future work. The first of these common denominators refers to the appropriation of the areas:

(a) that area (sea-bed and the ocean floor beyond the limits of national jurisdiction) shall not be subject to national appropriation by any means, and no State shall exercise or claim sovereignty over any part of it;

(b) there are principles and norms of international law which apply to the sea-bed and ocean floor;

(c) the sea-bed and ocean floor shall be reserved exclusively for peaceful purposes;

(d) a régime must be set up that will be legally binding;

(e) the resources shall be used for the benefit of mankind as a whole irrespective of the geographical location of States and taking into account the special interests and needs of the developing countries;

(f) freedom of scientific research in this area shall be assured to all without discrimination: States shall promote international co-operation in the conduct of scientific research and there shall be no interference with fundamental scientific research carried out with the intention of open publication;

(g) the interests of all States will be respected. There will be no infringement of the freedoms of the high seas and no unjustifiable interference with the exercise of those freedoms;

(h) appropriate safeguards must be adopted against the dangers of pollution, as well as safeguards to protect the living resources of the marine environment and safety measures concerning activities in the area.

85. Those points for eventual agreement are the necessary basis for our work and it is for that reason that we are reiterating our approval of these formulas. However, the list is still not enough for the elaboration of a complete and harmonious declaration. Other specifications and guarantees are missing. There is no mention, for example, of a clause on the responsibility of States. But what we must note in the work of the Legal Sub-Committee is the general feeling of delegations, implicitly expressed in paragraph 15 of the Committee's report, regarding the timeliness of establishing a declaration of principles to protect the rights of all. Having pointed out that that is implicit in paragraph 15—that, at any rate, is the feeling of the French delegation regarding the interpretation to be put on the paragraph which says: "these efforts should be continued with a view to the formulation of recommendations during future sessions"—we should have liked a text to be adopted already this year on the activities of the exploitation of the sea-bed and the ocean floor, but we finally realized that the risk of endorsing in this way existing practices, or certain acquired rights, of States, is a serious matter and we felt, therefore, that it would be preferable to delay our work somewhat.

86. Convinced as we are that that was also the view of delegations which, during the third session of the Committee, insisted on not adopting prematurely a draft declaration, we welcomed with interest the listing of principles submitted to us by a number of representatives since the opening of the general debate in the First Committee. We have no doubt that the extremely detailed list drawn up, in particular, by the delegation of Ceylon [1673rd meeting] will be very carefully studied at the next session of the Committee; as far as we are concerned, we would prefer to abide by the syntheses that have already

been worked out. In fact we are afraid that if compromise formulations succeed one another we might make our task more difficult and create a marked confusion in the list of proposals that already exists.

87. It is for that reason that when the list of common denominators which I have just enumerated will have to be completed, my delegation will prefer, following the practice it observed already at the third session of the Committee, a choice between or a combination of the various formulas drafted by the Informal Drafting Group that met in June and July of this year and which appear in the Annex to the report of the Legal Sub-Committee.

88. Our views on the different ideas or types of wording in that document are mentioned in the records of the Committee and I shall not dwell therefore on the wording of the principle of the reservation exclusively for peaceful purposes or on the definition of formulas to establish the freedom of scientific research, to ensure respect for the interests of States in the exercise of freedom of the high seas and to deal with the problems of pollution and other risks, and of the responsibilities resulting therefrom. But I do think that it would be useful today to reiterate our position on two of the most controversial aspects.

89. With regard first of all to the "legal status" of the sea-bed, we understand that under that heading, which is where a declaration of principles should be made, many delegations have proposed that the sea-bed and ocean floor beyond national jurisdiction should be considered as the "common heritage of mankind". The representatives of Brazil and Norway submitted a brilliant defence and illustration of the interpretation they gave to that concept. I am purposely using the word "interpretation" because there are as many nuances and variations in the sense attached to the expression "common heritage of mankind" as there are delegations.

90. My delegation has already expressed its view on the matter. It shares in fact the opinions of those who feel that such a concept can be the synthesis of the different elements composing the body of a declaration of principles. Therefore, we consider that the idea that the sea-bed is to be a part of the common heritage of all mankind would logically be included in the preamble of the declaration.

91. But again there must be agreement on the extent of the field to which that concept can be applied. Therefore, we feel that it is imperative to include in the preamble the idea that the delimitation of the area of the sea-bed beyond national jurisdiction must be clearly stated. The French delegation, which was one of the first to point here to the ambiguities in the Geneva Convention on the Continental Shelf⁹ and to express the hope that an effort would be made to clarify and define that Convention, will be brief on that point, for it would seem that an ever larger number of delegations have come round to this idea. We shall merely say that, as the representative of Malta quite judiciously pointed out, comparisons with outer space, the limits of which are still not defined, do not seem pertinent to us.

92. In fact, the possibilities of exploiting the sea-bed seem much more real and within our grasp than those relating to

outer space, and they call for the implementation of decisions. As far as we are concerned, we have never demanded that the Committee on the Peaceful Uses of the Sea-Bed make a clear decision on the question, although it would be interesting to ascertain the views of delegations on the definition and the extent of their own continental shelf; references made in that connexion by the representative of Brazil [1674th meeting] seem to follow the same direction.

