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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.1-6, L.426 and Add.1, L.427 and Corr.1, L.428, L.429/Rev.1, L.430, L.431)

1. The CHAIRMAN: Before calling on the first speaker on my list for this meeting I wish to inform the Committee that the Netherlands has become a co-sponsor of draft resolution A/C.1/L.425 and Add.1-6, bringing the number of co-sponsors to fifty-three.

2. Brazil has added its name as a co-sponsor of draft resolution A/C.1/L.429/Rev.1, bringing the number of co-sponsors to fifteen.

3. Furthermore, I should like to inform representatives that my intention is that we should conclude the general debate on item 26 tomorrow afternoon, but if we are unable to do so, then a night meeting will be unavoidable. Therefore, I think that there is a common interest in trying to be as punctual as possible tomorrow in order that we may complete the list of speakers during our morning and afternoon meetings tomorrow.

4. Mr. MUGO (Kenya): Mr. Chairman, allow me first of all to congratulate you on your unanimous election to the Chairmanship of this important Committee. My delegation is confident that under your wise guidance and able leadership the work of this Committee will be executed with efficiency and wisdom. My congratulations go also to the Vice-Chairman and the Rapporteur on their election to their respective positions.

5. The General Assembly, by resolution 2340 (XXII) of 18 December 1967, established the *Ad Hoc* Committee to study various aspects related to 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. The resolution further requested the *Ad Hoc* Committee, in co-operation with the Secretary-General, to prepare for the consideration of the General Assembly at the 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 intergovernmental 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 during the consideration of this item at the twenty-second session of the General Assembly;”
[General Assembly resolution 2340 (XXII), para. 2]

6. My country had the honour of serving on the *Ad Hoc* Committee charged with this important task. Therefore my delegation is gratified that the *Ad Hoc* Committee was able to carry out efficiently the task entrusted to it. The report on this work is now before this Committee in document A/7230. Credit is due to all those who made this work possible. I particularly wish to thank the Chairman, Mr. Amerasinghe of Ceylon, whose wisdom and tact in steering the work of the Committee won him great admiration.

7. The report of the *Ad Hoc* Committee has served to open our eyes to the complexity of the problems associated with the exploration and exploitation of the sea-bed and the ocean floor. The report has revealed the inadequacy of existing information on the sea-bed and the ocean floor. We can only look upon this report, therefore, as a guide for our future activities in this field.

8. The question of the peaceful uses of the sea-bed and the ocean floor, which was brought to our attention a year ago [1515th and 1516th meetings] by the representative of Malta, Mr. Pardo, has now become a subject of great importance to the whole world. It comes to us at a time when there is a growing division between the haves and

have-nots and when there is a wide disparity in technological development between States.

9. It also comes at a time when the technologically most advanced States might decide to use the sea-bed and the ocean floor for military purposes. These conditions which exist in the world today clearly lead us to believe that some States, with the means and the know-how, may decide to appropriate some areas of the sea containing resources and use these for their narrow national benefit. The dangers that would arise from this situation are all too clear to us. This possible trend must be forestalled by the United Nations. In this connexion, my delegation is pleased to observe that, although there are differences of opinion between States on some issues relating to this subject, there is a consensus among States that the sea-bed and the ocean floor should be exclusively used for peaceful purposes and for the benefit of all mankind. There is also a common feeling among representatives that the exploration and exploitation of the resources of the sea must be carried out within an orderly framework.

10. I should now like to state Kenya's position on the question of the peaceful uses of the sea-bed and the ocean floor.

11. Kenya supports the principle that the sea-bed and the ocean floor should be used exclusively for peaceful purposes and for the good of all mankind, taking into account the special needs and interests of the developing countries.

12. Kenya supports the proposal by the United States that the 1970s be declared an international decade of ocean exploration [A/C.1/L.429/Rev.1]. This proposal, if implemented, would enhance the spirit of international co-operation and provide the knowledge required in the exploration and the use of the resources of the sea-bed and the ocean floor.

13. My country supports the proposal that in the exploration and exploitation of the sea-bed and the ocean floor precautions must be taken to ensure protection of marine life. In this connexion my delegation supports the proposal by the Government of Iceland calling on all States to adopt appropriate safeguards against the dangers of pollution of the high seas [A/C.1/L.431].

14. Kenya supports the proposition that the right to exploit the resources of the sea-bed and the ocean floor should not automatically accrue to any nation by virtue of its participation in the exploration and discovery of the resources of the sea-bed and the ocean floor.

15. My country subscribes to the proposition that an international régime on the exploration and exploitation of the sea-bed and the ocean floor be established so as to avoid any conflict of interests among nations. Of vital importance in such a régime is a clear and uniform definition of international waters, on the one hand, and territorial waters, on the other.

16. My delegation will support the establishment of a standing committee of the United Nations to continue to study this intricate subject. We recognize that this is a problem which will be before this Organization for many

years to come and on which much remains to be done. It is because of these considerations that Kenya has co-sponsored the draft resolution in document A/C.1/L.425 and Add.1-6, which recommends the establishment of a standing committee on the peaceful uses of the sea-bed and the ocean floor.

17. My delegation supports the proposal that there should be a declaration of principles by the General Assembly giving guidelines for future development and activities in this area.

18. Kenya holds the view that activities relating to the peaceful use of the sea-bed and the ocean floor should be conducted in accordance with the principles of international law and without interference with the freedom of the high seas.

19. In conclusion, I should like to emphasize that the establishment of a permanent committee on the peaceful uses of the sea-bed and the ocean floor and the adoption by the General Assembly of a set of principles governing the activities in this area will go a long way towards creating a solid foundation for international co-operation in our future work.

20. The CHAIRMAN: I thank the representative of Kenya for the congratulations he extended to myself and to my colleagues of the Bureau.

21. I wish to inform the Committee that El Salvador has added its name to the co-sponsors of the draft resolution contained in document A/C.1/L.429/Rev.1, bringing the number of co-sponsors of that draft resolution to sixteen.

22. Mr. ROSSIDES (Cyprus): My delegation wholeheartedly extends to you, Mr. Chairman, and to the Vice-Chairman, Mr. Galindo Pohl, and the Rapporteur, Mr. Zollner, congratulations on your unanimous election to the Bureau of this Committee. I wish to avail myself of this occasion not only to endorse the tributes paid to you and your colleagues but also to add my personal gratification that the Chair of this Committee is adorned by a diplomat characterized by tact, suavity of manner and a spirit of compromise. I hope that under your guidance we may find a way to agreement on this important item.

23. The item now before us is one of primary importance and has rightly been set first on our agenda. Perhaps it may not appear as compellingly urgent as other subjects but it is the one item that holds the key to the solution of the most intractable problems that beset humanity today and threaten the very continuance of its existence. The sudden advance in science and technology has created these problems. It is through science and technology again that their solution must be found. The exploration and use of the immeasurable wealth lying on the sea-bed and the ocean floor opens up new and vast horizons and presents a great challenge.

24. The world community through the United Nations has a duty to see to it that this wealth is used positively for the benefit of mankind and not negatively for its destruction; that the resources derived from it are applied constructively towards solving the grave and threatening problems with

which humanity is faced today such as the ever growing gap between the rich and the poor countries, the rapid population growth and the sorely needed funds for the proper functioning of the United Nations in its primary responsibility, that of maintaining peace and international security.

