

United Nations GENERAL ASSEMBLY

TWENTY-THIRD SESSION

Official Records



FIRST COMMITTEE, 1589th
MEETING

Tuesday, 29 October 1968,
at 10.30 a.m.

NEW YORK

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Chairman: Mr. Piero VINCI (Italy).

AGENDA ITEM 26

Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Ad Hoc Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (continued) (A/7230; A/C.1/973; A/C.1/L.425 and Add.1)

1. Mr. PARDO (Malta): Mr. Chairman, against my natural inclination but in accordance with your specific instructions I limit myself to a brief but spontaneous expression of my delegation's particular pleasure at your unanimous election to the Chairmanship of this Committee. As you are aware, the close relationship between our countries and our peoples goes back to the earliest recorded times. My country in fact first gained its independence under the Roman Empire and throughout our subsequent history the ties between our countries have always been both close and friendly. I also convey my congratulations to the Vice-Chairman and Rapporteur. I am confident that with such an able Bureau the important work ahead of us will be guided with wisdom, tact and efficiency.

2. Under its resolution 2340 (XXII) the General Assembly established an Ad Hoc Committee to study the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. The terms of reference of that Committee were essentially of a fact-finding and preparatory nature, that is, to study the scope and various aspects of the item entitled: "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the

ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind."

3. For that purpose the Ad Hoc Committee was requested to prepare, in co-operation with the Secretary-General,

"...for consideration by the General Assembly at its twenty-third session, a study which would include:

"(a) A survey of the past and present activities of the United Nations, the specialized agencies, the International Atomic Energy Agency and other inter-governmental bodies with regard to the sea-bed and the ocean floor, and of existing international agreements concerning these areas;

"(b) An account of the scientific, technical, economic, legal and other aspects of this item;

"(c) An indication regarding practical means of promoting international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor, and the subsoil thereof, as contemplated in the title of the item, and of their resources, having regard to the views expressed and the suggestions put forward by Member States ...".

4. After three hard-working sessions the Committee, ably assisted by the Secretariat, which produced comprehensive documentation of outstanding quality, has submitted to us a report [A/7230] which constructively covers all aspects of its mandate. For this, credit is due both to the co-operative spirit of all representatives on the Committee and to all its officers. I would in particular wish to thank the Chairman, Mr. Amerasinghe, to whose wisdom and tact are attributable so many of the Committee's achievements; they are considerable.

5. From the documentation provided by intergovernmental bodies and by the Secretary-General we are now able to understand much better than a year ago the activities of the United Nations family of organizations with regard to the sea-bed and the ocean floor. It is no reflection on these activities to observe that they are fragmented and that most are of a scientific or highly technical nature and are usually more directly related to the seas and to the oceans than to the sea-bed and its subsoil. We must also note with regret fragmentation of competence with regard to the highly important and complex question of ocean pollution and a dearth of action leading to international agreements to control this menace as distinguished from somewhat leisurely academic discussion and research. This lack of a sense of urgency is particularly remarkable in the field of radioactive pollution. In ten years, less than

\$500,000 has been spent in this field by the appropriate agency and the results in terms of action cannot be said to be spectacular.

6. On the other hand, we are encouraged by the purposeful activity of the Inter-Governmental Maritime Consultative Organization over the past fifteen months. We understand that consultations have taken place and a great deal of technical work has been accomplished, and that the drafting of a new broad convention on pollution of the sea is far advanced.

7. The survey of existing international agreements concerning the sea-bed and ocean floor beyond the limits of national jurisdiction [A/AC.135/10/Rev.1], prepared by the Secretariat for the Legal Working Group of the Ad Hoc Committee, has also been of great assistance in enabling all of us to obtain a more complete picture of international law in this field as it is developing on the basis of the 1958 Geneva treaties on the territorial sea and on the continental shelf. We note in this connexion the rapidly increasing number of conventions delimiting by bilateral agreement the continental shelf of shallow seas, as well as the fact that bilateral or multilateral conventions to minimize pollution from exploitation of minerals on and under the ocean floor or to provide compensation to States or parties who may be injured by unwise exploitation appear to be lacking. It will also appear that there is no international agreement regulating or prohibiting nuclear explosions specifically under the ocean floor. This is a matter of some importance, the implications of which are not limited to the field of arms control alone.

8. On the basis of the comprehensive documentation before it, the Ad Hoc Committee has given us an excellent account of all the aspects of the item that we are now considering. The Committee has in addition identified major problems and, particularly in the economic and technical fields, has been able to establish agreed facts which provide a useful foundation for future international action.

9. Without wishing in any way to engage in controversy, I would bring to the attention of representatives that the agreed evaluation of facts with regard to sea-bed resources and to the present stage and foreseeable development of technology for their exploitation—the evaluation contained in the report of the Economic and Technical Working Group [A/7230, annex I]—while carefully balanced, is in many cases conservative. This, of course, is entirely appropriate in a report of a United Nations body; nevertheless, it may be useful to give one or two examples of the caution exercised.

10. Paragraph 16 (b), (c) and (d) of the report of the Economic and Technical Working Group evaluating developments in petroleum technology reads as follows:

"(b) Experimental drilling by commercial operators was possible down to 450 metres in the late 1950s and it is predicted that it will be possible before long down to 1000 metres water depth with hole re-entry.

"(c) Serious evaluation drilling (wildcatting) was possible in 30 metres in 1954 and is now being done in depths of approximately 200 metres water depth.

"(d) Production drilling, including ancillary operations, has increased in depths from 21 metres in 1947 to about 120 metres water depths in 1968."

11. That statement may be compared to—not, heaven forbid, contrasted with—the following paragraph contained in the Interim Report on Petroleum Resources under the Ocean Floor, dated 9 July 1968, prepared by the National Petroleum Council:^{1/}

"The petroleum industry has the technical capacity for geophysical and geological exploration in these deeper parts of the ocean and is already carrying out exploration programmes in these domains. In addition, exploration drilling, with shallow penetration into the bottom, can now be carried out in water depths of several thousand metres. On the other hand, exploitation drilling (i.e., for production) has been confined almost entirely to date to waters of less than 100 metres depth. However, progress in technology is such that serious and specific programmes are being initiated this year for drilling and completing in waters of as much as 400 metres depth, and production techniques and facilities will probably be realizable from such depths within the next 3 to 5 years."

The report adds:

"...Without reference to economic considerations, capability to drill and produce in water depth of 1,500 to 2,000 metres might be considered reasonably attainable within the next 10 years."

12. At the very least, we can conclude that technology is advancing rapidly—and, I would add, not in the field of peaceful exploitation alone.

13. Perhaps I may be permitted to give one further example of the caution displayed by the Economic and Technical Working Group. Paragraph 22 of its report reads as follows:

"Since costs for the development of marine mineral resources rise rapidly with progression into deeper water, economic reasons suggest that marginal resources on land under present circumstances may be given preference over marine mineral deposits ...". [A/7230, annex I.]

14. Then, after discussing the pros and the many cons of the exploitation of the mineral resources of the seabed, the report concludes in paragraph 26:

"In spite of the factors that seem now to diminish prospects for early exploitation of ocean floor resources, the accelerating growth of technology and the widening interest of potential investors justify cautious optimism concerning their future development." [Ibid.]