93. But though it might be worth considering the possibility of calling an international conference to amend the 1958 Geneva Convention on the Continental Shelf—always provided that the conference was preceded by wide-scale consultations—we still feel that the preamble to a declaration of principles must include a reference to the need to delimit national jurisdictions. Such a provision would constitute a sort of permanent warning. Obviously, it would not mean that the establishment of an international régime should await the completion of the demarcation of the continental shelves, since, on the contrary, the elements of information on the régime will help to determine the question of jurisdiction.

94. But under the heading of "Applicability of international law", another very controversial question, a long list of legal norms to regulate the sea-bed was discussed in the Committee. A number of delegations which, no doubt justifiably, feel that international law at present is rudimentary and has some gaps, want exploitation activities to be held up until the appropriate legal régime has been set up by common agreement. But it would be somewhat paradoxical if a Committee set up under a mandate to encourage the exploration and exploitation of the sea-bed should, on the contrary, want first of all to freeze and prohibit such activities.

95. On the other hand, we understand the desire of many delegations to subject the activities of exploitation to equitable legal régimes and in certain cases to create a new form of law. We believe that that requirement might be met if it were understood that the exploitation activities must be exercised not only in accordance with international law including the provisions of the United Nations Charter, but also bearing in mind the principles included in the declaration which will be adopted by common agreement.

96. That naturally presupposes that the principles governing specifically the régime for the exploration and economic exploitation of the sea-bed to be included in the declaration are adequately explicit.

97. To that end I think we can draw some ideas from the proposals contained in the report of the Informal Drafting Group and also in the synthesis of the Legal Sub-Committee. My delegation already commented on these proposals in August, but it will re-examine them in the light of the extremely interesting comments made by the representative of the United Kingdom in his statement of 4 October [1676th meeting].

98. In any case it seems to be agreed already that the international régime will provide for the functioning of an adequate machinery.

⁹ *Ibid.*

99. To speak of the creation of a régime intended to ensure the uses of the resources of the sea-bed for the benefit of mankind as a whole leads us to refer to the discussions held in the Committee on the creation of an international machinery.

100. The discussions took place mainly in the Economic and Technical Sub-Committee. While very different opinions regarding the nature, the powers and the functions of such a machinery emerged, the principle itself of the creation of such a machinery does seem to have been accepted. Apart from the importance of that fact, we also see other advantages in some of the comments made in the report of the Sub-Committee. We agree in particular that the international machinery should strengthen international co-operation but not give rise to a cumbersome bureaucracy, at the risk of dissipating the advantages that may be expected.

101. It is on the basis of this fundamental principle that my delegation submitted the following preliminary views to the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor.

102. It would seem that the formula which would entrust operational activities to the international organ to be created should be set aside since it would require the establishment of a very complex structure whose functioning might absorb a large part of the revenues derived from exploitation or the royalties payable by sub-contracting enterprises. That would certainly not meet the legitimate aspirations of the developing countries.

103. Among other formulas—registration pure and simple, the issue of permits, the granting and control of the use of permits—some middle-of-the-road solution should be helpful, a solution whereby the “registering” agency would be given certain additional functions such as the application of criteria or rules for exploitation. Such a formula would obviously be determined through international agreements, and at the same time existing conventions would have to be adapted so as to cover a certain number of fields related to the exploitation of the sea-bed and ocean floor, such as those involving protection of traditional maritime activities and freedom to fly over exploited areas, conservation of the resources of the sea and its environment, the prevention and limitation of pollution and the protection of workers.

104. On this point, my delegation has stated that it would like the Secretariat of the United Nations to proceed to a compilation of existing texts, the adaptation or modification of which could, in certain cases, make new international instruments unnecessary. That idea was set forth in paragraph 157 of the report of the Sub-Committee.

105. At this stage of our comments, it might be worthwhile recalling the questions we asked in August of this year. The answers that we may give could lead, undoubtedly, to a better understanding of nature and procedures of an international machinery. The questions are:

Who would be entitled to hold a registration or a permit?

What should be the content and the characteristics of the rights granted?

How is the scientific and technical information acquired at the exploration stage to be distributed?

Is the granting of concessions to be limited, and if so, on the basis of what criteria?

What will be the modalities applied in going from the exploration phase to the exploitation phase?

What sort of regulation is to be laid down by the international body, and how is it to be laid down?

In what way will ultimate royalties be paid?

Should provision be made for inspection or control?

106. From the interest we have shown in holding further consultations on these various points, it will be realized that we certainly want this study on the international machinery to be continued in the Committee. But clearly if an additional study is to be provided by the Secretariat, it must in no way prejudice the views of the Committee or of the General Assembly.

107. Apart from the section devoted to the international machinery, the complexity and importance of which we have just mentioned, the report of the Economic and Technical Sub-Committee also contains substantial comments on the means for encouraging the exploration and exploitation of the sea-bed.

108. Without discussing the technicalities of the documents for which we are indebted to a number of delegations, we are very pleased at one of the most immediate and most fortunate results of the Committee's work, and that is that it has made the international community aware of the quite encouraging prospects that are offered by the exploitation of the sea-bed. My delegation, for its part, will continue actively to contribute to the work of disseminating scientific, technical and economic data.