25. In my address on this subject last year I said:

“... we have spoken in the past of the need for independent resources of revenue for the Organization in order that it may be enabled to become an effective instrument of peace and freedom in the world, as required by the Charter. And we referred to such resources being made available to it through the exploration of the wealth lying under international seas. In the context of the present item we reiterate and emphasize this aspect, particularly in regard to the United Nations functions in the maintenance of peace and in its development programmes for, indeed, disarmament and peace will remain an ever-vanishing phantom unless there is a modicum of international security through a strengthened United Nations. And there can be no peace ensured when the disparity between the rich and the poor countries is an ever-growing gap which, in the words of the late President Kennedy, is becoming a threat to mankind equal to that of the nuclear bomb.” [1530th meeting, para. 49]

26. The historian of the future may perhaps record that one of the finest and most important actions taken by the United Nations in its first twenty-five years, has been to accept the challenge of the last two frontiers—outer space and the sea-bed. At the beginning of this decade of the sixties, the General Assembly extended law to the area of man's experiments in outer space. It provided that the celestial bodies should not be annexed by sovereign powers and that weapons of mass destruction not be planted on them. These declarations have been solemnized in a treaty. Now no one need fear that weapons of mass destruction will be rained on the earth from the heavens.

27. The last frontier, the bed of the sea, presents an even greater opportunity and also graver danger. It will certainly be a long, long time, if ever, before man can harvest resources from outer space. The sea-bed on the other hand, is much more important because it is a part of this globe; it holds tangible resources of immense value and, therefore, seeds of greater conflict or, in a right approach, the means of solving conflicts.

28. Many of us stand in awe at the challenge of this last frontier. I would wish to appeal that we approach this great problem as parts of a single and undivided humanity in a sense of realism and in a spirit of boldness. History will record that in the year 1968 man contemplated seventy per cent of the earth's surface, which had not come under any sovereignty, and that he had the opportunity to safeguard it for peaceful purposes as a common heritage of all mankind, or let it become one more and perhaps the fatal field of anarchy and the arms race towards man's destruction. What is our responsibility at this moment when we stand at the threshold of these new and unfathomable developments?

29. On a previous occasion of such epoch-making change, and particularly with the advent of the nuclear age, man

admittedly took the wrong course through adhering to outworn and self-destroying habits of thinking in terms of force and domination. At that time, however, there was relative ignorance of the meaning, implications and effects of such a course. And guilt is always related to knowledge.

30. At the present juncture, however, we have full knowledge of what will result from our decisions, and our actions or omissions. Our responsibility, therefore is commensurate to our degree of knowledge. The mere exercise of human logic clearly points the course to follow: that which will serve and save mankind—unless our thinking has been so befogged by a flood of technological information and knowledge that we have lost our inherent wisdom. The prophetic words of a philosopher-poet, T. S. Eliot, from his work “The Rock”—“Promethean Rock”, I would call it—may be quoted in this context:

“Where is the Life we lost in living?

Where is the wisdom we lost in knowledge?

Where is the knowledge we lost in information?

The cycle of Heaven in twenty centuries

Bring us farther away from God and nearer to the Dust.”

I do not want to be pessimistic and therefore I would have another look at this problem. We live in a world of sovereign States. One of our greatest tasks is to bring the concept of sovereignty within the rule of world law. We are hopeful that in the process of developing this vast area—as we believe it will be developed—new horizons will be opened up and we will discover new means of co-operation, new forms of political order and new ways of helping each other.

31. We owe it to the wise initiative of the representative of Malta, Mr. Pardo, that this important subject was introduced in the General Assembly during last session.¹ Since then its significance has further grown upon us as the result of a year's developments. All of us have learned much in the past year.

32. The *Ad Hoc* Committee set up in the twenty-second session, and its working groups, carried out a comprehensive study of the subject from its legal, economic and technical aspects. During three sessions it has outlined the problems to be faced and their complexity. At the same time it has shown a welcome co-operation and even consensus on a number of points.

33. I take this opportunity to congratulate Mr. Amerasinghe of Ceylon for his adroit and inspiring chairmanship of that Committee, as well as its Rapporteur for a most lucid report, and also the officers and members of the working groups. I wish particularly to express our appreciation to the Secretary-General and his staff for the enlightening studies placed at our disposal.

34. Two sets of principles have been presented to us in the report of the *Ad Hoc* Committee [see A/7230, para. 88]. One is a draft declaration of general principles proposed by fifteen States from Africa, Asia and Latin America [ibid., annex III]. My delegation fully supports that draft declaration. We find it is consistent with our views and with the

¹ See *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 92, document A/6695.

interests of humanity. The other is a draft of proposed "agreed principles". I think it is imperative that the General Assembly adopt at least a minimum statement of principles drawn from those two drafts, as a basis for the international order to be created.

35. It is generally agreed that the resources of the sea-bed be developed as a common heritage. It should be made clear, however, that land-locked States and countries without the capability of exploitation of the sea-bed have a common and equal equity with the technically equipped States in this heritage.

36. The draft resolution [A/C.1/L.425] co-sponsored by fifty-three States provides for the setting up of a standing committee, in succession to the *Ad Hoc* Committee, in order to make further studies on the exploration and exploitation of the resources of the sea-bed for peaceful purposes in the interest of mankind and on the elaboration of rules and legal principles under which such a régime would operate. While my delegation supports and will vote for this draft resolution, we would have wished it to be more precise, and particularly to include a study regarding the establishment of an international authority or agency to administer such resources for the good of mankind.

37. It is obvious that such an authority or agency must be provided, because otherwise there will be no means of administering the resources and ensuring benefits for mankind. And are we going to leave the study of this practical aspect for a much later stage? In this sense we support the substance of the Kuwait-Venezuela amendment in document A/C.1/L.426 and Add.1. We find, however, that the latter part of the new sub-paragraph (c) could be improved by not placing the land-locked and the developing countries in the same bracket, having regard to the greater needs of the developing countries. May we therefore suggest to the co-sponsors a possible revision of the draft by which, after the word "mankind", the rest of the paragraph would be replaced by the following:

"including the land-locked countries, and the developing countries, with special consideration for the needs and interests of the latter countries".

In that way both the land-locked countries and the developing countries are included, but the developing countries are given special consideration, whereas in the existing draft the word "especially" applies to both the developing and the land-locked countries.

38. Further, I would like to comment on the phrase "for the good of mankind" which all of us use and repeat. But it must be more than a high-sounding phrase. It must be practically applied under agreed principles to be implemented through an authority under the aegis of the United Nations. Presumably, that authority or agency would issue licences for exploration and exploitation of the resources, and the profits from such licensing would provide a source of sorely needed revenue for the United Nations. A great part of that revenue could be used in a development fund for the benefit of the developing peoples, and another part could be applied to provide, as already mentioned, a United Nations peace fund for the Organization's functions in the maintenance of peace. It might be said that the United Nations does not have an agency capable of undertaking

this great task. But a new and dynamic society within the United Nations creates institutions to meet overwhelming needs as they appear. The International Atomic Energy Agency is an illustration. Similarly, the United Nations, under its Charter, is perfectly capable of creating an authority to administer the sea-bed. We appreciate the initiative which the specialized agencies and the International Atomic Energy Agency have taken in this field and can take in the future. We assume that the United Nations and the specialized agencies will train representatives of many countries to participate in this task. We are fortunate in having a family of United Nations agencies that have already made considerable progress in the scientific and technical approaches to the sea and that are being equipped to do more. They must be brought within the over-all picture which we are facing. The political and legal problems for a rational order for the sea-bed, however, are the tasks of the General Assembly and its appointed committees.

39. My delegation will also support and vote for the fifteen-Power draft resolution [A/C.1/L.429/Rev.1]. This is the draft resolution regarding an international decade of ocean exploration, beginning in 1970, within the framework of a long-term programme of research and exploration under the aegis of the United Nations, and also regarding a study in the scientific field by the Intergovernmental Oceanographic Commission.

