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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. WIGGINS (United States of America): Mr. Chairman, I should like to take the opportunity of my first appearance in the Political Committee to offer my congratulations to you on your election to the post you now hold, and for the patience and tact you have already shown as the Committee begins its work this year. There are many difficult and important issues on the agenda of this Committee, and my delegation wishes to assure you that its support and co-operation will always be forthcoming as you pursue your tasks.

2. The General Assembly last year, in considering problems of the sea-bed and ocean floor, responded to man's increasing awareness that one of his oldest environments—the ocean—is also his newest frontier. It is only in the last few years that we have begun to develop extensively the technology needed to explore and to exploit the resources of the ocean depths.

3. But while ocean floors offer great opportunities, they also present great challenges. The resources of the sea and ocean bed must be explored and used to the fullest. The nations of the earth must co-operate in this effort. Age-old rivalries must not be transferred from the land to the ocean depths. The sea-bed must not become the arena for a new arms race.

4. How soon and to what extent man may indeed make use of the resources of the seas we cannot today say with real certainty. But I think we may safely foresee that as man's demands on the resources of the earth continue to grow, he will turn more and more to the three quarters of his planet which lies beneath the seas.

5. Here are tantalizing prospects of wealth—prospects such as those which lured adventurers to the New World in an earlier age of exploration. For example, the United States research ship, the Glomar Challenger, has found a show of gas and oil in a test drilling beneath 11,000 feet of water in the Gulf of Mexico. But there is also a glaring lack of hard knowledge, and there are formidable technological and economic obstacles to be overcome. No one can tell today how effectively these can soon be surmounted.

6. The United States believes that we must probe these potentialities in a spirit of international co-operation; that we must avoid conflict over whatever treasures this new world may hold. As President Johnson said in commissioning the research ship Oceanographer on 13 July 1966:

"Under no circumstances, we believe, must we ever allow the prospects of rich harvest and mineral wealth to create a new form of colonial competition among the maritime nations. We must be careful to avoid a race to grab and to hold the lands under the high seas. We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings."

7. Under the able guidance of its Chairman, Mr. Amerasinghe, the Ad Hoc Committee, whose report is now before us, has made a major contribution toward developing our awareness of the opportunities presented and of the political, legal and technical difficulties inherent in this extremely important and complex subject. But the work begun by the Ad Hoc Committee is far from completed. I should like to review today the position of the United States on some of the questions that have come before the Ad Hoc Committee, and indicate the steps we believe the General Assembly should take this year to promote exploration and use of the deep ocean floor.

8. As a starting point, we heartily endorse the Ad Hoc Committee's recognition that there exists an area of the sea-bed and ocean floor underlying the high seas which is beyond national jurisdiction. The orderly development of this area is properly a matter of international concern. Accordingly, the United States believes that one of our first priorities should be the development of principles which may ultimately serve as the basis for an agreed régime for the exploration and use of the deep ocean floor and may assist in the

establishment of a precise boundary for this vast area.

9. On 29 June 1968, the United States introduced in the Legal Working Group of the Ad Hoc Committee a statement of principles [see A/7230, annex III] which, in our view, provides a basis for the exploration and exploitation of the deep ocean floor beyond the limits of national jurisdiction in the interest and for the benefit of mankind. I should like to review today the content of that statement of principles, which, if agreed, would guide the actions of the international community in this area.

10. First, no State may claim or exercise sovereignty or sovereign rights over any part of the deep ocean floor. As we explained in Rio de Janeiro this means there can be no incorporation into national territory of areas beyond the limits of national jurisdiction, to which an agreed régime would apply. There should be no discrimination in the availability of the deep ocean floor for exploration and use by all States and their nationals in accordance with international law.

11. Second, internationally agreed arrangements governing the exploitation of resources of the deep ocean floor should be established as soon as practicable. These arrangements should reflect principles agreed upon for the exploration and use of the deep ocean floor and should include provision for: the orderly development of resources of the deep ocean floor in a manner reflecting the interest of the international community in the development of these resources; conditions conducive to the making of investments necessary for the exploration and exploitation of resources of the deep ocean floor; dedication, as feasible and practicable, of a portion of the value of the resources recovered from the deep ocean floor to international community purposes; and accommodation among the commercial and other uses of the deep ocean floor and marine environment.