109. The exchange of views on the long-term oceanographic survey programme, in which the International Decade for Oceanographic Exploration plays an important part, has without doubt been less fruitful. We have still not received a detailed outline of the scope of that programme. In again expressing our support for the programme and the project of the Decade, my delegation would like today to stress three needs: the need for international co-operation and co-ordination among the various organs of the United Nations family in the research undertakings necessary for a better knowledge of the marine area and environment; the need to ensure adequate freedom for fundamental scientific research and to make the results of such research accessible to all; and the need to grant technical aid and assistance in this field to the developing countries.

110. I have just set forth the main remarks my delegation wished to make on the reports of the Legal Sub-Committee and the Economic and Technical Sub-Committee.

111. We have emphasized the generally constructive character of the report. However, we share the view of Mr. Amerasinghe, that these two documents were in reality the most important part of the report of the Committee. In

fact, the Committee on the Peaceful Uses of the Sea-Bed was unable to examine the question of the prevention of pollution or to hold more than a brief general discussion on the political aspects of the main problems raised in the two Sub-Committees. The Committee also heard, as stated in paragraph 18 of its report, a certain number of statements referring to operative paragraph 3 of resolution 2467 A (XXIII), under the terms of which the General Assembly invited it to study the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, taking into account the international negotiations being undertaken in the field of disarmament. Our delegation expressed at that time its preliminary views on the non-militarization of the sea-bed. In so doing we felt that we were abiding both by the mandate set out in the resolution and by the remark made on 28 August 1969 by the Chairman of the Committee [A/AC.138/16] that the plenary Committee should deal with the question of the reservation of the sea-bed exclusively for peaceful purposes, so that that question would not become immersed among all the different disarmament problems.

112. While we agree with that idea, we are nevertheless convinced that the members of that Committee and of our First Committee will refer to the points reached in international negotiations. My delegation would therefore like to reserve its right to return to this matter later.

113. I would not wish to conclude my statement without pointing out that the interest shown in the report of the Committee is to a large extent due to the remarkable direction given our work by Mr. Amerasinghe and his colleagues on the Bureau. I should like to tell them all how grateful we are for the dedication, the patience, the wisdom and, very often, the authority they were able to show. Nor must I omit, in expressing my thanks, the help that we received from the Secretariat.

114. I must admit that I would be very tempted, in giving praise, to point to the Chairman of the Legal and Technical Sub-Committee, Mr. Roger Denorme, particularly because we know that very soon he will be leaving us. However, in the unanimous tributes paid to the Bureau by all those who have preceded me, I noted a profound desire among us to see the present team which led the work of the Committee on the Peaceful Uses of the Sea-Bed continue in its present composition. My delegation therefore believes that it is interpreting a general view when it expresses the hope and conviction that Mr. Denorme will be authorized by his Government to remain a member of the Bureau of the Committee on the Peaceful Uses of the Sea-Bed.

115. Mr. MATSEIKO (Ukrainian Soviet Socialist Republic) (*translated from Russian*): The report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, which is now before us, is the result of a great deal of intensive work, whose importance and value have been recognized by all speakers. It reflects the complexity and diversity of a problem which the United Nations took up only two years ago. In its specifics, this problem is a reflection of the contemporary world, which is composed of States that differ in social and political structure, in economic power and potential, and in geographical situation.

116. We should not be discouraged by the Committee's statement that it was unable to begin work on drafting specific recommendations on the main issues. It has certainly done useful work, in the course of which various States made known their positions. Realization of the complexity of the problem had a restraining influence on some who had been ready to take hasty decisions that could have served no useful purpose. A workmanlike and constructive attitude was prevalent, as was a desire to seek mutually acceptable solutions. Much of the credit for this is due to the able and skilful work of the officers, headed by Mr. Amerasinghe of Ceylon, the Committee's Chairman, Mr. Galindo Pohl, the Chairman of the Legal Sub-Committee, Mr. Denorme, the Chairman of the Economic and Technical Sub-Committee, and their colleagues.

117. It can be said with confidence that during the past year the United Nations has accomplished further useful work on the problem of the sea-bed and the ocean floor. In evaluating the results account should be taken not only of the difficulties and disagreements on points of principle, but also of those issues on which progress has been made or is likely to be made in the near future.

118. In speaking of progress, I must mention, above all, the question of utilizing the sea-bed and the ocean floor exclusively for peaceful purposes, especially since quite recently it had given rise to doubts and reservations. We note with satisfaction that the raising by the Soviet Union, in the Committee in question, and before that in its Memorandum on urgent measures for the cessation of the arms race and disarmament,¹⁰ of the question of reserving the sea-bed and the ocean floor exclusively for peaceful uses and the prohibition of such uses for military purposes beyond the limits of the prescribed maritime zone of coastal States has already yielded an important practical result—the preparation in the Committee on Disarmament of the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof.¹¹ That is a major achievement since, as we all realize, the spreading of the arms race, including the nuclear arms race, to the sea-bed and the ocean floor would greatly endanger the cause of peace, in addition to creating serious obstacles to the peaceful utilization of the sea-bed and the ocean floor.