40. We support all these studies. We believe they are useful and necessary. But time is running short. At the rapid rate of scientific development in this age of speed, there is the likelihood that technology may overtake and pass us by. Are we to remain inactive until those studies, some of them long-term, are completed? Therein lies perhaps the greatest danger: that, steeped in study and thought, we forget to act and do what is necessary. This brings to my mind a very expressive sculpture by Rodin depicting "Thought"—"La Pensée". It represents a beautiful feminine head, rapt in meditation, but the body is an amorphous mass of stone. Thought petrifying action—that is the message conveyed by that sculpture. Furthermore, as our colleague Mr. Pardo of Malta has pointed out, scientific research without parallel action might tend to facilitate the intrusion into, and the arbitrary exploration of, the sea bed and the ocean floor for purposes neither pacific nor for the good of mankind [1589th meeting, paras. 23 and 24].

41. I would therefore suggest that after a year of diligent, studious and effective labour and study carried out by the *Ad Hoc* Committee, we should be able to proceed to some degree of action on matters which are urgent and tasks which should be undertaken urgently.

42. First, we must set in motion the machinery for defining the boundaries of the areas reserved for mankind. Unless we have a definition of those boundaries we shall not know what are the areas that are going to be explored and exploited for the benefit of mankind. Therefore, we must define the boundaries of the areas reserved for mankind and the coastal areas coming exclusively within national jurisdictions. But the problem arises of what is the extent of such areas. There may be those who would extend claims to exclusive appropriation beyond the continental shelf, so as to include the continental slope and

the continental rise. But it is in those areas that most of the resources are now to be found, the resources which could be exploited, perhaps within a reasonable time, for the benefit of mankind.

43. There unfortunately exists a great deal of ambiguity in the Convention on the Continental Shelf,² making the limits of the shelf dependent upon technological progress in explorability and the relevant capabilities for such exploration. However, on a point of law and equity, one might well ask by what right a State can claim exploration beyond the continental shelf and at a considerable distance from its shores, merely by reason of the fact that it has the capacity to explore. Law and equity, no less than the general interests of the world community, would dictate that national jurisdiction should be limited in extent, allowing an area for mankind as large as possible. We are aware that differences in the size of shelves do exist. Some nations have extensive continental shelves, others do not. We realize that some States are single islands, large or small—like my own; others are groups of islands, and still others have extensive continental coasts. We realize the complexity of defining those boundaries. But it can well be done with justice to all. This is a task which the United Nations and the General Assembly, as representing the world community, must set in motion.

44. In my submission, the second urgent task is to ensure that national claims are not extended while the boundaries are being worked out, and in this respect I associate myself with those speakers who have suggested that there must be a stop to such an extension of claims. The General Assembly should perhaps adopt a resolution requesting its members not to extend their claims beyond the generally recognized limits of national jurisdiction. This would avoid a colonial race for the new areas under the sea. It would also obviate complications resulting from nations having to relinquish such claims when the areas are defined and an international régime is established.

45. My delegation has submitted a draft resolution³ designed to meet those ends. The draft resolution runs as follows:

“*The General Assembly*,”—then comes the usual pre-ambular paragraph—

“*Recognizing* the need for defining with all possible speed the boundaries of the area of the sea-bed and the ocean floor, and the subsoil thereof which lie beyond the limits of present national jurisdiction,

“*Anxious* to prevent a race to occupy various areas of the sea-bed pending the adoption of an international régime for these areas,

“1. *Urges* all States to give high priority to the question of clarifying the definition of the ‘continental shelf’ in article 1 of the Convention on the Continental Shelf;

“2. *Requests* all States to refrain from claiming or exercising sovereign rights over any part of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction, pending the said clarification of the Convention on the Continental Shelf

and without prejudice to any existing claims concerning the limits of the territorial sea or the continental shelf;

“3. *Declares* that no acts or activities of a State, or under its authority, in the sea-bed or the ocean floor, or the subsoil thereof, beyond the limits of present national jurisdiction which take place pending the clarification of the Convention on the Continental Shelf shall be deemed to constitute a basis for asserting any claims to those areas.”

46. Those are the measures which we consider to be compellingly necessary at this stage. We realize that there may perhaps be differences of opinion as to when and how the steps should be taken. In any case, we are flexible and open to suggestions for the improvement of the text.

47. All nations, the developed and the less developed, the coastal and the landlocked, the big Powers and the small countries, all of them constituting mankind as a whole, stand to gain from an international régime for the sea-bed, through peace and progress in justice. We are confident that no nation wishes to play power politics or aims at annexing areas in the deep sea. The world is in dire need of resources for the solution of its many problems to the benefit of all.

48. We are facing an historic opportunity. I hope and trust that we shall not falter again—because this time it would be fatal—and that we may determine a pattern for future co-operation which can eliminate rivalry and the danger of conflict for a considerable portion of the world and give us new institutions in international society.

49. The CHAIRMAN: I thank the representative of Cyprus for the tribute paid to my country and for the congratulations he extended to me and to my colleagues in the Bureau.

50. Mr. KAPLAN (Canada): The Canadian delegation has listened with interest and attention to the views of other delegations on this important and challenging question of the peaceful uses of the sea-bed and ocean floor beyond the limits of national jurisdiction. Not surprisingly, given the complexity of the subject and the extent to which it touches on national interests, it has become clear that while there is general agreement on some points there is a variety of views on others.

51. A year ago, upon the imaginative and forward-looking challenge of Malta,⁴ we stood together facing the unknown. Today, as a result of the studies of the *Ad Hoc* Committee under the wise and skilful guidance of Mr. Amerasinghe of Ceylon, the area of the unknown is a little smaller in dimension and our pool of knowledge is a little wider. At least we are more aware of the extent of our ignorance concerning some of the technical, economic, political and legal considerations raised by the subject we are studying and, as a consequence, we are in a better position to determine how to proceed to fill the gaps in our knowledge and to go on from there to reach agreed solutions as to how to apply such knowledge for the benefit of mankind. Canada, as one of the members of the *Ad Hoc* Committee, was pleased to participate in the important work which it carried out. We agree that the time has now come to move from the preliminary exploratory work of the *Ad Hoc*

² United Nations. *Treaty Series*, vol. 499 (1964), No. 7302.

³ Subsequently circulated as document A/C.1/L.432.

⁴ See foot-note 1.

Committee into a new phase of activity which can best be carried out by a permanent standing committee, somewhat similar to the Outer Space Committee. It is for this reason that we have joined in sponsoring draft resolution A/C.1/L.425 and Add.1-6.

52. I should like to take this opportunity of paying tribute to Belgium, the original sponsor of that draft resolution. Mr. Denorme of the Belgian delegation had rendered a tremendous service to this Committee by his tireless efforts to work out a widely acceptable basis for the establishment of a standing committee. May I add that seldom have we seen a better example of the kind of spirit of understanding that is so evident within the group of countries which have joined together to co-sponsor that draft resolution. The conciliation and co-operation within that group provide an encouraging indication not only of the importance which we all attach to the subject we are now discussing but also of the widespread desire to work out solutions by a process of exchanges of views.

53. As was made clear in a statement in this Committee by the Canadian representative on 15 November 1967 [1529th meeting] it is the Canadian view that one of the basic problems to be solved if progress is to be made on other related issues is the delimitation of the area of the sea-bed and the ocean floor beyond the limits of national jurisdiction. Even if we postpone any actual attempt at delimitation until a later stage in our studies, we think it should be recognized from the outset that the position of many countries on the nature of the solutions envisaged may be governed to a large extent by the determination of the actual area in question. It has become clear during the studies of the *Ad Hoc* Committee and in our own general debate that there are divergences of view concerning the limits of national jurisdiction. Thus, while we must continue to make progress on other aspects of the matter, we must bear in mind that it will not prove possible to achieve the results we seek if the international community does not devise a solution to this basic problem.