12. Agreement on these balanced guidelines would facilitate negotiations looking toward an internationally agreed régime for the exploitation and use of the deep ocean floor. Meanwhile, exploration and exploitation activities should and will continue. We also believe that that régime, when established, should provide due protection for the integrity of investments made in exploitation of the sea-bed and the deep ocean floor beyond the limits of national jurisdiction prior to the establishment of its boundary.

13. Third, there should be established, as soon as practicable, an internationally agreed precise boundary for the deep ocean floor. In determining a precise boundary for the area of the sea-bed and ocean floor beyond the limits of national jurisdiction, it will be necessary to take into account existing international law including the Convention on the Continental Shelf,^{1/} done at Geneva in 1958. Exploitation of the natural resources of the ocean floor occurring prior to the establishment of this boundary should be understood not to prejudice its location regardless of whether the coastal State considers the exploitation to have occurred on its continental shelf.

14. Fourth, States and their nationals should conduct there activities on the deep ocean floor in accordance with international law, including the Charter of the United Nations. They should conduct their activities in the interest of maintaining international peace and security and promoting international co-operation, scientific knowledge and economic development.

15. Fifth, the United States advocates preservation of the freedom of scientific research generally. In order to further international co-operation in the scientific investigation of the deep ocean floor, States should: disseminate, in a timely fashion, plans for and results of national scientific programmes concerning the deep ocean floor; encourage their nationals to follow similar practices concerning dissemination of such information; and encourage co-operative scientific activities regarding the deep ocean floor by personnel of different States.

16. Sixth, all States and their nationals should have reasonable regard for the interests of others in the exploration and use of the deep ocean floor and should avoid unjustifiable interference with the exercise of the freedom of the high seas by other States and their nationals, or with the conservation of the living resources of the seas, and any interference with fundamental scientific research carried out with the intention of open publication. All States should be called upon to adopt appropriate safeguards in their activities on the deep ocean floor to minimize pollution of the seas and disturbance of existing biological, chemical, and physical processes and balances.

17. In this connexion, let me say that the United States favours a suitable resolution, such as that proposed by Iceland and contained in the report before us, calling for a study of marine pollution arising from the exploration and use of ocean floor resources and the consideration of appropriate safeguards against such pollution [see A/7230, annex III].

18. Seventh, States and their nationals should render all possible assistance to one another in the event of accident, distress, or emergency arising out of activities on the deep ocean floor. This would recognize the ancient maritime practice of mutual assistance, reflected also in the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space [resolution 1962 (XVIII)] and in the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space [resolution 2345 (XXII)].

19. The principles I have just described and elaborated were introduced in the Legal Working Group of the Ad Hoc Committee by the United States in June 1968, and are set forth in annex III of the Ad Hoc Committee's report. This draft statement of principles embodies United States views on guidelines under which the deep ocean floor would be exploited for the benefit and in the interest of all mankind.

20. Other States, as we know, have presented different formulations. A search for consensus is required, for clearly rules on the use of the deep ocean floor can be effective only if very wide agreement among interested States can be obtained. During the meetings of the Ad Hoc Committee in Rio de Janeiro such an effort was made. While it did not

^{1/} United Nations, Treaty Series, vol. 499 (1964), No. 7302.

achieve success, considerable support was manifest for what was denoted as a draft statement of agreed principles, which is set forth at the end of paragraph 88 of the report of the Ad Hoc Committee, known as the "B" set of principles. These principles represent a minimum balanced statement which is consistent with our own views, and we support them as a useful point of departure for our further consideration of principles. The points I have made above regarding the principles we ourselves have urged apply also to the "B" principles.

