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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.1-7, L.426 and Add.1, L.427 and Corr.1, L.428, L.429/Rev.2, L.430, L.431, and Add.1, L.432, L.433)

1. The CHAIRMAN: Before calling on the first speaker on my list for this morning, I wish to inform the Committee that Honduras has become a co-sponsor of draft resolution A/C.1/L.425 and Add.1-7 which brings the number of co-sponsors of that draft resolution to fifty-four. Japan has decided to co-sponsor draft resolution A/C.1/L.429/Rev.2 which brings the number of co-sponsors of that draft resolution to twenty.

2. Mr. LOPEZ VILLAMIL (Honduras) (*translated from Spanish*): First of all I would like to refer to the report of the *Ad Hoc* Committee, which has been carrying out a series of very important and useful tasks in relation to the item under discussion, and to congratulate its Chairman, Mr. Amerasinghe of Ceylon, the Chairman of the Legal Working Group, Mr. Benites of Ecuador, and all the members who have been working to great effect for a better understanding of the whole question.

3. The United Nations Development Decade is the name given to the period which began in 1960 as one of the great objectives of the Organization. Although the Decade has not attained its lofty aims, the world has witnessed another programme, outside the United Nations—the spectacular race of the great Powers to gain technological and scientific prestige, sparing no expense in their conquest of space.

4. The Decade might well be called the Decade of the Conquest of the Moon, in view of its eminent successes, achieved at great cost in money and effort, while the United Nations Development Decade has remained a mere incentive which will be applied again in the seventies.

5. And now we find the world's attention turned towards the conquest of the sea-bed, a feat not so spectacular, perhaps, as the conquest of space, but bearing the cachet of a scheme to benefit mankind.

6. In a treatise I wrote, I said that the sea, a vital element affecting the life of man on earth, has unceasingly over the centuries been the object of observations and studies both by scientists in general and by jurists in particular.

7. Francisco de Victoria, the "Father of International Law", and Vasquez de Menchaca deal with the problems that led to the conquest of America, after dealing with problems of the sea in a dispute which was to culminate in Hugo Grotius.

8. In contrast with the principle of *mare liberum* we have Alberico Gentili with his *De Advocatione Hispaniae*, Fray Serafín de Freitas with his *De Justo Imperio Lusitanorum Asiatico*, and other authors up to the well-known *Mare Clausum* of John Selden.

9. The struggle for the conquest of the sea goes back many centuries, reflecting a process which has brought about great changes in international law as new solutions emerged to satisfy the legitimate interests of coastal States and human needs as the great colonial empires disappeared.

10. In our century the sea areas engage the attention of researchers and scientists, and new knowledge has emerged from the discoveries of the geologist and the oceanographer to the work of the jurist, the economist and the politician. As has already been mentioned, France has played a prominent part in oceanographic research and we recall the name of Gilbert Gidel as one of the pioneers of the new legal concern with the problems of the continental shelf; while the countries of the Americas in particular cherish the proclamations of President Truman in 1945 as a starting-point from which the State authorities claimed rights defined in it, such as "jurisdiction" and "control", which are neither more nor less than sovereign rights over the continental shelf.

11. With this long process of innovation in various branches of knowledge, we reach a new stage of evolution of the law as a body of rules which were to crystallize in the Geneva Conference of 1958¹, when the definition of

¹ United Nations Conference on the Law of the Sea, held at Geneva from 14 February to 27 April 1958.

the continental shelf was accepted, giving rise to a process of change by which the new research, exploration and exploitation of the sea-bed turned the thoughts of the Members of the United Nations towards the study of one of the problems of the immediate future of mankind.

12. The first obstacle to be removed was the problem of determining the limits of present national jurisdictions and thus avoiding interminable discussions which would have held up the examination of the topic. The method used was effective in the early stages, but these limits are clearly a political and juridical reality, as is the very existence of the States themselves. The time has not yet come, perhaps, to define once and for all the international zone where the limits of the areas beyond the continental shelf or other areas of geographic contiguity proclaimed by coastal States begin; but a decision on this will have to be taken in the very near future.