119. Definite progress was also made with regard to the exploration and exploitation of the sea-bed and the ocean floor. The Committee and its Economic and Technical Sub-Committee devoted considerable attention to ways and means of promoting the exploitation and utilization of submarine resources and international co-operation to that end. Because of this, and because of the entire exploratory work done in this area in recent years, we are better informed about the sea-bed and the marine environment, its resources, and the state of the relevant technology. It is now clearer to us that there must be further co-ordination both of national programmes and of the programmes of the

¹⁰ *Official Records of the General Assembly, Twenty-third Session, Annexes, agenda items 27, 28, 29, 94 and 96, document A/7134.*

¹¹ *Official Records of the Committee on Disarmament, Supplements for 1969, document DC/232, Annex A.*

specialized agencies. The Committee, stressing that our knowledge of the sea-bed and the ocean floor must still be regarded as inadequate and entirely preliminary, has quite rightly drawn attention to the need for systematic and thorough scientific investigation of the sea-bed and the ocean floor and exploring and locating their resources.

120. The Ukrainian SSR attaches great importance to oceanographic research, particularly in such areas as determining marine biological resources and investigating the hydrological and hydrochemical conditions of the marine environment, the radioactive, chemical and oil pollution of marine waters and its influence on living organisms, and study of the origin of mineral deposits in the subsoil of the sea-bed and the ocean floor. Our scientists have discovered a strong deep current in the Atlantic Ocean at the Equator and have named it after Lomonosov. An oceanographic expedition on "Academician Vernadskii", a research vessel of the Ukrainian Academy of Sciences, did extremely valuable work last spring. The sources of the Lomonosov Current were established by means of measurements, subsoil cores were raised up, and valuable geophysical observations were made.

121. In carrying out its national programme of oceanographic research, my country continues to take an active part in international scientific investigations, particularly in co-operation with the Inter-Governmental Oceanographic Commission, which has recently adopted a long-range programme of study and exploration. The report of the Economic and Technical Sub-Committee expresses great respect for the Commission's activity, a respect shared by my delegation.

122. Our experience of participating in the work of the Intergovernmental Oceanographic Commission has convinced us that this international organ can continue effectively and successfully to co-ordinate scientific investigation of the world ocean and the ocean floor.

123. I would now like to say a few words on the drafting of legal principles for the sea-bed and the ocean floor. After a comprehensive and practical examination of the matter, positions in the Committee were brought closer together. This applies both to the desirability of adopting a declaration of legal principles and to a number of the principles themselves, as may be seen in the closing part of the Legal Sub-Committee's report, which mentions "synthesis" and "common denominators". It is most important that in its future work the Committee on the Sea-Bed and the Ocean Floor should bear these results in mind and, on their basis, should work to achieve agreement on a declaration of legal principles, to be then submitted to the General Assembly for adoption.

124. A number of the principles on which agreement seems possible are broad and general. My delegation, for one, regards that as their merit. We are considering a declaration; this is an initial stage of the work, and it would be dangerous to encumber the text with controversial details. The second stage will be the reaching of agreement on contractual obligations regulating the régime of the sea-bed and the ocean floor beyond the limits of national jurisdiction. Closer definition and more detailed phrasing of legal principles should be deferred until that qualitatively

different stage. At present, agreement must be sought on a number of principles which, while general, are of the highest importance. Such agreement is in sight.

125. There is, to begin with, general recognition that there is an area of the sea-bed and the ocean floor which lies beyond the limits of national jurisdiction. To my mind, the great importance of such recognition is that this principle offers a substantive ground for rejecting any claims to "appropriation" of the sea-bed and the ocean floor by individual States. Another important principle, to which there also seems to be no objection, could well supplement it. This principle is, in brief, that the sea-bed and ocean floor beyond the limits of national jurisdiction are not subject to national appropriation and that no State is entitled to claim or exercise sovereignty or sovereign rights over any part thereof.

126. A closely connected question is the precise delineation of the area of the sea-bed and the ocean floor under consideration. In this connexion, the Legal Sub-Committee in its report remarks that no one took the view that either international law or the Convention on the Continental Shelf¹² sanctioned extending such boundaries to an indefinite distance. The report does mention the need to establish a more precise delimitation of the sea-bed and the ocean floor in order to have internationally agreed boundaries. At the past session of the General Assembly and today this is the approach favoured by my delegation. We must agree in principle that this problem, complex as it is, calls for solution.

127. There is also a measure of agreement on the applicability of international law and the United Nations Charter to the activities of States on the sea-bed and the ocean floor. Account must be taken of the international rules and norms which already to some extent regulate such activities. I am convinced that the international community cannot reach any constructive results in determining the legal status of the sea-bed and the ocean floor unless it takes account of such existing rules and principles of international law as regulate human activities in other spheres. Certainly we cannot allow it to happen that sea waters with their biological resources, the sea-bed and ocean floor, and the air space over the oceans should be governed by mutually contradictory rules of law.