21. We would like to see the General Assembly register full agreement on such a declaration of principles, to serve as guidelines until internationally agreed arrangements are concluded. We heartily second the expression of hope by Ambassador Amerasinghe yesterday that it would be possible for this session of the General Assembly to adopt a set of principles. We have no illusions as to the difficulties involved in reaching agreement on a régime and on a boundary. The United States, for its part, will co-operate fully in seeking solutions to the many problems involved.

22. The United States believes that a statement on the reservation of the deep sea-bed for peaceful purposes should be included in any set of principles, or perhaps in a resolution adopted by the Assembly. Considering that the term "peaceful purposes" does not preclude military activities generally, we believe that specific limitations on certain military activities will require the negotiation of a detailed arms control agreement. Military activities not precluded by such an agreement would continue to be conducted in accordance with the principles of freedom of the seas and exclusively for peaceful purposes. To that end the United States proposed in the Ad Hoc Committee in its draft resolution on preventing the emplacement of weapons of mass destruction on the sea-bed and ocean floor [see A/7230, annex III], and we propose again today, that the Eighteen-Nation Committee on Disarmament examine the question as to whether a viable international agree not to emplace or fix weapons of mass destruction on the sea-bed or deep ocean floor. These discussions must also consider the need for reliable and effective means for verifying compliance with such an agreement.

23. The main danger of an arms race on the sea-bed lies in the possibility that it may become a new environment in which weapons of mass destruction are emplaced. Even though the general subject of sea-bed arms control is already included in the present agenda of the Conference of the Eighteen-Nation Committee on Disarmament, we believe it would be useful for the General Assembly to give a more precise indication of its desires to the Disarmament Committee in Geneva.

24. The United States strongly feels that the sea-bed and the deep ocean floor should not become an arena for an armaments race. We must work towards effective action, in conditions of mutual confidence, to enable States with the potential capability of emplacing weapons of mass destruction on the deep ocean floor to refrain from doing so in the secure knowledge that they will not thereby be placed at a military dis-

advantage. This will require painstaking technical study and negotiation. It is important that we undertake this effort in a qualified forum, and at an early stage.

25. The kind of expert analysis and negotiation which is needed for the discussion of specific agreements is to be found in the Eighteen-Nation Committee on Disarmament. We believe that this expert body should tackle the problem of arms control with respect to the sea-bed as soon as possible, consistent with its other arms control activities.

26. Let me now turn briefly to those portions of the report which relate to the scientific and technical aspects of this question, a subject on which my delegation will wish to speak at greater length at a subsequent meeting. I believe a careful reading of the report will lead all members to conclude that the greatest need of mankind, if it is to put to use the resources of the sea-bed, is for greater scientific knowledge of those resources. To meet this need President Johnson proposed that the nations of the world join together in a great co-operative scientific endeavour, the international decade of ocean exploration. Suffice it to say that we welcome the wide support which the Ad Hoc Committee has given the decade and are gratified that this support is solidly based upon favourable consideration by elements of the Economic and Social Commission, the United Nations Food and Agriculture Organization and UNESCO's Intergovernmental Oceanographic Commission. At Rio de Janeiro we circulated a draft resolution on the decade [see A/7230, annex III] which we are now preparing for presentation to this Committee in the next several days.^{2/} We seek wide co-sponsorship for the proposal which will advance man's common quest for knowledge of the sea-bed.

27. The United States Government also proposed to the Ad Hoc Committee [A/AC.135/SR.11] that the international community take steps to preserve for general scientific purposes certain virgin marine areas and their marine life. We proposed that all States and their nationals respect the virgin qualities of certain areas to be designated, refrain from commercial exploitation or other activities in those areas that might impair their value for scientific purposes, avoid unnecessary collection of specimens, and co-operate in international scientific investigations within these preserves. The exercise of freedom of the seas not impairing the scientific value of the preserves, including navigation, would not be affected. The United States has already stated that it is prepared to make Rose Island, an uninhabited coral atoll in American Samoa in the South Pacific, available for use as a marine preserve.

28. We have also proposed that the Kermadec-Tonga Trench and one or more undersea tablemounts in that part of the South Pacific, together with the immediately superjacent waters, be regarded as international marine preserves.