15. I would draw the attention of the Committee to the apparent contrast between this "cautious optimism" and statements contained in the official transactions of the conference on industry's future in the ocean^{2/}

^{1/} See Petroleum Resources under the Ocean Floor, 9 July 1968, an Interim Report by the National Petroleum Council's Committee on Petroleum Resources Under the Ocean Floor, E. D. Brockett, Chairman, pp. 3 and 4.

^{2/} Official Transactions, Conference on Industry's Future in the Ocean, The Challenge and the Reality (Coral Gables, Florida, U.S.A., Florida Commission on Marine Sciences and Technology, 1968).

which took place at Miami, Florida, on 4-5 March 1968. That publication is studded with statements such as the following:

Page 44:

"There is no question that the last Middle East crisis has served to concentrate the attention of the petroleum industry much more closely ..." [on the potential of the sea-bed].

Page 91:

"The possibility of making a national claim out to and including the Mid-Atlantic ridge, based on our technological capabilities, should, I believe, be actively explored by our Government."

Page 96:

"The title of this Conference is 'Industry's Future in the Ocean', but I believe there is a sub-title which adds 'The Challenge and the Reality'. Well, here we have the challenge to the petroleum industry—the existence of more than twenty million square miles of almost untouched submerged continental margin—not shelf—"with a quantitatively unknown but unquestionably vast petroleum potential, saying to the industry: come and get it."

Pages 27 and 28:

"Deep oil technology has a new kind of objective. Its intention is to develop whole oil fields on the sea bottom in one shot, possibly on a turn-key basis; that is to say, it would be an undersea analogue either of the largest of platforms or for situations where the depth of the water or the surface is such that a platform could not be sensibly built or maintained at a reasonable cost ... In our judgement, it is quite possible to do all of this on the sea-floor without involving either divers or submarines ... We are beginning to develop a series of ideas for mining in increasing depth of water: one for about 600 feet, one for about 3,000 feet, one for 7,000 feet, and one for 15,000 feet. We feel that we have a pretty substantial capability for undersea mining."

16. Discussing the potential United States market with regard to the deep sea and the ocean floor, the following is stated on pages 35 and 36:

"The market was nearly \$8,000 million in 1967, excluding direct military expenditures and surface shipping. It will triple in size during the next ten years and represent a very sizable industry totalling over \$23,000 million ... A big oceanic market is already here and it will be growing faster and faster. Let us explore how industry and investors should exploit it."

17. The foregoing quotations and many others that I could give, naturally, do not represent the official policy of any State, but they may have some significance as being indicative of current thinking in an industry which is not uninfluential. I do not wish to mislead anybody. The deep oceans and the ocean floor have not yet become environments friendly to man. Of course there remain obstacles to large-scale exploitation. Of course there remain imponderables and many risks connected with the exploitation of sea-bed resources; but, whatever some voices may say, the risks are being accepted, the obstacles overcome. We are here

deliberating on a matter in which the stakes are incalculable for the future of our countries, perhaps for the future of the world, and it is clear that pressures are rising rapidly.

18. We do not have unlimited time to resolve the admittedly complex problems involved in the reservation exclusively for peaceful purposes of the sea-bed and its subsoil beyond national jurisdiction and the use of its resources in the interests of mankind. At the same time, constructive solutions to these problems require broad agreement. It is for that reason that the unanimous conclusions of the Ad Hoc Committee's report assume particular importance. These unanimous conclusions appear to be the following: (1) that there exists an area of the sea-bed and ocean floor which is not subject to national jurisdiction; the limits of this area, however, are still undefined; (2) that the area beyond national jurisdiction should be reserved for peaceful purposes and its resources used in the interests of mankind; it was noted, however, that the terms "peaceful purposes" and "interests of mankind" required further definition; (3) that it was highly important to strengthen international co-operation in the field of scientific research and investigation of the marine environment; (4) that exploration and exploitation of the sea-bed and ocean floor and of their subsoil should be conducted in such a way as to avoid, as far as possible, pollution of the marine environment and infringement of the other interests and established rights of nations with respect to the high seas. Finally, there was general agreement that the problems connected with the item before us required both further study and a concerted attempt at solution.

19. A number of proposals and draft resolutions, incorporating both concepts commanding unanimous support and others commending themselves with various degrees of acceptance to members, were submitted to the Ad Hoc Committee. The draft resolutions are contained in annex III of the Committee's report. I shall first comment briefly on those that appear to enjoy general acceptance.

20. During the discussions in the Ad Hoc Committee it was stressed, particularly by representatives of technologically advanced countries, that since our "present knowledge of the extent, location and concentration of the mineral resources of the sea-bed was ... limited", the first and most urgent need was "to foster research and exploration activities in order to fill the extensive gaps in present knowledge". Hence our main objective should be to promote international co-operation in the scientific field. The concept of an international decade of ocean exploration and also the resolution proposed by the United States thereon [see A/7230 annex III] have that commendable aim in view.

21. The Secretary-General, in document E/4487 and Corr.1-6, while having no proposals to offer in other domains, also stresses heavily the need for increased international co-operation in the scientific field by proposing an expanded programme of international co-operation to assist in a better understanding of the marine environment through science. This, it is stated, will provide, among other things, the scientific foundation for the development and exploitation of the mineral resources of the sea-bed. In this connexion the Secretary-General proposes that responsibility for formu-

lating and co-ordinating this programme be entrusted to the Intergovernment Oceanographic Commission (IOC) and that for this purpose the statutes of that body be suitably modified. At a meeting of consultants convened early in October by the Director-General of UNESCO, important decisions were taken regarding the new functions of ICC, the establishment of an inter-agency board, financing and other matters, for the details of which I would refer you to document A/C.1/973, which I believe was circulated a few days ago.

22. My delegation certainly concurs with the view that our knowledge of the marine environment and of the resources of the sea-bed is far from exhaustive. We recognize the value of international scientific co-operation; we believe it could be improved, although parenthetically we note that in this particular field it has been comparatively satisfactory in the past; and we welcome the great increase in scientific knowledge of the marine environment which can confidently be expected from implementation of the concept of an international decade of ocean exploration and of the Secretary-General's expanded programme of international co-operation. We must, however, deprecate over-emphasis on exploration of the sea-bed and on the scientific aspects of the item before us and also express clearly our doubts on current plans which are being formulated with regard to IOC.

23. The proposed international decade and the Secretary-General's expanded programme will produce a more rapid expansion of scientific knowledge. They will also result in a more precise evaluation of the mineral resources and of the military potential offered by the sea-bed and the ocean floor. They will, finally, considerably stimulate technological developments, which are already sufficiently rapid and which will make commercial and military exploitation easier. If, as we have every reason to believe, the ocean floor contains virtually inexhaustible mineral resources and if some areas of the ocean floor are of considerable strategic significance, the commendable scientific programmes proposed will inevitably intensify existing pressures for national appropriation and exploitation of some areas now universally recognized as being beyond national jurisdiction.