128. That the rules of law governing the floor, waters, natural resources and air space of the ocean must be interconnected and co-ordination derives from the fact that these spheres are interrelated physically. This is a circumstance that must not be forgotten in approaching, in particular, such important matters as prevention of the pollution of the marine environment and preservation of the freedoms of the open seas from infringement resulting from the exploration and exploitation of submarine resources.

129. When my delegation mentioned earlier the difficulties and disagreements of principle encountered by the Committee in its work, it had in mind primarily the question of "international machinery". The situation is clearly reflected in paragraph 158 of the report of the

¹² United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

Economic and Technical Sub-Committee summing up the debates on the issue. There is disagreement not only with regard to organizational forms and principles, but on the very question of setting up such machinery. Sub-paragraph (b), in particular, states that: "On the matter of international machinery, one point of view was that it should be established as part of an international régime. Another point of view contended that an international régime did not necessarily imply machinery and that pending further study, a decision was premature."

130. My delegation shares the second point of view, in particular because the study thus far made is inadequate. As is stated in paragraph 19 of Part One of the report, "In the very limited time at its disposal, the Committee was unable to finalize its study in detail of all the various aspects of the report of the Secretary-General (A/AC.138/12 and Corr.1 and Add.1 and Add.1/Corr.1) relating to the question of establishing in due time appropriate international machinery . . .".

131. In my delegation's opinion, the economic and technical problems involved require special study.

132. Paragraph 134 of the Economic and Technical Sub-Committee's report contains a number of serious warnings with regard to the possible effects of the activity of an international agency on the stability of important aspects of international economic relations. We cannot ignore these warnings. As the Secretary-General's report clearly demonstrates, important problems arise as between the law of the sea in force and the international agency.

133. All these matters, and a number of other important issues as well, require further detailed and comprehensive study. I emphasize the word "comprehensive", in the belief that it would be a mistake at the present stage to direct the Committee on the Sea-Bed and the Ocean Floor to continue its work in any one direction only, thereby preventing it from examining various alternatives.

134. We therefore find eminently reasonable the USSR proposal that the General Assembly should have the Secretary-General's report on "international machinery" circulated to all States, and that they should send their comments thereon to the Committee, which would then use these as a basis for a thorough and comprehensive study.

135. These are the remarks my delegation wished to make on the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. The useful work the Committee has already accomplished, its constructive approach and its desire to reach mutual understanding give reason to hope that in the future decisions can be adopted which will promote effective international co-operation in this new, important and promising sphere of human activity.

136. Mr. RUDA (Argentina) (*translated from Spanish*): The report submitted by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction [A/7622 and Corr.1] gives a detailed account of the work carried out by that body on one of the subjects that have aroused most interest in the

Organization ever since 1967, when the representative of Malta placed the issue before the Assembly.¹³ As the document we are considering shows clearly, the Committee set up under resolution 2467 (XXIII) has accomplished very concentrated and successful work under the able Chairmanship of Mr. Amerasinghe and the Chairmen of the Legal and Economic and Technical Sub-Committees, Mr. Galindo Pohl and Mr. Denorme, to whom my delegation pays a tribute for their dedication and efficiency.

137. The international community's preoccupation with the sea-bed is no more than a reflection of the changeover that is taking place from the industrial revolution to the technical-scientific revolution. This has enabled man to investigate new horizons, and one of them is the sea-bed.

138. My country has taken an active part this year in the work of the Sea-Bed Committee, just as it did in that of the *Ad Hoc* Committee set up under General Assembly resolution 2340 (XXII). In both, Argentina has endeavoured to make a concrete contribution with a view to genuine and realistic solutions to the important problems raised.

139. Ever since the Assembly took up this item, my delegation has always felt that the best contribution it could make to the debate on the issue, in the spirit I have mentioned, would be to introduce a note of caution into our work. It has always felt, and continues to feel, that the nature of the national and international interests involved is so important here that their study and analysis warrant the utmost care.

140. This cautious attitude has to a large extent been vindicated by events and by the surveys made. We have been told over and over again that the possibility of extracting minerals from the sea-bed is just round the corner, and that we must therefore act urgently in order to avoid worse evils. We have always agreed as to the importance of the matter, but we have felt that there was no tremendous urgency and that a long process of research would be needed before concrete data were available on which permanent results could be achieved. With this in mind, for example, my delegation scrutinized carefully an interesting report entitled "Mineral Resources of the Sea"¹⁴ submitted by the Secretary-General to the forty-seventh session of the Economic and Social Council at Geneva.

141. The Secretary-General's report, as considered at that session, gives a clear picture of recent developments in the exploitation of the mineral resources of the sea, and the inference we draw is that although some progress has been achieved in the exploitation of mineral resources, there can be no doubt that we are only on the threshold of a new technology. This statement does not, of course, apply to the oil situation. Thus far, everything seems to indicate that the techniques used have consisted simply in adapting the techniques used on the earth's surface to the marine environment.

¹³ *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 92, document A/6695.

¹⁴ United Nations publication, Sales No.: E.70.II.B.4.

142. Hence the Secretary-General's report seems to us to put things in their proper perspective by not encouraging undue optimism as to the possibility of economic exploitation of the mineral resources of the sea-bed within a relatively short time.