13. Neither nature in general, nor geography in particular, follows an unchanging pattern. The continents, islands and seas have come about through the influence of cosmography, telluric conditions and time, causing palpable irregularities in every geographic area. The conditions and dimensions of the European coast are different from those of America, Africa or Asia.

14. Continental shelves are a phenomenon in which geology and geography play their part. This point was made by Dr. William Pecora, director of geological research in the United States Department of the Interior when he said that according to scientific studies on this question, the most fundamental natural boundary of the earth's crust is that which divides the continents from the ocean bed. For the researcher there is a systematic difference in thickness, in physical properties and in chemical composition in the earth's crust lying between the oceans and the continents. The ocean crust, according to Dr. Pecora, is as a rule only one fifth as thick as the continental crust; the rocky layer is generally more compact in the ocean, the seismic velocity is greater, and hence it is richer in iron, magnesium, silicon and potassium.

15. In Pecora's view, the definition of the natural boundary between continents and oceans must be based both on geological interpretations and on geophysical data, and the accuracy with which it can be defined depends on the two factors. The geological boundary is in many cases irregular or gradual, but as a rule it runs close to the base of the continental slope.

16. But the geophysical aspect is one thing and the economic aspect is another. The problem of feasibility of exploitation does not as a rule go hand in hand with that of depth. There is no doubt that as things are today, with the scientific data furnished by the Intergovernmental Oceanographic Commission and other specialist bodies, marine exploitation of every kind is feasible if not precisely in the ocean depths beyond 300 metres, at any rate in the proximity of the coastal areas of States. I do not deny that men are never at one in regard to their technical and scientific achievements; but as regards the possibility of large-scale exploitation of the ocean floor, the seas' treasure is to be found near the coastal areas, mostly within national jurisdictions.

17. At the fourth meeting of the American branch of the International Law Association, held at Washington, D.C. in April 1968, Mr. Cecil V. Olmstead, a lawyer with Texaco, pointed out that the demarcation line between the continental shelf and the depth of the ocean subsoil gave rise to problems that would not be solved for a long time. With the available resources of coastal States, on the basis of the Geneva Convention on the Continental Shelf, he said, there was no need to wait for the relatively long time it would take before any real development of resources beyond the shelf could take place.

18. I should like to point out that it is logical to assume that the developing countries can raise their standard of living more easily if the immediate resources of the seas within their jurisdictional limits are exploited than if exploitation takes place beyond those limits, since it is quite certain that the countries in a position scientifically and technologically, or with the necessary capital, to undertake such operations will not be the developing countries.

19. I think I can safely say that mankind will benefit more if the people in the developing countries, who constitute the bulk of the world's population, improve their standard of living by exploiting the oceans' resources than if, as is so vehemently urged, this is done outside the limits of present jurisdiction.

20. I am not seeking in any way to confuse the issue of the discussion of the item before us. Nor am I confused by it. Actually, its presentation—the cautious approach to the question of limits of jurisdiction—is what perpetuates a whole series of queries and obstacles to a proper understanding of it. It is still not clear why the study, exploration, use and exploitation of the ocean depths has to give rise to competition, including economic competition, between one zone to be exploited internationally and another coming within the scope of national jurisdictions.

21. General Assembly resolution 2158 (XXI), which deals with this matter, states that “such an effort should help in achieving the maximum possible development of the natural resources of the developing countries and in strengthening their ability to undertake this development themselves, so that they might effectively exercise their choice in deciding the manner in which the exploitation and marketing of their natural resources should be carried out”.

22. We cannot forget the problem of the international prices of primary commodities maintained on the international market by the great Powers even when the prices on the home markets are higher. The strategic reserves accumulated by the great Powers have been one of the means of preventing higher prices being paid for a number of products from the developing countries, to the detriment of improvements in the standard of living of their peoples. All this is a gloomy precedent for the future exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction.