24. Numerous scientific papers will no doubt be circulated by IOC to member Governments on the results of the projects undertaken under the Secretary-General's expanded programme, thus contributing to the diffusion of scientific knowledge, and all countries will in greater or lesser measure benefit thereby; but, in present circumstances where an equitable international régime for the ocean floor beyond national jurisdiction is completely lacking, where indeed internationally recognized norms are so few that this area can be used, abused and appropriated with minimal risk of incurring international responsibility and where only very few States have the financial resources to engage actively in the exploitation of the sea-bed beyond the continental shelf, who is likely to profit most in practice—that is, economically and militarily—from the scientific programmes proposed to us? Not land-locked countries, not countries bordering on closed seas, not the developing world in general and, I would add, not the goal of demilitarization of the ocean floor.

25. Nor are we convinced that at the present stage there is real need to broaden the Statutes of IOC or to establish an inter-agency board for this body. Membership of IOC is already open to all States Members of the United Nations and of other agencies within the United Nations system. That is in article 2 of the Statutes. The Commission already "shall consider and recommend international programmes for oceanographic investigation, together with the necessary steps for their execution..."; and "shall also recommend... the nature, forms and methods of exchange of oceanographic data...". That is in article 4 of the Statutes. The Commission, in short, has ample scope for fruitful activity within its present terms of reference. We also doubt that there is need to establish an inter-agency board for IOC; both the Secretary-General's proposed expanded programme and the decade of ocean exploration can be effectively implemented without this mechanism which is likely to lead to considerable bureaucratic proliferation.

26. But our main objections to the establishment of the proposed inter-agency board are more far-reaching. We feel that such a board may contribute towards shifting the main focus of United Nations action from establishment of an international régime and of an agency empowered to administer such a régime in the interests and for the benefit of all countries to peripheral aspects of the question before us. Furthermore, a broadened and strengthened IOC, eventually developing into an international agency on the pattern of the present specialized agencies, as we have reason to believe is the intention in some quarters, would probably impede the creation of a body to administer the ocean floor beyond national jurisdiction, a body which we believe to be essential eventually, if developing countries are to share equitably in practice in the benefits to be derived from the exploitation of sea-bed resources. Thus we view with considerable concern developments which, while not illogical on a purely technical or bureaucratic plane, may well endanger the long-term interests of many countries, the protection of which was the main purpose of the initiative taken by my Government.

27. As I have already stated, we recognize the value of the proposals submitted by the United States, by the Secretary-General and by IOC. But we are also alert to possible long-term dangers. We therefore have no objection to the draft resolution on the international decade of ocean exploration proposed by the United States, provided that paragraph 4 (a) is deleted. That paragraph, we feel, may give excessive encouragement to the new arrangements which are contemplated with regard to IOC and which we do not regard as strictly necessary. We also hope that the representative of the United States will consent to consider favourably one or two minor amendments to the preamble and certain operative paragraphs of his draft resolution, the purpose of such amendments being to clarify the point that there is no General Assembly endorsement of an expansion of the role of IOC.

28. I should like to congratulate the representative of Iceland on his admirable draft resolution in document A/7230, annex III, concerning pollution of the marine environment. We shall, of course, support it, and we would be happy to co-sponsor it if it could be broadened to cover not only pollution of the marine environ-

ment arising as a consequence of exploration and exploitation of the resources of the sea-bed beyond national jurisdiction, but also pollution due to accidents or deliberate acts that are not related to either exploration or exploitation. I scarcely need to refer in this connexion to the Torrey Canyon disaster and similar marine disasters, or to the systematic dumping of the radioactive and other wastes into certain areas of the high seas.

29. I must, however, draw your attention to the fact that in certain quarters, including scientific quarters, it is being seriously suggested that the seas and oceans could become the convenient receptacle of all the wastes of our industrialized society, on the ground that the possibility of adverse effects to the marine environment is remote. A large number of suggestions have been made in different countries within the framework of that concept. A very recent proposal, for instance, reported in The New York Times of 27 October 1968, a few days ago, envisages the construction of a pipeline to carry the wastes of the highly industrialized Trenton-Philadelphia-Wilmington area eighty miles out to sea and dump them on the sea-bed where the ocean is 600 feet deep. We believe that if suggestions such as the one I have quoted were widely adopted by industrialized countries, many areas of the ocean may be endangered by pollution even before large-scale exploitation of the sea-bed beyond national jurisdiction becomes economically feasible. We would therefore commend to the consideration of the representative of Iceland the possibility of strengthening his draft resolution by inserting an additional preambular paragraph and operative paragraph to cover pollution of the oceans due to causes which I have mentioned.

30. A third draft resolution is that contained in document A/C.1/L.425 and Add.1, co-sponsored by, I believe, thirty-three countries, including Malta. That draft is based on the unanimous conclusion of the Ad Hoc Committee that the item as a whole required considerable further study and that institutional arrangements should be made for that purpose by the General Assembly. In this connexion some delegations indicated that they would prefer continuation of the Ad Hoc Committee. This does not appear to be a very satisfactory solution to a simple problem. In the first place, since the problems raised in the title of the item are new, complex and difficult, it is not easy to foresee the time that will be required to achieve solutions agreeable to the overwhelming majority of the international community. We can be sure only of one thing, and that is that the additional study required will take more than one or two years. In these circumstances it would seem more appropriate to establish a standing committee rather than to continue the Ad Hoc Committee.

31. In the second place, the terms of reference of the present Ad Hoc Committee are excessively narrow: we must go beyond the stage of surveys and identification of problems. We cannot be satisfied even with consideration of expanded programmes of scientific co-operation or with the examination of measures to prevent marine pollution: pressures for appropriation of the sea-bed beyond present national jurisdiction are very strong. These pressures will be intensified as a result of the expanded programmes of scientific co-

operation proposed to us; we do not have much time if we are to reserve the exploitation of the sea-bed beyond national jurisdiction for the benefit of mankind. We must therefore proceed to discuss, in the words of the representative of Belgium in the Ad Hoc Committee, "solutions that would be acceptable to the international community, in the form of resolutions and declarations of principle, on the one hand, and of treaties and international conventions, on the other" [A/AC.135/SR.19].

32. The proposed terms of reference of the Standing Committee will enable us to do this on a wide front, and they should be retained in their present form, although we do not exclude the possibility of constructive minor improvements of the text.

33. Finally, the establishment of a committee with the terms of reference proposed should provide a focal point in the international system where all the aspects of the item and their inter-relationships can be studied, and should provide direction and purpose to present and future international activities in regard to the sea-bed and ocean floor.

34. The three draft resolutions upon which I have commented, although perhaps controversial in some of their aspects, are all based on unanimous conclusions of the Ad Hoc Committee. The other draft resolutions reproduced in document A/7230, annex III, in some of their provisions go beyond the conclusions of the Ad Hoc Committee, and therefore command varying degrees of acceptance. They also reflect widely divergent approaches to the two main legal and political problems which confront us: that is, first, how best to ensure the reservation exclusively for peaceful purposes of the sea-bed and ocean floor and their subsoil beyond the limits of present national jurisdiction; and, secondly, how best to ensure the use of the resources of those areas in the interests of mankind.