143. The conclusion my delegation draws is that while important steps have been taken in the field of research, petroleum is still the only mineral that is being exploited economically in the sea-bed or is likely to be for some time to come. On the basis of this report by the Secretary-General, let us consider the situation of the main sources of minerals—manganese nodules, submarine phosphorite deposits, and exploitation of the so-called metalliferous mud.

144. With regard to manganese nodules, the report states:

"There is no doubt that the potential gross amounts of manganese and associated metals contained in ocean floor nodules are enormous. The possibility of commercial harvesting and processing has, however, caused controversy, with some experts of the opinion that the copper, nickel and cobalt contents of the nodules, together with manganese, may warrant their commercial exploitation (Mero, 1967), while most people in the business believe that their economic potential is highly uncertain and is likely to remain so for years, if not for one or two decades."

145. But the problem does not end here. The Secretary-General also says that various problems of technical design, operations and procedures for the extraction of the metals from these nodules also have to be solved, and this appears to be a complex manoeuvre about which little is known in the metallurgical field.

146. With regard to submarine phosphorite deposits, the Secretary-General's conclusions are even more explicit. According to the report, there has been no commercial exploitation of phosphorites from the sea-bed so far; and speaking of the future it says that "In any event, present recovery costs will favour investigations in less than 50 fathoms of water, at least for the immediate future".

147. The picture drawn is slightly more optimistic in regard to metalliferous mud. As the Secretary-General's report states: "Although exploitation of the metalliferous mud poses some technical problems, it may prove to be economically feasible in the not-too-distant future".

148. This situation in regard to manganese, phosphorite and metalliferous mud is in marked contrast to the great progress made in the economic exploitation of off-shore petroleum, especially on the continental shelf. With regard to oil prospecting, according to this report, the maximum depth of exploratory wells in the sea has risen in the last ten years from 30 to more than 182 metres, and according to the document quoted the world's record is 396 metres, the depth of a drilling off the southern coast of California in 1968. With regard to exploitation, off-shore producing wells have gone from 21 to 87 metres, and work is being done very actively on the techniques of exploitation from oil-rigs.

149. Thus the Secretary-General's report indicates that at the present time, as I say, petroleum is the only sea-bed

mineral that can be exploited economically. This confirms once more the need for all these problems to be analysed objectively, without raising hopes that might conceivably jeopardize interests of great importance to coastal States.

150. Let me repeat once again: our feeling is that we should adopt a cautious attitude and make sure we have precise and concrete information before we make changes in established practice that can only serve the vested interests of the big industrialized countries. This cautious attitude has been shared with greater and greater conviction by one at least of the great Powers and by a number of developing countries.

151. An example illustrating the need for detailed surveys and for a thoughtful approach to this problem is the key issue of the delimitation of national jurisdiction over the sea-bed and ocean floor. We have repeatedly urged the need for adequate technical and political preparation prior to any re-examination of the existing concepts in current international law on the subject, especially if we assume—as we have already said and as has been confirmed—that the existing definition of the continental shelf is part of customary international law, as my delegation contended in November 1968 when it said:

"... the jurisdiction of coastal States over the natural resources of the sea-bed ... and of the high seas, was first decided by customary international law, and secondly by article 1 of the Geneva Convention on the Continental Shelf, which can reasonably be said to confirm customary international law on this point" [1594th meeting, para. 40].

152. My delegation's view was confirmed by the recent judgement of the International Court of Justice¹⁵ dated 20 February 1969, in regard to the continental shelf of the North Sea (see page 39 of that judgement).

153. This confirmation that the current definition of the continental shelf belongs to customary law prompts us to state that we must not lightly discard either the 200-metre depth line or the second part of the definition, referring to the possibility of exploiting the natural resources of the shelf. I emphasize that the combined criteria of adjacency and exploitation cannot be set aside without a detailed scrutiny to see whether or not they furnish a precise delimitation. In this respect it is unquestionable and undeniable that the 200 metres depth line is a clear, precise and well-defined mathematical concept.

154. Hence we welcomed the statement by Mr. Amerasinghe of Ceylon a few days ago that:

"Those who ask for precise definition have no intention or desire to tamper with that part of the definition of the continental shelf as contained in the 1958 Convention on the Continental Shelf which is clear and unambiguous, namely, the 200-metre-depth criterion" [1673rd meeting, para. 59].

Mr. Amerasinghe explained, of course, that as far as his delegation was concerned it was the exploitation criterion

¹⁵ *North Sea Continental Shelf, Judgement, I.C.J. Reports 1969, p. 3.*

that was responsible for the existing uncertainty and that called for clarification.

155. Our own feeling is—and I think the Secretary-General's report referred to above demonstrates this—that the results achieved so far in economic exploitation techniques have not been sufficiently successful to warrant our abandoning criteria established by customary law which protect the legitimate interests of the coastal State.

156. Having made these general remarks, I would like to turn to an analysis of one or two aspects of the Committee's report on its work in 1969 [A/7622 and Corr.1]. The report is eloquent testimony to the strenuous work put in and the extraordinary complexity of the problems posed. It must be recognized that in 1969 important steps were taken both to clarify the attitude of many delegations to controversial issues and to outline possible solutions to some of the questions that arise.