23. My delegation reaffirms the views it expounded at the twenty-second session [*1527th meeting*].

24. We support and co-sponsor draft resolution A/C.1/L.425 and Add.1-7 because we regard the work done by the *Ad Hoc* Committee, which we trust will lead in the future to research and exploration of the sea-bed for the benefit of mankind, as extremely useful.

25. The representative of Malta, Mr. Arvid Pardo, in his original presentation of the topic at the last session /1515th and 1516th meetings/ outlined certain objectives.

26. First, the adoption of a declaration on the sea-bed and its subsoil, underlying the high seas, beyond the limits of national jurisdiction.

27. My delegation finds it difficult to conceive of the various problems involved here being solved by a simple declaration. A whole series of considerations have to be taken into account: the coastal State, as the immediate subject of international law; the geographical area encompassing the interests of several States in a given region, including land-locked States; and to some extent the geographical peculiarities of each zone or region. All this calls for an analysis which proceeds from the coast to the bottom of the sea, and not the other way round, as has been the case thus far in our study of the item.

28. Second, the proclamation of a limited number of principles governing the exploration, conservation, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction.

29. Many representatives have already pointed out the difficulty of formulating a series of principles. The development of contemporary international law itself furnishes a series of guidelines which may prove useful; moreover, as the report of the *Ad Hoc* Committee states [A/7230, para. 88], the rights and interests of coastal States in respect of the conservation and exploration of the resources of the sea-bed must be borne in mind.

30. From whatever angle we view the problem, we see that as the situation in regard to this item stands at present, the *Ad Hoc* Committee has been given restricted terms of reference: perhaps this is due to caution, but for the time being they prevent it from dealing directly with the problem at the point where the limits of present national jurisdiction involve interference.

31. It might perhaps be more practical to have the direct co-operation of coastal States in the over-all study of this question, which ultimately would lead to the exploitation of the remote depths of the ocean.

32. The third point in the statement by the representative of Malta was that coastal States have been requested not to claim sovereignty over the sea-bed and ocean floor until such time as a decision acceptable to the international community is reached and a clear definition is forthcoming of the submarine areas over which the coastal State or islands may exercise rights.

33. It seems to us that the 1958 Geneva Convention on the Continental Shelf² reaches a clear-cut and unequivocal international decision on this question. Article 1 reads:

“For the purpose of these articles, the term ‘continental shelf’ is used as referring (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.”

34. The new international law of the sea, the product of the will of several American States at the outset but subsequently of many States from other continents, is directed towards the protection of the resources of the sea, whether in its waters or in the subsoil underlying the coastal area. These rules of law have the reciprocal goodwill of a number of States as expressed in unilateral and collective statements, and at specific meetings.

35. Against this background, on the basis of unquestionable juridical arguments—access or geographical propinquity—emerged at the outset a new doctrine establishing rules that did not impair any rights in respect of the sea areas adjacent to States. Over these areas, neutral areas for common use, other States not immediately affected have not as yet been able to establish identical or greater rights or to cite identical or greater impediments.

36. Thus the new rules of law come into the category of international custom in the process of development and confidently expected to be enforceable in respect of other States and gradually to crystallize as a means of protecting vital natural rights.

37. According to the English jurist J. L. Brierly, a customary rule of law is observed not because it has been agreed but because it is believed that it creates an obligation, and whatever the explanation or justification of this belief, its binding force does not depend on the approval of the individual or State to which it is addressed. Brierly points out that in the practical application of international law it must be borne in mind that States bind themselves by principles which may be classified as simple manifestations of consent, since in his view the theory of implicit consent is a fiction.

38. The new law in the process of development, proclaiming a wider sea area as coming within the jurisdiction of coastal areas, is not based on and does not challenge the primitive notion of the freedom of the seas. The new law, or the new rules of law, do not strike at the basic historical concept. All they do is modify the strict and rigid interpretation which the States possessing great technological advantages would like to put on these historical concepts for their own benefit and in their own interests, as part of their expansionist economic policy. Furthermore, the new legislation on the sea and kindred areas enacted by a number of countries throughout the world is based on the very same arguments that preceded the proclamation of the doctrine of the continental shelf. Today as yesterday, States invoke the protection and defence of their vital interests, embracing administrative, commercial and other aspects, within the limits of their respective jurisdictions.