35. We have only very few observations to make with regard to the draft resolutions in document A/7230, annex III, concerning the arms control aspects of our item. We consider the Soviet draft resolution unacceptable. The best that can be said of operative paragraph 1 is that it is rhetorical. It is a fact that the Soviet Union itself utilizes some areas of the sea-bed that do not form part of its territorial waters for purposes that cannot be described as exclusively peaceful. Nor do there appear to be any indications that there is an intention to reduce this type of usage.

36. Operative paragraph 2 of the Soviet draft is too vague and injects the further complication of the concept of territorial waters into a subject that is sufficiently complex already.

37. The United States draft resolution on preventing the emplacement of weapons of mass destruction on the sea-bed and ocean floor avoids rhetoric but, on the other hand, is perhaps over-cautious.

38. We have great sympathy for the amendments to the Soviet and United States draft resolutions submitted by the representative of Tanzania. I certainly see no reason why there could not be unanimous agreement on operative paragraphs 1 and 2 (b) of the Tanzanian amendments. I doubt, however, whether discussions in the Conference of the Eighteen-Nation

Committee on Disarmament with regard to operative paragraph 2 (a) could be very fruitful—at least, at this stage.

39. If there is, however, no general agreement on an arms control resolution with regard to the sea-bed beyond present national jurisdiction, I wonder whether it might not be desirable to avoid attempting to adopt a specific resolution on that subject; we could limit ourselves to inserting a declaration on peaceful uses in a resolution on legal principles; we could also note in such a context that the question of prevention of an arms race on the sea-bed is already before the Conference of the Eighteen-Nation Committee on Disarmament and we could recommend that the Conference report to any body that may be established by the General Assembly to study the item as a whole on factors vital to a workable, verifiable and effective international agreement banning military bases and the emplacement of weapons of mass destruction on or under the sea-bed and the ocean floor. This might be a useful first step towards making progress on a most complex aspect of the question before us, in which vital security interests of major Powers are involved.

40. Our last suggestion—that the Conference of the Eighteen-Nation Committee on Disarmament prepare a report for the proposed standing committee—implies, of course, that some change in the role and terms of reference of that Conference would be generally acceptable.

41. I do not think that any useful purpose would be served were I to comment in detail on the draft statement of agreed principles and on the three draft resolutions concerning legal principles that are contained in the report of the *Ad Hoc* Committee. All, in our view, possess some merit; all in varying degrees are not entirely satisfactory; none deals with a point which we believe to be of great importance: that is, the need to restrain in some way claims of exclusive jurisdiction beyond the present limits of national jurisdiction until a clear and generally acceptable definition of the continental shelf is formulated.

42. Instead of explaining at some length our objections or doubts with regard to the proposals on principles which have been submitted for our consideration, I would propose to say a few words on the type of resolution which we hope it will be possible for the General Assembly to adopt this year. We tend to think, in this connexion, that establishment of detailed guide-lines for activities on or under the sea-bed beyond present national jurisdiction may not be a matter of too great importance. Too many guide-lines have been proclaimed in the past by United Nations bodies in a variety of fields. In most cases they have been completely ignored by Member States, for reasons which it is not necessary for me to mention here. These precedents do not encourage me to look upon guide-lines as necessarily having much practical value, or upon their proclamation as necessarily a matter of utmost priority. If it is considered that detailed guide-lines, as distinguished from a limited number of legal principles formulated in such a way as to form a basis for future internationally binding agreements, are indeed necessary, I would urge that they be carefully studied and that they conform to certain basic criteria, including consistency and a realistic appre-

ciation of present and probable future activities with regard to the undefined area with which we are concerned.

43. On the other hand we believe that the time has come to stress the following crucial points in any resolution which may be adopted by us this year.

44. First, until a generally accepted definition of the continental shelf is formulated, the exercise of restraint by States in further extending their claims of exclusive jurisdiction over the sea-bed and ocean floor and their subsoil.

45. Secondly, the existence of an area of the sea-bed and ocean floor beyond national jurisdiction and the need for definition of this area.

46. Thirdly, firm commitment to the establishment of an international régime meeting certain basic criteria for the sea-bed and ocean floor lying beyond national jurisdiction.

47. Last year we suggested that it was most important to freeze claims to sovereignty over the sea-bed and ocean floor beyond present national jurisdiction until a clear definition of the continental shelf was formulated. We still believe that this is a most important point which we cannot continue to ignore. At the same time we recognize that in a situation where present claims to sovereignty or exclusive jurisdiction with regard to the sea-bed range very widely in scope, a call for an outright freeze of the present position may not be entirely equitable. We would accordingly favour a formula recalling that adjacency to the coast is one of the criteria determining the area of the sea-bed under national jurisdiction, and urging all Member States to refrain from actions that might unduly impair the extent of the area beyond the present limits of national jurisdiction.

48. Such a formula has greater flexibility than an outright freeze and we hope that it will be more widely acceptable.

49. The existence of an area of the sea-bed and ocean floor, underlying the high seas beyond the limits of present national jurisdiction, must be noted and the need to proceed with all deliberate speed to the definition of this area, taking into account the relevant provisions of international law must be stressed. In this connexion, I would point out that it should not prove too difficult to reach unanimous agreement on the minimum—I would stress the word "minimum"—extent of the area beyond present national jurisdiction. This could very well be authoritatively determined before agreement is reached on the exact limits of the continental shelf subject to limited national sovereignty.

50. Finally, we would like to see in any draft resolution which we may decide to adopt a firm commitment of the international community, as represented in the United Nations, to the establishment of an international régime for that part of the sea-bed and ocean floor which lies beyond national jurisdiction.

51. We do not think that the fourth principle in the draft statement of agreed principles contained in the report of the *Ad Hoc* Committee is sufficiently explicit in this respect. We would prefer—indeed we would urge—the adoption of a simple but clear declaration to the effect that the sea-bed and ocean floor and their

subsoil, underlying the high seas beyond the limits of present national jurisdiction, are common heritage of mankind, and, as such—that is, as a common heritage of mankind—should be reserved exclusively for peaceful purposes and their resources used and administered for the benefit of all peoples and of present and future generations.

52. For my delegation, the common-heritage concept is not a slogan; it is not one of a number of more or less desirable principles; rather, it is the very foundation of our work; it is the key that will unlock the door of the future. It is a new legal principle which we wish to introduce into international law; it is a legal principle which we feel must receive recognition if the international community is to cope constructively and effectively with the ever more complex challenges which will confront us all in the coming decades. We cannot deal effectively with the accumulating and increasingly serious problem of the total environment in which we live, of the biosphere—to use an appropriate term already adopted by UNESCO—on the narrow, outdated basis of traditional international law. New concepts must be introduced; new solutions sought to enable us all from the greatest world Powers to the smallest society, intelligently to cope with new problems. If we cannot do this together, we will all hang separately. We recognize that the process of innovation requires great caution, that in the interests of harmony in international relations stability of legal principles in traditional fields is highly desirable; we have no intention of subverting this stability. At the same time we feel that when new fields of human endeavour unfold before our eyes, as in the case of the sea-bed beyond national jurisdiction, we should attempt to formulate in general terms the appropriate general legal principles upon which we may hope to build a legal framework for the realistic and equitable solution of anticipated problems. This, we are confident, the concept of common heritage will enable us to do.