54. Clearly we are all agreed that more study is required before any international régime can be adopted or, for that matter, even recommended to the General Assembly. For that purpose, it seems to be the general view that there should be a standing committee with broad terms of reference which, relying upon the experience of the *Ad Hoc* Committee, should press back the frontiers of knowledge and begin consideration of the appropriate régime to be adopted. Obviously it is beyond the powers of this Committee or the General Assembly to grant to the proposed standing committee judicial or quasi-judicial powers actually to determine the extent of the jurisdiction of any given State or group of States. For that reason, we think such functions have rightly been excluded from the proposed committee's mandate. We can, however, and should in our view, lay the foundations for the elaboration of generally agreed principles for the subsequent delimitation of the area to be dedicated to peaceful purposes for the benefit of mankind. That elaboration process might conceivably be carried out by the proposed standing committee or by some other United Nations organ, or even by means of a United Nations conference held for the purpose. A number of delegations have suggested that an international conference might be required to work out

agreed principles for the delimitation of the area beyond national jurisdiction. The Canadian delegation has an open mind on that proposal but wishes to emphasize that any such conference should be preceded by careful preparatory studies, including studies by experts, in order to ensure the likelihood of agreement on this complex question.

55. We recall the difficulties encountered in attempting to reach agreement on the breadth of the territorial sea and contiguous fishing zones, issues like those before us now, touching directly, as they do, on the national interests of States. We must exert every effort to avoid a recurrence of such a failure to develop new rules, as that could cause uncertainty and confusion concerning existing rules of international law. Fortunately some progress has already been made on that important issue by the Economic and Technical Working Group of the *Ad Hoc* Committee, in the distinctions it developed between "the continental margin" and "the oceanic basin". Further, we are not dealing with an area concerning which there is no law. On the contrary, as many delegations have pointed out, the provisions of the Convention on the Continental Shelf⁵ and the Convention on the High Seas,⁶ done at Geneva, must be taken into account. Thus far no rule of law has been developed, either by multilateral treaty or by the process of customary international law, which amends or supplants the formula of "exploitability" laid down in the Convention on the Continental Shelf. There are also a number of bilateral and several multilateral agreements delimiting national jurisdiction over the sea-bed and the ocean floor. There is, moreover, an extensive body of State practice which may in the long run prove to be one of the most significant factors to be taken into account in attempting to reach an accommodation on the problem. It would not be correct, therefore, for us to proceed on the assumption that we are dealing with an area concerning which there is no international law.

56. If I have expended some considerable time on this first point it is because of our conviction that in its solution lies one of the keys to the success of our work. We ourselves are not pessimistic concerning the possibility of a resolution of the difficulties concerning the delimitation of the area to be dedicated to the peaceful uses of mankind. It is our view that if the committee, while recognizing realistically its limitations on issues touching upon the national interests of States, attempts none the less, at an appropriate time and in the same spirit in which the *Ad Hoc* Committee operated so effectively, to work out guidelines for the resolution of these problems, then we have good reason to hope for and expect constructive results.

57. Having spoken at some length on one aspect of the problem, I shall attempt to deal more briefly with other matters of almost equal importance.

58. A number of delegations have touched upon the disarmament issues raised by the subject before us. The Canadian position is, quite simply, that we would prefer to see the Conference of the Eighteen-Nation Committee on Disarmament seized of the disarmament aspects of the problem. We would see no objection, however, to the proposed standing committee's dealing with general ques-

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

⁶ *Ibid.*, vol. 450 (1963), No. 6465.

tions relating to peaceful uses, leaving negotiations leading to a disarmament or arms control agreement to the Eighteen-Nation Committee on Disarmament.

59. Regarding our position on substance, the Canadian delegation wholeheartedly supports the proposal that the area in question, as yet undetermined, should be reserved exclusively for peaceful purposes. We are aware that the term “peaceful purposes” is open to more than one interpretation. We do not interpret the phrase as prohibiting all military uses. While we strongly oppose military installations for offensive purposes, we have reservations about the desirability of precluding the use of the sea-bed adjacent to a coastal State for purely defensive purposes. In sum, we consider that the exploitation and use of the sea-bed and the ocean floor beyond the limits of national jurisdiction should be carried out in a manner consistent with the United Nations Charter.

60. We wonder whether it might be useful to consider the precedent of the outer space treaty,⁷ in which somewhat different legal provisions were applied to outer space and the celestial bodies. The treaty stipulates that the Moon and other celestial bodies shall be used exclusively for peaceful purposes and forbids the placing of weapons of mass destruction in orbit around the Earth or on celestial bodies, or the stationing of them in outer space. Applying those principles to the sea-bed and the ocean floor beyond the limits of national jurisdiction, it may be that if we could reach agreement on restricting the use of that area to peaceful purposes exclusively it might prove possible to make a similar restriction applicable to an area even greater in extent than that to be covered by any new international régime, and to prohibit the placing of offensive weapons in that wider area. Those are questions which may have to be pursued in the Conference of the Eighteen-Nation Committee on Disarmament, rather than in the proposed standing committee, but in such event the committee should be kept well informed.

61. It might be useful at this stage to say a brief word about the term “legal régime”, which appears to be used by different delegations to represent somewhat different concepts. The term “régime” is included in operative paragraph 2 (a) of draft resolution A/C.1/L.425 and Add.1-6 and we do not wish at this stage to enter into a detailed discussion of the terms of that resolution of which Canada is a co-sponsor. We think it is appropriate, however, to acknowledge that the term is ambiguous, and to suggest that that is not necessarily a reason for deleting it from the draft resolution. To some delegations the term appears to mean merely the elaboration of a body of principles or norms which States should adhere to in the area of the sea-bed beyond the limits of national jurisdiction. To other delegations the phrase implies the idea of an international institution, imbued with some regulatory authority over the activities of States in the area in question.

62. For our part we recognize, of course, that the ultimate solution must be one which is generally acceptable, but we would hope that the committee would be free to consider all conceivable régimes which might commend themselves

to it. We would further hope that no Member will prejudice the solutions to such an extent as to refuse to consider on its merits any proposal of the new committee for which there might be strong support.

63. All Members of the United Nations will, of course, have the right to make their views known when we consider these questions as we progress, and we think it is judicious on the part of the drafters of the resolution to have laid down general guidelines but avoided prejudicing a decision on the kind of régime which may eventually be established. The term “legal régime” should therefore be retained, in our view, because of the flexibility it provides.

64. Closely related to the question just discussed is an issue which appears to be merely procedural but which could have substantive implications, and that is the working methods of the new standing committee and, in particular, whether or not it should proceed by consensus. The view of my own delegation is that the consensus procedure may best reflect the political realities which we must take into account. We recognize, however, that a number of delegations object to the consensus procedure, and we are prepared to abide by the majority view on this issue. We should point out, however, that when a multilateral treaty is negotiated it must carry with it the judgement of Governments if it is to prove effective. It is for this reason that techniques have been developed for the elaboration and codification of international laws which, at a particular stage of the operation, bring in the views of Governments. This represents a realistic recognition of the facts of life on the international plane that a law which does not represent the will of the community is an unenforceable law. When, therefore, the proposed standing committee moves from technical and economic considerations to matters of law purporting to regulate the conduct of States and indeed the rights of States, then at that stage we think it will prove necessary to proceed very cautiously and even perhaps by consensus.

65. It should be borne in mind that while extremely useful techniques have been developed for elaborating and codifying international law, rather less success has been achieved thus far in the development of machinery for implementing and applying such laws. The record on the willingness of States to accept the compulsory adjudication of disputes even on peripheral matters speaks for itself as an indication of the caution with which many States view any development which might conceivably be construed as an infringement of their sovereignty.

66. Turning to another matter of some importance, the Canadian delegation recognizes the importance of the role which the Intergovernmental Oceanographic Commission (IOC) has played and must continue to play on the scientific aspects of the subject before us. We should of course make every effort both in the proposed standing committee and in the IOC to guard against duplication or overlapping. We can, however, see some advantages in both organizations approaching separate aspects of certain questions from their respective vantage points and attempting to co-ordinate the results of their studies, just as we would envisage proceeding with respect to disarmament issues.