39. The fourth of the Maltese representative's proposals is the drafting of a treaty which would solve the maritime boundary problems.

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

40. Here we reach the point where the serpent is biting its own tail; we are back to the obstacle of the terms of reference of the *Ad Hoc* Committee. As we pointed out last year [1527th meeting], it would have been more practical to arrange for a thorough and wide-ranging examination of this problem in stages, taking up first of all the scientific problems and proceeding to the economic, political and juridical problems in due course, while not excluding aspects which must inevitably be included if we are to arrive at concrete solutions.

41. With regard to the military considerations this item might raise, we are entirely in agreement with the majority of delegations that the sea-bed must be used for peaceful purposes. Specifically, my country, having already ratified the Treaty for the Prohibition of Nuclear Weapons in Latin America,³ accepts responsibility for the prohibition of “the receipt, storage, installation, deployment and any form of possession of any nuclear weapons directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way”, as specified in article 1 of that Treaty, in the entire national territory, including the territorial sea, air space and continental shelf belonging to it under the Constitution of the Republic.

42. The best guarantee for Latin America in this kind of treaty is that such restrictions imposed on small States like our own should become rules of law for all the other States. The point is that the sea-bed should stay demilitarized from the outset; it is not a world disarmament problem. Hence if the Eighteen-Nation Committee on Disarmament were to offer valid arguments or effective collaboration, this should not be understood as relinquishment of the issue on the part of the *Ad Hoc* Committee, since as has been pointed out, peaceful use is an inherent part of the item under discussion, and the problem is not one of disarmament but rather of prohibition in advance, to ensure that the great Powers will refrain from using the sea-bed and ocean floor for military purposes.

43. Finally, I should like to refer to a legal aspect of the matter which has been debated at length, namely the possibility of appropriating the sea-bed and the subsoil thereof beyond territorial limits. I raise this point because, apart from the representative of Malta, several speakers have referred to *res nullius* and *res communis*, terms of Roman law, in support of their thesis.

44. Article 2 of the Convention on the Continental Shelf quite clearly states that “The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources”, and that these rights “are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one” (please note, no one) “may undertake these activities, or make a claim to the continental shelf, without the express consent of the coastal State”. This is the text of the article on the subject, as adopted at Geneva in 1958.

45. And to dispel any possible doubt, the Convention states that “The rights of the coastal State over the

continental shelf do not depend on occupation, effective or notional, or on any express proclamation”.

46. The historical background of the legal status of the sea is as follows: in Roman law, there is first the thing (*res*) that belongs to no one, and secondly that which belongs to all. These juridical concepts derived from Roman law have been a source of controversy throughout history in regard to the delimitation of sea areas.

47. But it would be inappropriate to look to Roman law institutions as a basis for the doctrines of modern international law, as one of the foundations of this science, for the similarly historical reason that the latter only began to develop centuries after the disappearance of Rome as the hub of civil law, the geographical and chronological scope of which reached just as far as the Roman legions imposed its empire. Moreover, in many instances Roman law, as a comprehensive legal system, including the application of *jus gentium*, was not enforced in ostensibly subject countries or States, either because the application of the law was at the discretion of the Romans or because of specific differences in the customs and institutions of the subjugated peoples.

48. According to Prof. Arthur Nussbaum, of Columbia University, what happened was that until the eighteenth and nineteenth centuries, the influence of ancient Roman law on the theories of international law was in the doldrums, and of course we must not forget the indirect repercussions of Roman legal thought on the law of peoples, which in its literal translation, *jus gentium*, was used in the terminology of Roman law and its sources by the fathers of international law—Francisco de Victoria, Suárez, Vázquez de Menchaca, Grotius, Gentili, and others.