53. From this concept can be derived many of the suggested principles contained in the United States and Indian draft resolutions which deal with them [see A/7230, annex III], and in the draft declaration of general principles and draft statement of agreed principles contained in the report of the Ad Hoc Committee [A/7230, para. 88]. Thus the concept of common heritage implies the notion of peaceful use, since it is clear that military use of the ocean floor might impair or endanger the common property. The common heritage concept not only implies freedom of access and use on the part of those having part in the heritage but also implies regulation of use for the purpose of conserving the heritage and avoiding the infringement of the rights of others. Inherent in regulation of use is, of course, responsibility for misuse. The concept, finally, implies equitable distribution of the benefits from exploitation of the heritage. It is possible to go further; the notion of property that cannot be divided without the consent of all and which should be administered in the interests and for the benefit of all is also a logical extension of the common heritage concept.

54. Having stated our opinion and preferences, I should like to assure you, Mr. Chairman, of the wholehearted co-operation of my delegation. We note that there is considerable common ground in the proposals concerning principles that are before us; more common

ground might perhaps be developed and the various principles could, indeed should, be brought under a common general concept which we believe might be enunciated already at this stage.

55. Last year, an informal but widely representative group was instrumental in formulating a draft resolution which received unanimous support. While we do not believe that unanimity is necessarily always essential in dealing with the present item on our agenda, we recognize the desirability of proceeding as far as possible in broad agreement. We wonder, therefore, whether at the appropriate time and should there be need, the Chairman might consider taking entirely informal steps to bring agreement on a broadly acceptable draft resolution on principles which would take into account as far as possible different trends of opinion within this Committee.

56. The CHAIRMAN: I thank the representative of Malta for the tribute which he paid to my country as well as for the congratulations he extended to me and to the other members of the Bureau.

57. Before calling on the next speaker on my list, I wish to inform the Committee that Indonesia has decided to co-sponsor the draft resolution contained in document A/C.1/L.425 and Add.1.

58. Mr. KJARTANSSON (Iceland): Mr. Chairman, although you have requested that we should not use our time for congratulatory messages, I must be permitted, since this is the first time that I have spoken in this Committee, to associate myself with those who have so rightly and so eloquently congratulated you and your bureau on your well-deserved elections to your respective posts.

59. The report of the Ad Hoc Committee now before us in document A/7230 bears witness to a diligent and wide-ranging examination and work of the Committee at its three sessions on this subject. At the outset of our deliberations in this sphere at the twenty-second session of the General Assembly it was already evident that we were here embarking upon a unique journey of exploration. The area we intended to travel comprised no less than five sevenths of the surface of our globe, and our purpose was to widen the frontiers of human knowledge in this little known element. And, indeed, not only that, but to ensure that the resources and mineral wealth which might be found there were certain to be used for the benefits of all mankind. That was in its essence a grand plan and an exciting undertaking, fit for an Organization which aims at world peace and the material betterment and progress of all the nations of the world.

60. My country, which has through the ages lived in close relationship with the inclement forces of nature, as a nation of seafarers and fishermen, welcomed that new initiative of the United Nations and the spirit of adventure that lay behind that new journey of discovery to the bottom of the sea.

61. The first stage of that travel has now been accomplished, as we have before us the final report of the Ad Hoc Committee, which has discharged its responsibilities within the span of the time allotted to it by the last session of the General Assembly. The Committee is to be complimented upon work well done. It has studied in a comprehensive manner the various aspects

of the item before it and identified the main problems. Apart from that, the Committee has recognized the need for further study and made recommendations for that purpose. What we have before us, in other words, is a lucid outline of the whole problem, with suggestions how the international community can best approach the new task of opening up the ocean floor for exploitation in the interest of mankind. My delegation would like to express its admiration and gratitude to the Chairman of the Ad Hoc Committee, the Ambassador of Ceylon, as well as the Committee's Rapporteur and the Chairmen of the Sub-Committees, for their devotion and diligence and for the skill they have shown in discharging their respective tasks. Our compliments go also to the Secretariat for its valuable contribution to the work accomplished.

62. Now it is up to us at this Assembly to chart the next stage of the journey and carry forward the ideas and recommendations for further action, as found in the Ad Hoc Committee's report. At a late stage in the process of its work, at the Rio de Janeiro meeting in August 1968, there appeared to be a genuine possibility that, apart from a comprehensive review of the main aspects of the item, the Committee would be able to agree on a set of general principles on that subject. As a matter of fact the views proved, at that time, too divergent for a unanimous agreement on general principles. It was, however, evident at the last meetings in Rio that on many of the principles a large area of agreement had been reached. I venture to hope that in our discussions in this Committee we shall be able to arrive at a general consensus on at least a few basic principles, which could then serve as guide-lines for further action.

63. At this stage I shall not take up the valuable time of this Committee by discussing in detail the various items of the Ad Hoc Committee's report. Iceland did participate with great interest in the Committee's work and there pronounce itself upon the various issues involved. Allow me only to emphasize that my delegation wholeheartedly supports the view that the area outside national jurisdiction should be reserved exclusively for peaceful purposes and be utilized for the benefit of all mankind. Secondly, my delegation would like to stress that the use of this area should be carried out with special regard to the needs and interests of the developing countries. Thirdly, it is of the utmost importance that the exploration and exploitation of the sea-bed and the subsoil thereof shall not endanger the living resources of the sea. Let us not forget that for a considerable length of time the fishing resources of the oceans will constitute the most valuable harvest yielded from those areas. It would therefore be shortsighted in the extreme if that important harvest were spoiled by the new venture on the bottom of the oceans, to which I shall refer later.

64. The question of the delimitation of the area under discussion has not been resolved by the Ad Hoc Committee. My delegation considers this an important issue, which must be resolved in a future study of the matter. In the meantime my Government holds the view that every State has the right to claim sovereignty for exploration and exploitation of the resources of the continental shelf adjacent to its coast, out to a distance such as that stipulated by the Convention on the

Continental Shelf,^{3/} of Geneva, 1958, and confirmed by States in principle. Technological progress has, however, made it imperative that a definitive boundary line be drawn where national jurisdiction ends and the international area begins.

65. I shall now turn briefly to the draft resolution [A/C.1/L.425 and Add.1], sponsored originally by twenty-nine States and introduced so forcefully and so excellently by our Belgian colleague, Mr. Denorme, in the Committee yesterday. That proposal asks the General Assembly to establish a standing committee on the peaceful uses of the sea-bed and ocean floor beyond the limits of national jurisdiction, for the elaboration of detailed international rules on the subject. My delegation is one of the sponsors of that proposal, as we find it imperative that the work done by the Ad Hoc Committee be carried further to its logical conclusion. For that purpose a standing committee of this Assembly is needed, as we experienced when drawing up the Convention on Outer Space.^{4/} It would not be a responsible course of action by this Assembly if it did not pursue further the formulation of legal and technical principles governing the exploration and exploitation of the ocean floor, and the demilitarization of the areas in question. We do therefore hope that this Assembly will accept the proposal contained in document A/C.1/L.425 and Add.1 on the continuation, in the forum of the United Nations, of the valuable work already accomplished in this field.