67. While dealing with the general question of the scientific aspects of our work, my delegation would like to

⁷ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly resolution 2222 (XXI), annex).

take this opportunity of expressing its appreciation to the representative of Iceland for raising the problems of pollution for our consideration. The danger of pollution is by no means, in our view, a secondary issue, since what we do or do not do on this matter could have effects at least as important as the economic and other implications of our work. If we become capable of exploiting the mineral resources of the deep ocean floor but only at the expense of the marine environment and the living resources of the sea, then it is very doubtful that our efforts will have been for the benefit of mankind. Our economists and our technicians must work hand in hand with our scientists and our biologists. For these reasons my delegation has been pleased to co-sponsor the draft resolution on pollution submitted by the delegation of Iceland [A/C.1/L.431].

68. My delegation would like also to take this opportunity of expressing its whole-hearted support for the decade development draft resolution, introduced by the United States delegation [A/C.1/L.429/Rev.1], of which my delegation is also a co-sponsor. It is, I think, quite clearly understood by all that the decade of development proposals are closely related to the work of the proposed standing committee and there is, as we see it, no suggestion that the activities of either should be separate or even parallel, but rather that Governments should work within the framework of the objectives of the decade of development resolution for the basic purposes which lie behind our work in this Committee and in the proposed standing committee, namely, the dedication and development of the sea-bed and of the deep ocean floor beyond the limits of national jurisdiction for the benefit of mankind.

69. Turning briefly to the economic aspects of our work, my delegation has noted that a number of speakers have referred to the need to guard against the disruption of world markets. My delegation associates itself with this view. In doing so, however, we wish to make clear our view that the preservation of existing world market patterns ought not to be permitted to override the need to develop resources for the benefit of countries which may otherwise be precluded from participation in the world markets. If the eventual outcome of our work achieves nothing except a diminution in the gap between the standard of living of the developed and the developing countries, then it will have justified its existence. Only the need to ensure the use of the sea-bed for peaceful purposes ranks in importance with that objective.

70. I should like now to refer to a matter which appears to be subject to differences of views, namely, the nature of the system of common interest in the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction which we hope to develop. For the reasons I have already outlined, relating in large part to the lack of an agreed definition of the area which might be subject to such a new régime, it is difficult for any delegation, including my own, to develop very concrete or specific views on this matter at this stage. I should like to make clear, however, that we do not share the fears expressed by some delegations as to the possible consequences of developing such a régime. It seems to us that whatever legal principles and procedures are ultimately devised, there is a wide range of possibilities open to us, extending from mere registration of exploration and exploitation projects with some central registry, similar

to the manner in which treaties are now registered with the United Nations—essentially for informational purposes—to a system which might, for example, be based in principle on the concept of ownership in trust—as distinct from actual or beneficial ownership.

71. Given the flexibility which the wording of the draft resolution contained in document A/C.1/L.425 and Add.1-6 provides as to the various possible approaches to this problem, we do not feel that the basic idea of some form of international regime over the resources of the sea-bed beyond national jurisdiction is either impractical or beyond our reach.

72. We must not allow ourselves to be shackled by preconceived concepts or hobbled by fears of the unknown. The United Nations is moving into new fields in deciding to explore the fascinating range of possibilities which this whole topic opens to us, and new perspectives are required if we are to push back the horizons of knowledge and pursue new paths of common endeavour. If, as some speakers have said, we are really going to challenge King Neptune, then it ill behoves us to play the role of a different monarch—King Canute—and try to stem the tides of progress.

73. The fundamental principle on which agreement should be possible is that no State should be allowed to assert sovereignty or even jurisdiction over any part of the area in question—admittedly as yet undefined. This is a far-reaching concept in itself, and with this encouraging beginning, the way having already been shown to us by the outer space treaty, we can surely make progress on the other more prosaic but no less significant aspects of our work. Practical questions as to the proprietary rights or beneficial ownership must ultimately be faced and solved, of course, and in a way that ensures adequate guarantees to risk capital while at the same time providing that the resources in question be exploited for the benefit of mankind. Merely to state the problem is to illustrate its complexity. We do not, however, consider that those problems are insurmountable given good will, good faith, and a steadfast pursuit of common objectives.

74. For these reasons, and in order to provide direction to our work, the Canadian delegation supports the proposal made by a number of delegations of a declaration of principles by the General Assembly [see A/7230, para. 88], to serve as guidelines for the proposed standing committee. Those principles which the Canadian delegation, in common perhaps with a number of other delegations, would hope to see contained in such a declaration are as follows:

75. First, there is an area of the sea-bed and ocean floor and the subsoil thereof, underlying the high seas, which lies beyond the limits of national jurisdiction—which I shall describe hereinafter as “this area”. If we cannot agree at least on this much, then we have achieved little indeed during our year’s labour on this matter.

76. Second, taking into account relevant dispositions of international law, there should be agreed a precise boundary for this area. I have already explained the importance of this principle and the extent to which success in our endeavours hinges upon it.

77. Third, there should be agreed, as soon as practicable, an international régime governing the exploitation of resources of this area. I have attempted to outline, albeit briefly and inadequately, the significance of this succinct statement of our ultimate objectives.

78. Fourth, no State may claim or exercise sovereign rights over any part of this area, and no part of it is subject to national appropriation by claim of sovereignty, by use or occupation, or by any other means. I need hardly reiterate the gains which can flow from this imaginative concept as the basic premise of an enlightened approach to new vistas.

79. Fifth, exploration and use of this area shall be carried on for the benefit and in the interests of all mankind, taking into account the special needs of the developing countries. I have stressed the importance of the idea contained in this simple statement of a radical and perhaps long overdue hypothesis.

80. Sixth, this area shall be reserved exclusively for peaceful purposes. I have made clear our view that this objective ranks in importance only with the preceding one, and the two are interrelated, for failure in the attainment of either one can jeopardize progress in the other.

81. Seventh, activities in this area shall be conducted in accordance with international law, including the Charter of the United Nations, the Geneva Law of the Sea Conventions, and such new rules of law as may be agreed by progressive development and codification. Activities in this area shall not infringe upon the freedom of the high seas.

82. These principles speak for themselves, for if we are to progress at all in devising new solutions to old problems, then we must do so through the rule of law among nations, as the only alternative to sub-sea anarchy.

83. It is clear from the statements of other delegations that there is not yet general agreement on all of the principles that I have just outlined. It is our hope, however, that as the dark and grey areas of this mysterious and fascinating subject of the sea-bed and ocean floor are gradually illumined by the studies we shall undertake together, these principles will come to be accepted by all as a basis for the kind of co-operative activity internationally that could turn out to be something new under the sun.

84. The CHAIRMAN: Before calling on the next speaker, I wish to inform the Committee that Greece has become a co-sponsor of draft resolution A/C.1/L.429/Rev.1, bringing the number of co-sponsors of that draft resolution to seventeen.

85. Mr. LACHERAF (Algeria) (*translated from French*): Mr. Chairman, although your modesty has led you to express the wish that we might refrain from paying tributes to you, well deserved though they may be, I should like to extend sincere congratulations to you on your unanimous election as Chairman of this body. We appreciate your merits and those of the other officers of the Committee, and also your concern to guide our work with enlightened patience and unruffled courtesy. We take special pleasure in extending to you these well-deserved compliments, for we regard you as an outstanding example of the urbanity and

the sense of values which are the hallmark of the ancient Mediterranean culture to which both our countries are bound by our past, our proximity and our mutual friendship.