49. The *mare nostrum* of the Roman Empire has a logical explanation in history, since the Roman legions had been able to conquer the civilized world as it then was. The Emperor Antoninus is credited with the phrase: “*ego quidem terrae dominus, lex autem maris*”: I am master of the earth, but the law is master of the sea.

50. The Roman institutions were likewise responsible for the concept of *res communis omnium* in relation to the sea; but this *res communis* is not international in character, as some have tried to argue, even very recently indeed. The Roman outlook in legal matters was a unitary one, and we must not look in the system for anything more than a Roman, imperial *res communis omnium*, always betraying municipal, private law features, while being exclusive and different from the kind of juridical links or interferences between States of equal legal status in their mutual relations as part of a world community.

51. If for reasons of analogy, emphasis has been placed on the law of peoples, either as *naturalis ratio*, or as a generally applicable norm, or as law governing transit and trade, following “Gaius, in the *Institutes*” *jus gentium* has been considered the germ of private international law; but very few writers have found a sound basis for public international law, although it is essentially public law inasmuch as all law is public.

³ See *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 91 (A/C.1/946).

52. Moreover, history tells us that within the *mare nostrum* no galleon crossed the shipping routes of the Roman Empire without paying tribute to Rome; and where history was vague, the legions took it upon themselves to provide the answer. Hence it is a mistake to consider *res communis* as applied to the seas of the geocratic empire of Rome, and using the same legal principles, to draw a parallel with thalassocratic empires with a world horizon like those established after the discovery of America.

53. Neither the concept of *res nullius* nor that of *res communis* solves the problem of the delimitation of maritime zones, because their strict formalism is not properly in keeping with the true nature of law. Thus to regard the high seas as *res communis* is a mistake and at variance with juridical logic. Moreover, even if this theory had adequate scientific support, it would not furnish sufficient data to solve of itself the maritime problems of delimitation of unrestricted and jurisdictional areas.

54. The same could be said of the air space not subject to protection or the exercise of sovereignty on the part of any State. The high seas proper are to be understood rather as a neutral area whose size, we believe, is dictated by the geographical zones comprising the earth and circumscribed by the jurisdiction, control or sovereignty exercised by the coastal States.

55. We agree with Kelsen's up-to-date argument, based on strict legal theory, that the State is a relationship of domination, a relationship in which will on one side motivates conduct on the other. In other words, the sphere of the State in regard to space implies motivation, domination, *imperium*.

56. Kelsen raises a theoretical point which when applied to space makes nonsense of the upstart concepts that have come about since the days of Roman law, namely *res nullius* and *res communis*. He maintains that if a State is a normative system, it must be an order of positive law, because it is impossible to accept the validity of any other order side by side with it.

57. Can we then speak of an order of positive law, i.e. a system of rules governed by law for the maritime geographical areas we call the high seas, as something belonging to one, several or all States of the international juridical community within what in law is regarded as common property, a community contract, as it were (*res communis*), or as a kind of no-man's land (*res nullius*), and hence furnishing grounds for a legal principle such as that which justified the conquest of America for instance?

58. The conflicts arising in regard to the high seas relate rather to inter-State interference with objects of international law—persons, vessels, structures, etc.—that belong to individual States, which are themselves subject under international law to such interference, as can well be understood. Thus the high seas as such, as "*res*", are a neutral domain for juridical purposes where acts lawful or unlawful under international law occur.

59. On the basis of the foregoing, we regard the maritime zones governed by contemporary law—the territorial sea,

the contiguous zone, the continental shelf—as areas belonging to the coastal State.

60. The inference then is that the areas lying beyond the limits of State jurisdiction must be subject to an international juridical régime designed to benefit all mankind, this being the only régime that can prevail in the face of the prospect of constant conflict arising from the appropriation of the sea-bed by corporations or States.