66. My delegation has already, in the Ad Hoc Committee [18th meeting], pronounced itself in favour of the proposals submitted by the Secretary-General for a long-term programme of international co-operation to assist in a better understanding of the marine environment through science [E/4487 and Corr. 1-6, paras. 256-267]. Likewise, we have declared our support for the proposal submitted by the United States concerning the international decade of ocean exploration [see A/7230, annex III].

67. I have now come to the last part of my statement which I will, with permission, devote to a matter which my delegation considers of great importance and which has a direct bearing upon the item we are here discussing. That is the need for protecting the living resources of the sea from any harmful effects caused by the exploitation of the ocean floor.

68. I do not have to elaborate on how vital the marine resources of the oceans are as a source of food for human consumption. This is especially important when the lack of inexpensive protein, such as is found in fish, is one of the great nutritional problems facing us today, in a world where more than half of the population suffers from the effects of malnutrition. The urgency of better management of the world's fisheries resources and increased co-operation for conservation has been recognized in General Assembly resolution 2172 (XXI) and underlined in the Secretary-General's valuable report on marine science and technology [E/4487 and Corr. 1-6] of 24 April 1968. In the view of my delegation, the General Assembly's attention to this vast problem should not end with this action.

^{3/} United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

^{4/} Treaty on Principles Governing the Activity of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, annexed to General Assembly resolution 2222 (XXI).

69. But in this discussion we are confined to the problem of establishing a workable régime for the use of the wealth of the ocean floor, while at the same time safeguarding the living resources of the sea.

70. At the third session of the Ad Hoc Committee in Rio de Janeiro my delegation submitted a draft resolution on a study of means for minimizing the danger of pollution of the marine environment arising from the above-mentioned exploitation [see A/7230, annex III]. That draft resolution called for a study to be initiated by the Secretary-General and concrete measures of international co-operation for the purpose of realizing that aim.

71. The reaction to that proposal of the members of the Ad Hoc Committee at the meeting in Rio de Janeiro was highly favourable. A number of delegations pointed out that an important principle was at stake here, to which the Committee should certainly give its full attention. Even if some of the specialized agencies had devoted some time to that problem it had to be dealt with on a general basis as regards the conservation of the fish stocks of the entire world fisheries. And to show that this initiative of my delegation was certainly not premature I should like to cite, with your permission, Mr. Chairman, the Secretary-General's report on marine science and technology where the following is said:

"The investigation and control of marine pollution ... is a matter on which international action on both regional and global scales is now becoming urgent". [E/4487 and Corr. 1-6, para. 278.]

In the view of my delegation the case was certainly not overstated by the comment, and hence the draft resolution marine pollution was brought forward by it at the Rio de Janeiro meeting.

72. The result of the discussions of the draft resolution at that meeting appears in paragraph 61 of the Ad Hoc Committee's report [A/7230]:

"The proposal was widely welcomed and supported as one of the practical means which might be recommended for the consideration of the General Assembly."

The text of the draft resolution, as submitted to the Ad Hoc Committee at its third session, is to be found in annex III of the report of the Ad Hoc Committee. In commending the draft resolution certain delegations suggested some minor changes and improvements in the text. My delegation is now engaged in consultations with a view to accommodating the different views expressed and incorporating the changes suggested where acceptable. Upon the completion of those consultations we expect to be able to submit the draft resolution formally later this week on behalf of its co-sponsors, and we venture to hope that it will then commend itself to a large majority of this Committee.

73. I will not take up the time of this Committee by discussing the Icelandic draft resolution much further. It is in its essence self-explanatory and deals, in our opinion, with a subject that needs regulation on the international level. What it calls for is simply a study of the best means of achieving such a regulation, carried out by an appropriate body of the United Nations, such as IMCO, and other specialized agencies

concerned with pollution of the marine environment. At this juncture I should point out to the Committee that the question here is one of a threat not only to the living resources of the sea but to the whole marine environment, the non-living as well as the living resources.

74. Pollution and other harmful effects from drilling on the ocean floor, and from explosions there, as well as from the disposal of atomic radioactive waste, are all covered by the terms of the resolution. No international rules combating those harmful effects exist today, apart from the limited stipulations of the International Convention for the Prevention of Pollution of the Sea by Oil of 1954.^{5/} In the view of my delegation, and all of those who commented in the Ad Hoc Committee upon the draft resolution, it is high time that such preventive rules should be drawn up to safeguard the marine environment from untold harm which might result from future activities on the ocean floor.

75. The question might be asked why this study should be undertaken now, but not as a part of the future work of a standing committee on the whole question of the sea-bed and ocean floor, or of the larger question of pollution of the whole human environment. The answer is that a technical study is here required by special experts, which could then be placed before a standing committee on the whole question, as is indeed envisaged in the twenty-nine-State draft resolution [A/C.1/L.425 and Add.1]. For the same reason that this is a specialized problem which cannot be separated from the question of the ocean floor, it is imperative that the study be executed now, within the terms of reference of the standing committee on the subject, rather than at some later date in a more general context.

76. As I said before, the revised Icelandic draft resolution^{6/} will be formally introduced in the Committee in a few days time and my delegation reserves the right to revert to that question again.

77. Lastly, it only remains for me to express the hope that we may all agree upon the general course of action envisaged in the resolutions I have already discussed and that the result of our deliberations may prove of value for all nations of the world, large and small, that are depending upon the riches of the oceans, and their subsoil.

78. The CHAIRMAN: I thank the representative of Iceland for the congratulations he extended to the Chair.

79. Mr. SHAW (Australia): It is barely a year since the representative of Malta made his far-sighted and detailed statement to this Committee [1515th and 1516th meetings]. He then outlined the need to embark upon a programme of widespread investigation of the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. Since that time the international community and the Members of the United Nations in particular have given considerable thought to the problems which were identified in that statement. The General Assembly, as a result of the initiative of the Government of Malta, established under

^{5/} United Nations, Treaty Series, vol. 327 (1959), No. 4714.

^{6/} Subsequently circulated as document A/C.1/L.431.

resolution 2340 (XXII) the Ad Hoc Committee to study the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. We have before us the report of that Committee as document A/7230. The Ad Hoc Committee has had in our view an active and fruitful year, having held three sessions to discuss the questions referred to it. It met twice in New York and once in Rio de Janeiro so as to ensure that its report would provide an adequate basis for consideration of further action by the General Assembly. At this point the delegation of Australia would wish to associate itself with other delegations in expressing its thanks to the Government of Brazil for the invitation to hold the third session in Rio de Janeiro and for the generous arrangements which were provided for the Committee and for delegations by the Brazilian Government.