86. It is worth noting at the outset that our Committee is dealing with a completely new domain. This characteristic of positive newness, still untouched at this level and at this point in history, is a fact of economic civilization which has nothing in common with similar experiences in the past. This also means that this event can inspire or rekindle among our contemporaries noble ideals, humanitarian dreams (at times somewhat exalted), ambitions, plans and ways of thinking to which long-established routine, deeply rooted sentiments and prejudice lend, paradoxically enough an air of mental anachronism that seems paradoxical in the light of the progress that goes with it. Yet it is amid all these elements that we must find our way, and we must look realistically at the various factors of this vast problem. Of course, as highly advanced technologies stand today, this domain is open only to the industrialized countries. The very concepts of using the ocean depths exclusively for peaceful purposes and of exploiting their resources for the benefit of all mankind, though they may appear as so many major statements in the kind of manifesto submitted for our consideration, must not lead us to forget that behind the most sincere words and moral intentions there lies a series of objective realities which continually stand in the way of opposing movements in the struggle and social and economic advancement of less well equipped or favoured peoples, in the way of their interests and desires, or of the very survival of the human species.

87. By defining more closely the concepts whose philanthropic or emotional content directly limits the interplay of specific detail and precise shades of meaning by their over-generalized aspiration and unduly complacent fervor, we may perhaps succeed in combining words and ideas on a two-fold level of realism and commitment.

88. As we have said, this is an absolutely new field, one in which peaceful conquests on a world scale will be made; as we learn more about it, we are filled with generous impulses and make plans of all kinds, and, with boldness and imagination, we can already see world-wide prospects opening up and a resurgence of employment. However, at the threshold of a new undertaking which is given such an impetus, one whose assets are as extensive as the seas and the ocean depths and their riches, in the long-range perspective of future generations, it should be noted that if something has to be changed so as to fall into line with the necessary technological progress, that something is first of all mental outlook, and consequently, the nature of the impetus by which that outlook brings in a new era, a truly restorative age among all the successive ages mankind has traversed on this earth.

89. In this way, the wholly new undertaking, which holds out the hope of peace and prosperity on an unprecedented scale, will be both the crucial test and the supreme goal which within our great community form the basis of and justify the fight against hunger and international co-operation aimed at achieving the well-being, progress and collective security of all peoples. And without, I hope, committing unduly the fault I condemn when I call for

greater realism and less sentimental fervour in words and in principles, I feel I must express my surprise that any project whose peaceful intent is so clearly stated and whose purpose is so linked with one single *raison d'être* does not raise the problem of disarmament as a necessary first step, without any other alternative.

90. In order to be effective and to meet the aspirations of the small countries which look to such a scheme to usher in a new era, one which will bring back strength and do away with want, which can dispel forever the age-old fear of famine and armed conflict, the draft on the use of the sea-bed and ocean floor and the subsoil thereof in the interests of mankind must in all logic and from the outset be put into the context of a necessary peace, an essential condition for a lasting achievement.

91. Various opinions have been voiced about this draft since the twenty-second session at which it was introduced. Those opinions reflect special points of interest and praiseworthy concern arising from the enormous advances in technology and the need to explore unknown areas lying almost within man's grasp. This is a natural move in keeping with the degree of development of modern societies and sometimes in keeping with their desires, whether legitimate or not. It leads them to find new bases for their constantly growing economies and new justifications for their ethic of compromise or of true devotion to the cause of the majority.

92. Indeed, we can see the question clearly, as well as its basic element, if we note the following state of affairs and the implications to which it gives rise, namely: there is a compelling need to seek out other compensatory methods to replace the resources and activities concomitant to a seriously unbalanced international economy, the victim of its own unjust excesses, its wastes and its failings, and incapable, notwithstanding frequent over-production, of solving the grave problem of hunger and of guaranteeing social well-being and human dignity to the very people who labour to no avail and who are deprived of their natural resources. This is the preliminary basis on which the under-developed countries intend to engage in this discussion. They will do so with all the more determination and with an even keener awareness of need and of tragedy because they live side by side with the abundance which is denied them or squandered, and because this question rightfully awakens great hopes in them. What should be for others, who are more advantaged and in a better position to redress age-old wrongs, an opportunity for self-rehabilitation and justice, can be, for us, an opportunity for action in a world exhausted by wars and pillage, emptied of its nourishment by greed and waste. And since we have mentioned peoples long deprived of their natural resources, let us add that we no longer wish to endure this deprivation in any form in what will in the future constitute the very foundation and touchstone of this draft in its various later stages, namely the world of international co-operation.

93. Such co-operation, in view of the importance of what is at stake, its novelty and its international character without which it cannot be realized, will have other dimensions and higher ethical standards, in contrast with the short-sighted views taken in the past. It will gradually attain the necessary levels for mutual contributions, shared

experiments and the imparting of new knowledge, and it will include the technological and scientific fields and always ensure that everyone benefits and that in so far as possible the less-equipped participants may be given the means of engaging in joint action on the basis of equal opportunity and with equal effectiveness.

94. In this way, projects for equipping and training developing countries in sciences and technologies will be a fitting prerequisite for achieving from the outset such co-operation and progressive equality of means. In order to achieve this, proposals already put forward will be duly used again in accordance with priorities.

95. Along the same line, and in the light of resolutions of a strictly limited scope, such as, for example, the resolution calling for an international decade [A/C.1/L.429/Rev.1], we must see to it that any project of this sort must not be just for publicity, but must go beyond that towards primary objectives. Every opportunity which is thus used to arouse the interest of the public and of the competent authorities with regard to this great project will also serve to gain time and to make a start on the preliminary details of training and equipment for this long-term undertaking.

96. In making these suggestions regarding a problem of such scope, which some of the highly industrialized countries are already regarding as full of possibilities, laden with power and challenge, in a world in which three fourths of humanity lack the basic essentials, our dearest wish is that the under-developed countries will not, because of their past, their present helplessness and the limitations imposed on them by their poverty, look upon this vast labour undertaken without them—and, perhaps, against them—as some anonymous and mocking spectacle of science fiction. We must not fail to put things into their proper perspective so that the international community can act with solidarity in this area, which may seem to be a closed and virgin world, but which is vulnerable and threatened, in the long run, by the same dangers and disasters which have already come to pass on land. Seeing things in their proper perspective also entails bringing the technological era to the under-developed countries, providing them with the positive assets which will make them into partners genuinely co-operating in the cause of public and international well-being.

97. For this, we must first have a global view which will strengthen the major principles already laid down by the representatives of Ceylon [1588th meeting] and Belgium [1596th meeting], while restricting "legalities" to basic guarantees. Indeed, the numerous and sometimes superfluous legal references with which the texts proposed to us are inappropriately weighted down should be introduced only for the purpose of unifying and safeguarding the legitimate and incontrovertible rights which have not so far been completely and rigorously laid down in the area we are discussing. This disconcerting proliferation of legal references, prior even to our having codified a maritime law and drawn up basic guarantees, means paradoxically that with one hand we are setting up a multitude of petty legal obstacles while with the other we are attempting with earnest and praiseworthy solemnity to lay down eternal principles upon premature foundations.

98. Are we not thereby inhibiting and alienating those of good-will and the inexperienced by making them con-

tinually traverse either the irritating barriers or the dreary plains of an idealistic verbiage based on nothing practical.

99. Though our requirements lead us to speak this way, we do not therefore go so far as to deny the merit of those who have, with the help of often satisfactory resolutions and of appropriate looks into the foreseeable future, built up this fine edifice of ideas and methods which does not yet have all the firm foundation that future and realistic work will lay down for it. The excessively large role given at the outset and on a lasting basis to the Intergovernmental Oceanographic Commission and other specialized agencies is due to a tendency which is natural in those who think first of all in technocratic, if not purely and simply technological, terms, and in this respect we share the fears expressed by some delegates. Furthermore, if we are to affirm the basic principle of freedom of research, we must see to it that scientific exploration in the sea-bed and ocean floor, and the subsoil thereof, creates no right of exploitation. The majority of the seas and oceans surround poor continents and under-developed countries. If in the future the prospecting and exploitation of the resources contained on the sea-beds and ocean floors and in their subsoil are to bring about a necessarily modern economy, we must, bearing in mind the size of the means employed, give thought to making these coastal countries, which are still unequipped, into effective regions which will be able to work from both the human and technological points of view for the development of this new economy which will serve the entire international community, particularly the hungry nations whose vast natural resources, usurped for so long, have been and continue to be pillaged by groups with imperialist interests. In order to curb somewhat the ambitions of the wealthy elements whose irrepressible momentum derives from a strength born of know-how and good or evil appetites, it seems fair that we should lay down strictly and vitally necessary stages for using the resources drawn from the sea-bed and ocean floor and the subsoil thereof.