61. Miss BROOKS (Liberia): Mr. Chairman, it is true that more and more the women of today demand equal rights with the men, in accordance with the principle of the Declaration of Human Rights, but it is also true that our women do not wish chivalry to vanish with the implementation of this demand since, in application, these are two distinct principles. And, so, Sir, I would ask you to think not of your desire to eliminate further compliments to you, and lend me your patience and understanding, while I perform the pleasant duty of extending on behalf of my delegation, and myself, sincere congratulations on your election as Chairman of this all important First Committee. At this stage of our deliberations I shall not attempt to give a treatise on your merits for this high post, but, your permission, I should like to amend the statement of a colleague who mentioned that you have been militant as regards the work of the United Nations by saying "constructively" militant.

62. I congratulate also the Vice-Chairman on his election to this Committee. I share pride also for the election of my friend and brother, Mr. Zollner of Dahomey, as Rapporteur.

63. At the twenty-second session of the General Assembly, the representative of Malta, Mr. Pardo, introduced in this Committee the item: 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 interest of mankind [*1515th meeting*]. The brilliance, enthusiasm and simplicity which characterized his presentation cannot be forgotten. I believe that in history he will be called "Father of the sea-bed and ocean floor".

64. For the first time, the United Nations was being called upon, and by one of its smaller Members, to establish an order by which international peace and security could be preserved with respect to the sea-bed and ocean floor, and that the vast potential which lies for the present, somewhat locked within it, be used exclusively for the benefit of mankind.

65. Perhaps it will be remembered that at this twenty-second session, the proposals of the under-developed nations for adoption of the basic principle that the sea-bed and ocean floor be used exclusively for peaceful purposes, as well as the establishment of a permanent committee in connexion with this subject, did not receive support from some of the Powers with the required technology in oceanography. However, the compromise solution reached for the establishment of an *Ad Hoc* Committee has brought fruitful results through the untiring efforts of the members

of that Committee, led by the representative of Ceylon, to whom I extend my delegation's thanks and appreciation.

66. I would be remiss in my duty were I not to make mention of the contribution of the Secretary-General and the specialized agencies who furnished important and necessary information to enhance the work of the *Ad Hoc* Committee. I realize too that the *Ad Hoc* Committee could not have accomplished its task without the unstinting efforts of the Secretariat and their devotion to duty.

67. As it is, the *Ad Hoc* Committee has been successful in indentifying major, economic, scientific, military and political problems. What should then be our next step? It is regrettable that the discussions which ensued at the conference in Rio de Janeiro did not ripen into full agreement so as to enable the *Ad Hoc* Committee to recommend a common draft of a declaration of principles on the sea-bed and ocean floor—it seems to my delegation that this would be the first practical step in translating our hopes—our dream—into a reality, pending the conclusion of a treaty regulating the administration and utilization of the sea-bed and ocean floor and the subsoil thereof, in the common interests of mankind.

68. In the discussions held in the *Ad Hoc* Committee, as well as the First Committee, at the twenty-second and the present sessions of the General Assembly, it has become abundantly clear that the concept of the peaceful uses of the sea-bed and ocean floor beyond the limits of present jurisdiction is accepted by all, and that the use of their resources should be in the interests of mankind.

69. From the humanitarian standpoint, I should like to make the following proposal for consideration of this Committee. The proposal is this:

"The General Assembly,

"Recognizing the need to safeguard the interests of mankind in the sea-bed and ocean floor, pending the adoption of a declaration of principles and/or a treaty on the sea-bed and ocean floor,

*"Solemnly calls upon all States not to claim or exercise sovereign rights over the sea-bed and ocean floor beyond the limits of national jurisdiction."*⁴

70. As you will note, this formal proposal is simple—couched in only two paragraphs—one preambular and the other operative. I wish it to convey just what it says and nothing more and I would ask the unanimous support of this Committee in its adoption.