80. The ability of the Committee to cover such a wide range of important questions during its sessions this year was due in no small measure to the efficient service rendered to it by its officers and by the Secretariat. The delegation of Australia would wish to express its thanks to the representative of Ceylon, Ambassador Amerasinghe, for the smooth and efficient way in which he conducted the Ad Hoc Committee's proceedings. His untiring efforts as Chairman of the Committee were greatly appreciated by all its members. In addition, we would draw the attention of the Committee to the important role played by the Chairmen of the two working groups, Mr. Roger Denorme of Belgium, Chairman of the Economic and Technical Working Group, and Ambassador Benites of Ecuador, who presided over the Legal Working Group. It was appropriate that Malta should provide the Rapporteur of the Ad Hoc Committee. He applied himself to his task with diligence, skill and objectivity.

81. In referring to these and to other officers of the Ad Hoc Committee the delegation of Australia would associate itself with the introductory remarks already made to this Committee by the Chairman of the Ad Hoc Committee and by the Chairman of its Economic and Technical Working Group. Australia is glad to be associated with twenty-eight other Members of the Committee in co-sponsoring the draft resolution contained in document A/C.1/L.425 and Add.1. We thank the representative of Belgium for his clear and concise introduction to that draft resolution on behalf of the co-sponsors [1588th meeting]. We hope that after the Committee has been able to give the question thorough consideration, the resolution will receive widespread support.

82. When the proposal to replace the Ad Hoc Committee by a Standing Committee was presented at the third session of the Ad Hoc Committee by the representative of Belgium [19th meeting] the leader of the Australian delegation then welcomed it and noted then the wide support that existed for the establishment of a Standing Committee [20th meeting]. The useful work done by the Ad Hoc Committee in identifying the legal, economic and technical questions has provided an insight into their scope and complexity. What emerges clearly from the report of the Ad Hoc Committee is that work on questions pertaining to the sea-bed will be before the United Nations for a considerable period. It seems appropriate to recognize this situation by creating a Standing Committee to replace the Ad Hoc

Committee, and it is for this reason that Australia has joined in co-sponsoring draft resolution A/C.1/L.425 and Add.1. As has been made very clear by the representative of Belgium, the new Committee would not duplicate the activities of existing United Nations agencies which have responsibilities in related fields.

83. The delegation of Australia would now like to refer briefly to some of the salient points of the Ad Hoc Committee's report. Paragraph 2 of resolution 2340 (XXII) called for a survey of past and present activities by various agencies regarding the sea-bed and ocean floor and a survey of existing international agreements concerning these areas. It also asked for an account of the scientific, technical, economic, legal and other aspects of the item with a view to indicating practical means to promote international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor, having in mind particularly the benefits which might flow for all mankind from the orderly exploration and utilization of these largely untapped areas. Following its deliberations on these various aspects of its mandate, the Ad Hoc Committee gave particular attention in its closing stages to the possibility of establishing agreed principles relating to the exploration, exploitation and use of the sea-bed and ocean floor. It was generally accepted, as implied in the title of resolution 2340 (XXII), that there does exist an area of submerged land underlying the high seas beyond the limits of national jurisdiction. It follows logically from this proposition that it would be of clear international advantage to identify the most practical ways of ensuring that orderly progress is observed in the use of this submerged area. A number of interesting proposals were put forward in the Committee concerning principles which might be adopted by the international community at an appropriate time. The delegation of Australia was actively associated with the formulation of the statement of seven agreed principles identified as (b) in the Conclusion in part IV of the Ad Hoc Committee's report and with the efforts to commend these principles to a wide cross-section of the Committee.

84. This draft statement of agreed principles offers a simple and precise formulation of a number of aspects of the question under study, a formulation which might command general acceptance as a basis for future international consideration of the problem of the sea-bed. The statement would recognize that there is an area of the sea-bed and ocean floor which lies beyond the limits of national jurisdiction. It would also recognize that this area should be delimited, taking into account relevant dispositions of international law, and that there should be agreed as soon as practicable an international régime to govern the exploitation of resources of this area, an area over which no State may claim or exercise sovereign rights or make claims of national appropriation. Of particular importance in any agreed principles would be the need to ensure that exploration and use of the area should be carried on for the benefit and in the interests of all mankind, taking into account the special needs of the developing countries. Another important aspect which would command general acceptance would be that the area should be reserved exclusively for peaceful purposes. In the view of the delegation of Australia it would also be important to make specific reference

to the fact that activities in the area should be conducted in accordance with international law, including the Charter of the United Nations, and that they should not infringe upon the freedoms of the high seas.

85. Australia valued the opportunity to participate in the consultations which led to the drafting of these principles. They should provide a basis for future international co-operation and we hope that they will be given sympathetic and close scrutiny by all Members of this Committee. Time for further consideration and study will be needed before a set of principles can be firmly established, but the direction of future consultations has already been established.

86. The Australian representative at the Rio de Janeiro session welcomed [20th meeting] the clear and frank views which were expressed by the representatives of the United States and the United Kingdom on the use of the sea-bed exclusively for peaceful purposes, which, in our view, would not preclude defence objectives consistent with international law and the Charter.

87. On 27 August 1968 the Australian delegation supported the principle of the use of the sea-bed and ocean floor beyond the limits of national jurisdiction exclusively for peaceful purposes. It also noted that the Conference of the Eighteen-Nation Committee on Disarmament had on its agenda, under the heading of collateral measures, the prevention of an arms race on the sea-bed. The Australian representative pointed out that this did not affect the prerogatives of the General Assembly to undertake a general consideration of all aspects of this question and to assign a role in this matter to a future sea-bed committee if it were minded to do so. In this connexion paragraph 2 (c) of the draft resolution in document A/C.1/L.425 and Add. 1 would accord to the Standing Committee certain responsibilities in the area relating to peaceful purposes, but not responsibilities which would derogate from the negotiating role of the Eighteen-Nation Committee on Disarmament in disarmament matters.

88. The Economic and Technical Working Group had before it a considerable amount of useful background information prepared by the Secretariat and by other competent specialized agencies of the United Nations. Of particular interest to members of the Committee were the contributions by the Intergovernmental Oceanographic Commission, UNESCO, the World Meteorological Organization and the Inter-Governmental Maritime Consultative Organization. As a result of the detailed consideration of the information before it, the Economic and Technical Working Group concluded that there was a need for international co-operation in marine mineral development and related aspects on the sea-bed and the ocean floor and that any international co-operation in this field should be for the benefit of mankind as a whole. It was generally recognized that the frontiers of knowledge in this area were still limited and that information on the resources and exploitability of the sea-bed was scanty. Enough information was at the disposal of the Economic and Technical Working Group, however, to indicate that there were possibilities for considerable development and utilization of the resources of the sea-bed for the benefit of future generations. It was accordingly agreed by that Working Group that further consideration of all the aspects involved would be necessary.

89. The Australian representatives in the Economic and Technical Working Group were able to play an active role with other delegations many of which were represented by specialists in the examination of existing factual data and the consideration of lines of future research. Australia is a country with a very long coastline and a large continental shelf. We have a great interest and experience in furthering scientific, economic and technical research in the fields under study. Australia has been privileged to participate in the work of the International Indian Ocean Expedition and a number of Australian Government Departments, including the Department of National Development, are following international developments concerning previously untapped resources of the continental shelf, developments which will have direct relevance to international co-operation beyond the limits of national jurisdiction. Australia looks forward to continuing its co-operation with other member countries in order to promote scientific research in this field.