100. First, the resources thus acquired will be used to appease the hunger and to reduce the serious deficiencies of malnutrition which threaten two-thirds of humanity with slow death.

101. At this moment, the sea-bed and ocean floor, exploited on a wide scale for the exclusive purpose of providing food, could give world co-operation an effective foretaste of the solidarity we expect from it and of the needed renewal which must animate its plans and inspire its actions for the under-developed countries.

102. In conclusion, I would repeat that the great project we are considering today entails throughout its present and future implementation a series of prerequisites which must form the basis of and act as the affirmation for apposite strict principles and realistic views, all of which must have the two-fold purpose of commitment and of moral reparation *vis-à-vis* the collective cause of peoples who are victims of colonial and capitalist exploitation.

103. The CHAIRMAN (*translated from French*): I thank the representative of Algeria for his tribute to the traditional friendship between our two countries. I also thank him for the congratulations he was kind enough to extend to my colleagues on the Bureau and to me.

[The speaker continued in English.]

104. Before calling on the next speaker on my list, I wish to inform the Committee that Trinidad and Tobago has become a co-sponsor of the draft resolution contained in document A/C.1/L.431, which brings the number of co-sponsors to thirty-one.

105. Mr. ALWAN (Iraq): During the last session the representative of Malta ably initiated⁸ and tactfully brought before the General Assembly the question pertaining to the sea-bed and the ocean floor. We have already commended that far-sighted and brilliant initiative which will certainly one day have a direct bearing on our future life.

106. An *Ad Hoc* Committee of thirty-five Member States was set up in accordance with resolution 2340 (XXII) and entrusted with the task of studying all aspects of the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. We are certainly indebted to the *Ad Hoc* Committee for the invaluable findings contained in its report [A/7230]. We are also keenly aware of the role and contribution of the Secretary-General, the specialized agencies and, in particular, the International Atomic Energy Agency and the Intergovernmental Oceanographic Commission, which we highly appreciate. The report of the *Ad Hoc* Committee is eloquent testimony of the tedious efforts made by its members, and it certainly merits our admiration.

107. It is fitting to pay a warm tribute to the Chairman of the *Ad Hoc* Committee, Mr. Amerasinghe, of Ceylon; and its Rapporteur, Mr. Victor Gauci, of Malta; as well as to the Chairmen of the two Working Groups, Mr. Benites, of Ecuador, and Mr. Denorme, of Belgium.

108. We do believe that a good deal of ground has been covered and that good progress has been made in the last ten months. Many aspects of this challenging question have been identified and a wide measure of common ground has been found.

109. With your permission, Mr. Chairman, I should like to make a few comments on some points in the report of the *Ad Hoc* Committee.

110. We feel that the report of the *Ad Hoc* Committee constitutes the basis and foundation for future endeavours in this field. The title of the item suggests the peaceful uses—and I underline the word “peaceful”—of the sea-bed and the ocean floor. Therefore, it was largely agreed in the *Ad Hoc* Committee that the exploration and exploitation of the sea-bed and the ocean floor and the subsoil thereof should be carried out exclusively for peaceful purposes. However, we must express our anxiety about the possibility of the marine environment being put to military use. My delegation favours the prohibition of the militarization of, and, in particular, of the stationing of nuclear weapons and other means of mass destruction on the sea-bed and the ocean floor beyond the limits of national jurisdiction. We are convinced that the United Nations must secure international agreement as soon as it is practicably possible on the exclusive use of the sea-bed and the ocean floor for peaceful purposes and the prohibition of the use of the

⁸ See *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 92, document A/6695.

sea-bed for military purposes. We also support the idea of referring the question to the Conference of the Eighteen-Nation Committee on Disarmament for urgent consideration.

111. We do concur with the principle that the exploitation, use and exploration of the sea-bed shall be carried out for the benefit and in the interests of mankind. But how can this principle possibly be applied without a definition of the area lying beyond the limits of present national jurisdiction? The Legal Working Group discussed fully the legal aspects of this question. Its conclusions and findings in this respect reveal that the rules of existing international law are inadequate and that new rules of law should be developed. Therefore, the need for internationally agreed boundaries delineating the area which should be exploited for the benefit of all mankind becomes quite obvious.

112. My delegation supports the ideas summed up by the Economic and Technical Working Group in paragraphs 60 and 61 of annex I of the report, which favour international co-operation and ensuring benefits to mankind by means of an international régime under the auspices of the United Nations.

113. We earnestly hope that the wealth of the sea-bed and the possibility of its exploitation and utilization will benefit all countries and that the gap will be bridged between the highly developed and the developing countries. The proposed international régime must promote economic development, particularly in the developing countries, whose economies depend largely on their export of certain raw material, and must take into account any adverse effects on the world market patterns and prices.

114. Another undesirable consequence which may be contemplated as a result of the exploitation of the sea-bed, and which was raised in this meeting a few moments ago by the representative of Algeria, concerns the benefits which will be attained by powerful and wealthy Powers to the detriment of the poor States. The representative of Ireland dealt with this question in his statement at the 1595th meeting of this Committee when he said:

“As the technological developments necessary to facilitate occupation of the sea-bed and the ocean floor and the exploitation of mineral deposits on, under, or forming part of, its soil will be achieved in the first place by the larger and the more wealthy and powerful States, it is feared that these will succeed in appropriating to themselves all the vast wealth which will thus become available, and that smaller and poorer States, by reason of their inability to finance such a costly venture, will forfeit any benefit. It appears that further examination of this problem also, in all its aspects, and perhaps particularly in its legal aspects, is called for and it is hoped that the proposed standing committee will undertake this task.”
[1595th meeting, para. 19]

115. We feel strongly that the General Assembly should adopt a declaration or a set of basic principles or guidelines relating to the peaceful uses of the sea-bed and the ocean floor. The adoption of these principles would serve the long-range interests of world communities. We believe that final agreement can be reached and our belief is based on

the fact that considerable progress was made in the course of the *Ad Hoc* Committee's final session at Rio de Janeiro.

116. In conclusion, we express the hope that a permanent body will be set up to continue the studies of the *Ad Hoc* Committee. The name of that permanent body matters very little; what is important is the scope of the terms of reference to enable it to discharge its duties with ingenuity and diligence.

117. The item whose discussion we have embarked upon is still in its infancy and the numerous problems with which we are faced should in no way discourage us. A true spirit of international co-operation must prevail; this is vitally needed in order to overcome most, if not all, of the outstanding problems. My delegation will express its views on the different draft resolutions in due course.

118. Mr. PINTÉR (Hungary): Mr. Chairman, as this is our first statement in the Committee's debates, let me disobey you and your ruling and tell you that my delegation takes pleasure in associating itself with those who have already expressed their congratulations and good wishes to you and your colleagues in the Bureau.

119. I speak on behalf of a country which, not being a member of the *Ad Hoc* Committee, has not taken part in that Committee's difficult but successful work, but which is interested in the question of preserving the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of the present national jurisdiction, exclusively for peaceful purposes. My delegation, having studied carefully the *Ad Hoc* Committee's report and its annexes, as well as the other documents relating to the subject of the exploration and possible exploitation of the sea-bed and the ocean floor, wishes to make a few observations.