71. We cannot overlook the fact that already large sums have and are being expended in the field of oceanography by national States with the required technology; here, I must reiterate that we are told that mineral resources do exist in the areas subjacent to the high seas; that already there appears to have been developed a method of extracting certain resources, despite their low grade content, which have nevertheless noticeably attracted the mineral industry and offer some promising possibilities for exploitation; that certain techniques used in off-shore exploration by the petroleum industry are generally applicable to great depths of water; that current marine mineral

technology is capable, under many circumstances, of locating and evaluating certain deposits in the sea; that although ocean mining operations, today, are limited, due to technological difficulties and high costs, this picture could quickly change by a foreseeable breakthrough resulting from the ever rapid advance of science and technology; that gradual depletion of high grade land deposits and changes in the world demand for minerals, based, perhaps, on political considerations, might also act as stimulants. The serious concern is that only a few industrialized countries are capable of exploiting the resources of the sea and ocean floor. I would say that our deliberations here are to be undertaken with a certain sense of urgency, and a sincere desire to preserve the resources of the sea for all the peoples of the world, that is beyond national jurisdiction. My delegation recognizes the need for more study, but we should not allow this to obscure the larger fact that the gulf between the technologically advanced nations will widen still further if these vast untapped resources of the sea-bed and ocean floor go only to enhance the fortunes of the already greatly developed countries because of the present technological gap.

72. As we deliberate in the United Nations on the crucial issues of our day and time, many outside join us in spirit with best wishes for a just and successful solution to the various problems.

73. The World Peace Through Law Center and the Commission to Study the Organization of Peace have taken interest in the subject of the sea-bed and ocean floor—these are facets of world public opinion in the interest of mankind. I should like, therefore, to quote, for what they may be worth, five principles set forth by the Commission to Study the Organization of Peace, on the question of the sea-bed and ocean floor. They are:

"1. The sea-bed and its subsoil beyond the limits of national jurisdiction constitute the common heritage of mankind, and their resources should be developed for the benefit of all peoples. All States, including the landlocked and the developing, have an equity in the resources of the area of the sea-bed reserved for mankind.

"2. No State may claim sovereignty or exclusive rights over any part of the sea-bed beyond the generally recognized limits of national jurisdiction.

"3. The sea-bed should be open to scientific investigation without discrimination, and international scientific co-operation should be encouraged by the United Nations and its specialized agencies, especially during the International Decade of Ocean Exploration.

"4. The sea-bed should be used for peaceful purposes only. In particular, no military bases and fortifications should be established on the sea-bed; no nuclear weapons and other weapons of mass destruction should be emplaced on it, implanted in it, or affixed to it, and no such weapons especially designed for use on the sea-bed should be deployed thereon. Use of military personnel or equipment for scientific research or for any other peaceful purposes should not, however, be prohibited.

"5. The orderly utilization of the resources of the sea-bed requires the establishment of an appropriate international regime under the aegis of the United Nations. This regime should include arrangements for dedicating a reasonable portion of the value of such

⁴ Subsequently circulated as document A/C.1/L.434.

resources to international community purposes, including the economic growth of the developing countries. All States seeking exploration or exploitation rights should be treated equally and without discrimination by the international regime."

74. My delegation supports the principle that scientific investigation of the sea-bed and ocean floor should be open to all without discrimination; but we are aware that the greater potential of the developed countries in this sphere would create a situation whereby the poorer countries would be at a distinct disadvantage, and we would therefore wish that the study of the sea-bed and ocean floor be internationalized and exploration encouraged by the United Nations and its specialized agencies. That is to say, I believe that the proper thing for the United Nations to do is to establish, through agreement, international jurisdiction and control over the sea-bed and ocean floor.

75. The delegation of Liberia recognizes the need for the Conference on the Eighteen-Nation Committee on Disarmament to discuss the actual and potential military uses of the sea-bed and ocean floor. However, it believes we have an opportunity to avoid semantics which might make our task more difficult—a chance to make a new approach to a difficult and complex problem—by beginning, for once, in the right way. We do not conceive the peaceful uses of the sea-bed and ocean floor to be a question of disarmament in the generally accepted meaning of that term. My delegation associates itself with the view that the various aspects of the item be treated as a whole.