90. The Legal Working Group of the Ad Hoc Committee was able, under the Chairmanship of the representative of Ecuador, to achieve a useful preliminary examination of the legal questions which will need further study if, as seems generally acknowledged, future international activities relating to the sea-bed and the ocean floor beyond the limits of national jurisdiction are to be conducted in an orderly manner consistent with the desire to see international co-operation in this new area of endeavour.

91. I have already referred to the draft principles which the delegation of Australia feels could be of value in the elaboration of a legal régime for the sea-bed. What the Ad Hoc Committee has attempted to do in part is to consider whether the existing international law of the sea is, in the words of the Australian representative to the Legal Working Group of the Ad Hoc Committee on 29 June 1968, sufficient and adequate to meet the new circumstances that may be expected to emerge, and, if it is not, to consider further the evolving of new international arrangements.

92. In this connexion we would wish to acknowledge the useful Survey of Existing International Agreements [A/AC.135/10/Rev.1] prepared by the Secretariat. Under the heading "Limits and scope of national jurisdiction over the continental shelf—multilateral treaties of a general character", the Secretariat included references to the 1958 Convention on the Continental Shelf. In the Ad Hoc Committee the delegation of Australia felt it useful to point out that there is a body of international treaty law which already serves as a basis and guide to future legal work relating to the sea-bed. It drew attention to the Continental Shelf Convention as a multilateral treaty that was worked out in accordance with the law-codifying and law-making processes of the United Nations. At present, thirty-seven States have become parties to that Convention and have recognized its rights and obligations. A further twenty-eight States have also signed the Convention. On the basis of the rights and obligations under that Convention, Australia and other countries have legislated in good faith for the exploitation of their continental shelves. Paragraph 71 of the Ad Hoc Committee's report [A/7230] specifically refers to this matter.

93. The Legal Working Group considered a number of important questions relating to the legal status of the sea-bed and the ocean floor, its reservation for peaceful purposes, the use of its resources, freedom of scientific research thereon and the relationship of this to the freedom of the high seas. Other questions, including that of pollution and other hazards, were also given consideration. In view of the complexity of its task, however, it was agreed that a considerable amount of further work would need to be done. The delegation of Australia is convinced that the initial consideration of problems affecting new chapters of international law in this area has been worth while. We hope that there will be general acceptance of the need to continue this important task in the Standing Committee.

94. As a result of the deliberations conducted in the Ad Hoc Committee, it has been appropriate that members of that Committee should express to the General Assembly for its consideration their conclusions on the most practicable methods for continuing work in these new fields. As I mentioned earlier, Australia is glad to be associated with the other co-sponsors of the draft resolution in document A/C.1/L.425 and Add. 1, which recommends the establishment of a standing committee on the peaceful uses of the sea-bed and ocean floor. Operative paragraph 2 of that draft resolution sets out the possible mandate for such a committee and takes into account a wide range of views expressed in the Ad Hoc Committee and in subsequent detailed consultations among the co-sponsors.

95. In addition to the work which would be carried out by the new committee, which would in effect be a continuation of the studies undertaken by the Ad Hoc Committee, there are a number of related aspects which deserve our attention. The members of the Ad Hoc Committee showed considerable interest in the proposal of the United States in its draft resolution on the international decade of ocean exploration [see A/7230, annex III], and also in the proposals of the Secretary-General [E/4487 and Corr. 1-6], endorsed by the Economic and Social Council [resolution 1381 (XLV)] for a co-ordinated long-term programme of oceanographic research designed to increase, in the interests of world economic development, the resources available to all people in the world.

96. The delegation of Australia reiterates its support for those initiatives. It also welcomes the proposal by the Government of Iceland submitted to the Ad Hoc Committee and made again here this morning, calling on States to adopt appropriate safeguards against the dangers of pollution of the marine environment which might arise from the exploration and exploitation of the sea-bed and ocean floor [see A/7230, annex III]. The delegation of Australia will be very glad to continue its consultations with the Government of Iceland and its representatives here on the drafting of the resolution. All these projects are worthy of support, and their progress will be watched closely by the standing committee on the sea-bed.

97. In conclusion, I should like to reiterate that the delegation of Australia attaches very great importance to the future work of the United Nations concerning the sea-bed and ocean floor. We must understand the possible benefits for all mankind which will flow from

the exploitation of the areas beyond national jurisdiction. The need for further action is perhaps self-evident. What ought also to be self-evident is the need to progress stage by stage, taking into account such new information as we are able to gather, and having in the forefront of our attention the requirement that our work must be aimed at producing sensible and practical measures of international co-operation. Australia has attempted during the work of the Ad Hoc Committee to make its contribution in a modest way in both the legal and the economic and technical fields. The opportunities for progress exist, and we look forward to continuing co-operation with other countries in this field.

98. The CHAIRMAN: I wish to inform the Committee that the delegation of the Ivory Coast has asked that its name be added to the present list of thirty-four co-sponsors of draft resolution A/C.1/L.425 and Add. 1.

99. Mr. KIKHIA (Libya): I apologize for taking the floor at this late hour, but I wish to speak briefly on a minor point.

100. First of all, I should like to associate myself with the previous speakers in extending to you, Mr. Chairman, my sincere congratulations, on behalf of the delegation of the Kingdom of Libya, on your well-deserved unanimous election to lead the work of this very important Committee. I am confident that under your wise guidance and leadership the First Committee will complete its work with full success and agreement. My congratulations go also to our Vice-Chairman and to our Rapporteur.

101. I am taking the floor not to speak on the substance of the item but only with the intention of presenting through you, Mr. Chairman, a request to the Secretariat to make available to the members of this Committee, if possible, all the summary records of the Ad Hoc Committee on the Sea-Bed. We have been told by the competent service that some of these summary records are out of stock. It would be of great assistance to us in our deliberations to have these summary records available. The records of the Ad Hoc Committee are complete and reflect with sound objectivity and clarity the deliberations of that body. In that connexion I sincerely congratulate the Rapporteur of the Ad Hoc Committee, Mr. Gauci of Malta, on his excellent work. However, we sometimes need to refer to the summary records of the Ad Hoc Committee to verify or clarify some points.

102. The CHAIRMAN: I thank the representative of Libya for the congratulations he has extended to myself and to all the members of the Bureau. On the point he has raised, I can assure the representative of Libya that I will look into the matter and let him have a reply.

103. Before we adjourn, I should like to make some comments to the Committee at this stage. Having considered the situation and the time schedule we should try to follow in dealing with the many items before this Committee, I have come to the conclusion that it is necessary to conclude the general debate on item 26 as soon as possible, at any rate not later than the beginning of next week. That would enable us to begin consideration of the draft resolutions which have

already been submitted, dispose of item 26 at about the middle of the week and take up immediately afterwards the next item on our agenda. With that in mind—and I hope the Committee will concur with me in the objectives I have just outlined—it is my intention, if

there are no objections to close the list of speakers on item 26 at 6 p.m. tomorrow.

It was so decided.

The meeting rose at 12.45 p.m.