120. As is well known to members of this Committee, Hungary is a small, landlocked country having only indirect access to the high seas through the Danube River. Having used that waterway for a very long time, we have gained a modest amount of experience which, of course, is far behind the knowledge accumulated in this field by the traditional sea-faring nations.

121. In examining the question of the peaceful uses of the sea-bed and the ocean floor, Hungary cannot lose sight of the fact that its soil does not abound in natural resources. Consequently, it hopes that with the passage of time it will share in the wealth which the seas and the oceans have in store for mankind. That is why my delegation is of the opinion that Hungary's interests in this problem are not inferior to those of any other nation.

122. A careful study of the report of the *Ad Hoc* Committee [A/7230], demonstrates very clearly the diversity and complexity of almost all of the questions dealt with by the *Ad Hoc* Committee during its three sessions. It also shows how numerous and complex are the questions that may arise in the course of the exploration of the sea-bed and the ocean floor, and those further questions that may arise when it comes to the actual exploitation of their suspected riches. At the same time, however, the reports and other documents reveal how little and how limited is the knowledge that we have so far gained of this

very wide subject. Therefore, my delegation cannot but welcome and support the proposals aimed at enriching the peoples of the world by new experience and knowledge about this environment full of hope and promise.

123. We support the expanded programme of international co-operation in ocean research, as suggested by the Secretary-General, because it may open a new stage in the exploration of the sea-bed and may prove to be a considerable step towards the broadening of international co-operation.

124. It is not by chance that the suggestion by the Secretary-General concerns a long-range programme, for the area to be explored is vast in both width and depth, and our initial knowledge of it is infinitesimal. According to realistic estimates it will take us long decades to be able to state that we have succeeded in acquainting ourselves with the depths of the seas and oceans and that it is for us now to exploit their riches. It is that realization that we welcome in draft resolution A/C.1/L.429/Rev.1, which has this aim:

“to promote international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor and the subsoil thereof”,

indicating at the same time that any short-term project can only be an element of

“a long-term and expanded programme of world-wide exploration of the oceans and their resources”.

125. However, we think it would be better to start such an expanded programme after careful preparations and not according to forced schedules. In the view of my delegation, it is necessary that both the expanded programme suggested by the Secretary-General and the short-term projects meet some basic requirements. With your permission, I will sum up the most essential of those requirements.

First, the programmes of co-operation in research must be so organized as to involve participants from the widest possible range of countries.

Second, they must cover fields and activities that serve exclusively peaceful aims and cannot be misused for any sort of military purpose.

Third, they must provide that all States are equally interested in the question, and no State may take advantage of its higher degree of technological development or of its geographical position.

Fourth, the results gained from research must be made fully available to all States without discrimination and limitation, so as to increase scientific knowledge as a whole and to enable States not yet capable of contributing to these programmes to take their share in these activities later.

Finally, co-ordination of all these activities must be entrusted to the Intergovernmental Oceanographic Commission of UNESCO, which possesses the facilities, experts and experience required and can ensure that any unnecessary and costly duplication or overlapping are avoided.

126. Those are the requirements which, in the view of my delegation, must be met by every kind of long-range or

short-term programme of exploration of the sea-bed and the ocean floor. The enumeration I have just given is not intended to be exhaustive; still less is it meant to fix any principles for a legal regulation.

127. As appears from the report of the *Ad Hoc* Committee, during the last session in Rio de Janeiro attempts were made to formulate a declaration of general principles to be submitted to the General Assembly and intended to regulate the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction.

128. My delegation is sincerely in favour of a regulation of all joint activities, simply in the common interest, in order to ensure the protection of the interests of all States.

129. As for the principles of the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction, however, my delegation has two fundamental reservations.

130. First, as is evidenced by the report and other documents, as a consequence of our scanty and limited knowledge regarding the sea-bed and the ocean floor, a declaration of internationally binding principles would create the danger of imposing certain rules upon fictitious or imaginary situations. My delegation believes that we have to stand on the firm basis of realities even when we are exploring the depths of the oceans. For that very reason, any undue haste or over-ambitiousness may ultimately result in a premature set of principles which do not correspond to reality and thus remain within the realm of science fiction. As long as our knowledge of the subject provides no realistic basis for a thorough regulation, we think, any further activity should be based on the unanimously accepted rules of international law, especially the provisions of the Charter of the United Nations.

131. Second, any resolution and any declaration of general principles affecting the peoples of the world in the same way and to the same extent must be prepared in such a way as to enable all States to take part in its formulation, to accept and support it. The fact is that all nations and all groups of nations in the world are equally interested in this question of the exploration and use of the sea-bed and the ocean floor. We have to realize that the effectiveness of all the decisions in this field would be greatly enhanced if the principle of universality of the United Nations could prevail, so that the representatives of the German, Korean and Viet-Nameese peoples could participate in them and the lawful representatives of the Chinese people could occupy their place in the United Nations.

132. I have already said that the activities in the exploration of the sea-bed and the ocean floor must cover fields which serve exclusively peaceful aims and cannot be misused for any sort of military purpose. If that applies to the activities of exploration, it should apply all the more to the possible exploitation of the sea-bed.

133. Therefore my delegation welcomes the draft resolution submitted to the *Ad Hoc* Committee by the Soviet delegation on the prohibition of the use of the sea-bed and the ocean floor beyond the limits of territorial waters for

military purposes [see A/7230, annex III]. It is a promising sign that the Conference of the Eighteen-Nation Committee on Disarmament, which is the appropriate and competent body for dealing with problems concerning disarmament and arms control, has taken up the subject and, as its report indicates, has agreed that it would provide a promising field for future work.⁹

134. In addition, the memorandum of the Soviet Government, which is also on the agenda of this Committee [agenda item 94 of the General Assembly], concerning some urgent measures to put an end to the arms race and achieve disarmament also contains a proposal for the peaceful uses of the sea-bed and the ocean floor.¹⁰

135. Before I conclude, permit me to make two other remarks. My delegation sincerely hopes that the committee proposed in draft resolution A/C.1/L.425 and Add.1-6 will do as good and as successful a job as the *Ad Hoc* Committee, whose valuable report is now under discussion. The task of the new committee should be to co-ordinate the activities, avoiding at the same time all unnecessary duplication and overlapping. We hope also that it will be aware of the significance of the work to be done and will accordingly base its work on the well-prepared resolutions adopted by all States.

136. The proposal which was originally presented by Iceland and which is already sponsored by a large number of States [A/C.1/L.431] is of no direct concern to my country. However, we well know the serious problem

⁹ See *Official Records of the Disarmament Commission, Supplement for 1967 and 1968*, document DC/231, para. 29.

¹⁰ See *Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda items 27, 28, 29, 94, 96, document A/7134, paras. 22-25.

caused by the pollution of waters and we understand how important the prevention and control of pollution are in relation to the seas and oceans. Therefore, we welcome the draft resolution and support it.

137. My delegation is convinced that mankind is looking forward to the conquest of a new vast environment which is now rather unknown to us. That environment may bring us the enrichment of life but it may bring destruction too. The choice is up to us. If caution and patience are in general useful, they are particularly so in this case. It would be a pity if lack of patience and selfish greed prompted us to risk the not-so-remote-future opportunities for the sake of immediate interests.

138. We are confident, however, that this undertaking will be a manifestation of the broadest possible scope of international co-operation, of the strengthening of relations among all States of the world, striving first for what is common to all of us.

139. The CHAIRMAN: Before adjourning the meeting I should like to express my thanks to the representative of Hungary for the congratulations he extended to the Chairman and to my colleagues on the Bureau.

140. I would inform the Committee that the draft resolution mentioned by the representative of Cyprus has been circulated in document A/C.1/L.432. I should like to add that tomorrow there are sixteen representatives inscribed to speak in the general debate so if we start on time tomorrow morning and tomorrow afternoon there is a good chance of avoiding a night meeting. I count, therefore, on the full co-operation of all members.

The meeting rose at 5.35 p.m.