157. My delegation believes that this zeal will prevail in the future, making it possible to seek realistic and genuine solutions to the problems faced and to give adequate thought to the special national and international interests involved.

158. With regard to the declaration of principles, the Legal Sub-Committee has done useful work which, as paragraph 83 of its report points out, "contributed towards the clarification of positions on legal principles". Even though paragraph 84 adds that as yet "none of the formulations have so far been endorsed", and that therefore

"These denominators could in no way be construed as an acceptance by the Sub-Committee that they constitute an adequate basis for the elaboration of a balanced and comprehensive declaration of principles",

we feel that in 1970 further progress can be made with the task entrusted to this organ of the General Assembly.

159. Paragraph 15 of the report of the Legal Sub-Committee points out that

"principles should be comprehensive and well balanced in order to embody the aspirations of all members of the international community and avoid ambiguities which would later give rise to conflicts.... It was generally recognized that, in any case, in the elaboration of principles particular consideration should be given to the special needs and interests of developing countries"

while paragraph 16 adds that:

"from a practical viewpoint it was necessary that the adoption of principles by the General Assembly should have unanimous support or at least the support of a substantial majority, including that of the principal maritime Powers and of States having special maritime interests".

160. My delegation finds these comments by the Sea-Bed Committee gratifying, because we feel that a body of principles approved by certain sectors only would lack the necessary moral and political force to achieve complete

currency. Following these apposite reflexions on the declaration of legal principles, the report of the Sub-Committee and the report of the Drafting Group annexed to it refer in detail to the different principles examined and to the outstanding areas of agreement and disagreement.

161. My delegation has stated that although there are general principles of international law that are applicable, and positive norms governing certain problems relating to the ocean floor, they do not cater directly, in detail and exhaustively, with the present-day need for ways and means of using the sea-bed and the ocean floor beyond the limits of national jurisdiction and their resources economically, peacefully and safely, for the benefit not only of those exploiting them but also to some extent of the rest of the international community, especially the developing countries.

162. As we see it, this requires a special international régime with appropriate principles, rules and machinery suited to the environment and its peculiarities. This régime should be part of a legal framework allowing for exploration and exploitation within the widest possible range of efficiency yet based on fairness and justice, taking into account the interests both of the States and undertakings investing the capital and of the coastal States and the developing countries.

163. This is why from the very outset we have felt that the declaration of legal principles must be based on the fundamental concept of the common heritage of mankind, the international régime that will regulate the activities of States on the ocean floor beyond national jurisdiction being built on that basis. That is to say, we must recognize the existence of an area of the ocean depths that is the heritage of the international community and hence cannot be the object of appropriation or claims to sovereignty based on use or occupation, or of exclusive exploitation by any State or body, but must be exploited in accordance with a pre-established régime.

164. In this respect we share the views expressed by Mr. Saraiva Guerreiro of Brazil [1674th meeting] on the definition of the term "common heritage". The fundamental point, then, is to declare that the sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, are the common heritage of mankind to be used for exclusively peaceful purposes. This is the backbone of resolutions 2340 (XXII) and 2467 (XXIII), and the basic principle on which the Assembly adopted them. Any other approach to the problem would defeat the purpose of our work and the Committee's objectives.

165. The reluctance of some delegations to accept the inclusion of the notion of common heritage was due to the fact that they saw in it political connotations foreign to a strictly legal régime. In this connexion, we must remember that it is specifically part of this Committee's task to work out formulations designed to harmonize within a legal framework the economic, social and humanitarian aspects of the question with a view to the effective crystallization of the international co-operation advocated in the Charter.

166. Argentina is firmly convinced that the principle of the peaceful use of the sea-bed must be expressly estab-

lished. Since one of the fundamental purposes of the United Nations is the maintenance of peace, one of the first principles to be given the Assembly's blessing in the declaration we seek must be precisely the reservation of that sphere of activities for peaceful ends.

167. We realize that working out the details of the principle and drawing up international instruments for putting it into practice need time, study and tricky negotiations, with due regard to the whole problem of general and complete disarmament of which they will no doubt form a part. We trust that the reservation of the sea-bed exclusively for peaceful purposes will not only be laid down as one of the basic points in the declaration of principles, but that in due course it will be developed and orchestrated so that it will become really effective.

168. My delegation has repeated over and over again that appropriate, comprehensive and timely steps must be taken to prevent the arms race from spreading to the sea-bed and the ocean floor. The draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof is a first step in that direction.¹⁶ Although its purpose is "non-armament", it nevertheless represents a step towards general and complete disarmament under strict international control.

169. My Government is studying the document in question in a very sincere spirit of co-operation and is conscious of the need to contribute its views to the task of elaborating an instrument that will be a significant contribution to disarmament, as we did in the Conference of the Committee on Disarmament at Geneva.

170. We are convinced that that objective will only be attained if the draft treaty produced at Geneva embodies an acceptable balance of responsibilities and obligations among all the States parties to it, without exception. In other words, if it is to be viable and universal in scope, its ultimate provisions must not reflect any suggestion of discrimination. Hence much thought must be given to certain principles involved which are closely bound up with legal problems of the utmost importance for countries, and the peculiar features of the issue must likewise be borne in mind.