29. While it might seem premature to worry now about the preservation of ecological baselines, we believe that marine exploration and exploitation could develop so rapidly as to leave no part of the ocean totally safe

^{2/} Subsequently circulated as document A/C.1/L.429.

from the touch of man. One need only look at the damage man has done to some of the beautiful natural features of our earth—and how he is contributing even now to the extinction of many species of birds and animals—to appreciate the wisdom of ensuring that typical or outstanding features of the oceans and their floor shall be preserved for ever in their natural state.

30. Whatever substantive progress the General Assembly may be able to make this year to promote man's peaceful use of the deep ocean floor—for example, on principles and on an international decade of ocean exploration—we must recognize that our work of the past year represents only the beginning of the United Nations concern with the new world of the deep ocean and its floor.

31. To continue the General Assembly's consideration of these problems and opportunities, my delegation now shares the view that it is necessary for the Assembly to establish a new sea-bed committee which can carry on the work begun by the Ad Hoc Committee and build upon the discussions on the sea-bed in the First Committee. Once a standing committee is created, its work should, of course, be periodically reviewed by the General Assembly. We are favourably impressed with the thrust of the draft resolution [A/C.1/L.425 and Add.1] presented yesterday [1589th meeting] by the representative of Belgium, Mr. Denorme. In urging this action by the General Assembly, Mr. Denorme has displayed commendable foresight and interest in progress on this important subject.

32. We agree, as stated in this draft resolution, that it is important for the Committee "to study the elaboration of a body of rules which would promote international co-operation in the exploration and use of the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction and, in particular, the legal principles which should govern the rights to explore and exploit the resources of this area, and the economic requirements which such régimes should satisfy in order to meet the interests of the international community". We feel that it would be desirable, however, if this part of the draft resolution stated explicitly what we believe is clearly implicit: that the Committee should concern itself with an agreed boundary for the area beyond national jurisdiction. We would also suggest that the word "economic" be dropped so that it is clear that the Committee will deal with all sorts of requirements, not just economic ones, which the régime should satisfy. And the Committee should, of course, deal with the nature of the régime itself.

33. We also believe that the draft resolution should recognize that negotiations on arms control in relation

to the sea-bed should take place in the Conference of the Eighteen-Nation Committee on Disarmament, the expert body in the field of disarmament.

34. A new committee, of course, should not overlap existing international or intergovernmental organizations, but should rather seek to work in harmony with them.

35. In its consideration of the deep ocean floor, the General Assembly this year has the opportunity both to promote the cause of peace and to improve the life of generations yet unborn. The land beneath the seas is indeed a solid bridge connecting all continents and peoples. It is the responsibility of this Assembly to foster its use, in co-operation, for the common benefit of man.

36. We stand upon the threshold of an undiscovered country, at the very frontier of a new world, a virgin region untouched by man, shrouded in the mystery of the vast deep. If, in the fifteenth century, at such a pause in unfolding human destiny, Europe had embraced a like chance to give order to the development of the New World that Columbus discovered, how differently would it have proceeded! It is sobering to reflect on the lives that were lost in the long competition for the control of this hemisphere; of the treasures of civilization that might have been preserved.

37. Let us profit by melancholy precedent as we venture into that new vast world that lies beneath the seas. Let us not disfigure this new world with the wasteful exploitation that springs from uncontrolled avarice, or the dreadful debris that rises from the field of battle. Let us go forth into our last new world committed to the purposes of twentieth century man and all his posterity down through the ages.

38. The CHAIRMAN: I thank the representative of the United States for the congratulations which he extended to me.

39. There are no more names on my list of speakers for this afternoon. Two names have been inscribed on the list for tomorrow. As one of the representatives expressed his preference to speak in the afternoon. I think that it would be advisable to cancel the morning meeting and to meet instead in the afternoon. At the same time, I would express the hope that other representatives may be prepared to speak tomorrow afternoon.

40. Since there are no comments, the Committee will meet tomorrow afternoon at 3 o'clock.

The meeting rose at 4 p.m.