171. A treaty on the "non-armament" of the sea-bed and the ocean floor must be in keeping with the Purposes and Principles of the Charter, which logically presupposes respect for the sovereign rights of coastal States over the sea area adjacent to their coasts.

172. We trust that the General Assembly will have an opportunity to hold the exhaustive debate that an instrument like the one presented at Geneva requires. Unfortunately what we would describe as adequate discussion was not forthcoming at Geneva. We are convinced that this agreement needs the assistance, discussion and comments of the delegations here present.

173. As the Argentine delegation sees it, the exploration and use of the sea-bed and the ocean floor and the subsoil

thereof beyond the limits of present national jurisdiction, and the exploitation of their resources, must be carried out in accordance with the international régime to be established for the achievement of the Purposes and Principles of the Charter and the spirit underlying General Assembly resolutions 2340 (XXII) and 2467 (XXIII), above all the maintenance of international peace and security. This régime must also enhance respect for the sovereignty and territorial integrity of States and promote co-operation among the Members of the United Nations. Concern for safeguarding the interests of the coastal States, and the promotion of economic progress, particularly for the developing countries, will be its main features.

174. We feel it useful to stress that under resolutions 2340 (XXII) and 2467 (XXIII) the principles of international law governing the high seas are not applicable purely and simply to the sea-bed and the ocean floor beyond the limits of national jurisdiction; on the contrary, the area needs an international régime of its own.

175. We feel strongly that the application to the sea-bed and the ocean floor beyond the limits of national jurisdiction of certain rules of international law such as the freedom of the high seas and in particular the freedom to exploit them, far from leading to a régime of genuine international co-operation for the benefit of all mankind, could lead to dispersal of effort and to disorder in respect both of activities in that environment and of the utilization of the resources obtained.

176. In this connexion, we have made a preliminary examination of the report submitted by the Secretary-General [A/7622, Part Three, annex II] under the terms of resolution 2467 C (XXIII), on the creation of suitable international machinery for the promotion of the exploration and exploitation of the resources of the sea-bed. The report seems to us to contain valuable material for future work, and as the First Part of the Sea-Bed Committee's report points out (paragraph 19), it can form a basis for further detailed consideration.

177. For my delegation there is an essential link between the adoption of the principles that must regulate the peaceful utilization of the sea-bed and the ocean floor and the establishment of international machinery for the exploration and utilization of their resources. As we see it, in principle perhaps the most appropriate way of establishing such machinery would be to set up an international organ with the power to grant licences to States to explore and exploit the marine resources while ensuring that the international community has control over them and reaps benefits from their use. We nevertheless feel that it was a timely suggestion by the Committee that the Secretary-General be requested to continue to study the question of establishing such machinery in due course, concentrating on such points as the status, structure, power and authority to be given to it, the activities and functions to be carried out, etc.

178. My delegation shares the view that more scientific research is needed to acquire a better knowledge of the sea-bed, its characteristics and nature, and the origin of the natural resources lying there. It also recognizes the impor-

¹⁶ Official Records of the Disarmament Commission, Supplement for 1969, document DC/232.

tance in this connexion of genuine international co-operation, and it is convinced that the establishment of solid foundations for continuing and developing such co-operation, based on freedom of scientific research, will promote human progress. All appear to be agreed that the declaration of principles should embody this freedom of research in order to consolidate the basic objectives of the United Nations.

179. However, as my delegation has pointed out repeatedly, we believe that in carrying out this research, respect must be paid to the current rules of international law, especially in regard to the continental shelf, where sovereign rights over it are given to the coastal State. We have urged the need that any research connected with or carried out on the ocean floor within national jurisdiction should have the prior consent of the coastal State.

180. Obviously my country will not in the ordinary way withhold its consent when those precepts of international law are observed; on the contrary, it is ready to co-operate and to be associated as fully as possible with any such undertaking provided the rights, the security and the legitimate interests of the coastal State in respect of the continental shelf are safeguarded. The Argentine delegation shares the view that scientific research on the sea-bed and ocean floor beyond national jurisdiction cannot serve as a basis for claiming sovereignty or preferential rights to exploitation at some future date.

181. We therefore consider it essential for the Legal Sub-Committee to draw up and recommend rules of law for achieving those objectives, which seem to be generally recognized. We feel that the discussion of the question in the Committee in 1969 has adequately highlighted it; and we trust that in the near future the Legal Sub-Committee will be in a position to give concrete form to the principle involved.

182. We believe that the General Assembly has given the Legal Sub-Committee of the Sea-Bed Committee a mandate as the only body competent to clarify the various aspects of scientific research on the sea-bed and in the ocean subsoil beyond the limits of national jurisdiction. No other international body can adequately undertake the task or has expressed competence to do so, although it may be useful for the Committee to take cognizance of any surveys and investigations carried out in other spheres.

183. These are the main points we felt called upon to make at this stage of our deliberations. We consider that the General Assembly should take due note of the documentation presented and of the interesting arguments put forward in the course of the debate, and should request the Sea-Bed Committee to continue the work already started with a view to formulating the recommendations referred to in resolution 2467 (XXIII).

The meeting rose at 1.25 p.m.