76. The question of pollution was also dealt with by Mr. Pardo in his introduction of the item. We note from the *Ad Hoc* Committee's report that Iceland submitted a draft proposal on this question [see A/7230, annex III]. There is no doubt that as man's capacity to invent and to improve his world increases, so also will the need to dispose of those wastes which are a natural by-product of the technological advances. There is evidence to prove that within the developing countries the wastes from nuclear technology is causing increasing concern, and it is with a sense of urgency that my delegation recommends that some method be found to improve the neutralization of nuclear wastes other than using the sea as a disposal area. There are currents in the seas which move much farther than it is at present realized and the increasing pressure to use the seas as a means of disposal of nuclear wastes could prove to be a danger to mankind.

77. The representative of Belgium, Mr. Denorme, has adequately commented [1588th meeting] on draft resolution A/C.1/L.425 and Add.1-7, of which my delegation is a co-sponsor. At a later stage I wish to comment on the United States draft resolution [A/C.1/L.429/Rev.2].

78. May I state, in closing, that this question requires patience and a large degree of tolerance. It is quite possible that once more the forces that control the destiny of man have placed him on the threshold of a vast new world. It lies within our scope to eliminate all those scourges of hunger and of want that have plagued mankind since the beginning of time. It is now within our grasp to reach that world of plenty through the peaceful utilization of the resources of the not-so-cruel sea and all that lies therein for

the good of all. The choice is clear. Let us hope that good sense will triumph over the overriding desire to increase national prestige and power.

79. The CHAIRMAN: I should like to tell the representative of Liberia that despite the establishment of equal rights between men and women, we men still acknowledge the privilege of women to disobey or ignore the wishes or injunctions or desires of men. That is all the easier when, as in this case, we hear complimentary words from a lady addressed to a man. So I would like to thank her sincerely for her congratulations on my behalf and also on behalf of my colleagues on the Bureau.

80. Before calling on the next speaker, I wish to inform the Committee that Uruguay has become a co-sponsor of resolution A/C.1/L.429/Rev.2, which brings the number of co-sponsors of that resolution to twenty-one.

81. Mr. EGUINO (Bolivia) (*translated from Spanish*): The Bolivian delegation does not propose on this occasion to analyse, or to make lengthy observations and comments on, the valuable report [A/7230] of the *Ad Hoc* Committee, which in accordance with General Assembly resolution 2340 (XXII) of 18 December 1967 has studied the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. But we do wish to pay a well-deserved tribute to the effective preliminary work carried out by the *Ad Hoc* Committee at its three hard-working sessions, and to stress the contribution its report has made towards increasing the knowledge possessed by States Members of the Organization concerning a relatively new topic.

82. Quite a few representatives have already referred in detail and eloquently to this topic, and have touched on all the juridical, political, economic, technical, scientific, and other related aspects; and interesting proposals have been made, many crystallized in the draft resolutions before the Committee.

Mr. Galindo Pohl (El Salvador), Vice-Chairman, took the Chair.

83. My delegation merely wishes briefly to stress two ideas embodied in paragraph 88 of the report of the *Ad Hoc* Committee containing the conclusions reached. They are to be found in the series of proposals put forward at the Rio de Janeiro meeting for the formulation of draft declarations.

84. The first is to be found in section (5) of the ideas put forward for the draft statement of agreed principles; it stipulates that the exploration and use of the sea-bed and ocean floor, and the subsoil thereof, must be carried on for the benefit and in the interests of all mankind, taking into account the special needs of the developing countries. This idea, in the Bolivian delegation's view, is clearly based on the importance of promoting the greatest possible degree of international co-operation for the benefit of all States, since the question at issue is the exploitation of common property, the heritage of the international community, which indicates the inescapable need to bear in mind that these benefits and interests should be focused first and foremost on the developing countries.

85. The second idea I wish to stress is contained in paragraph (4) of the proposals for a draft Declaration of General Principles. It states that the exploration, use and exploitation of the resources of that area shall be carried on in accordance with the principles and purposes of the Charter of the United Nations and an international régime to be established with the purpose of contributing to the maintenance of international peace and security, the respect for the territorial integrity of States and the interests of the coastal States, and the promotion of economic development, particularly that of the developing countries, whether land-locked or coastal. This second idea is even more explicit, and is closely linked with the notion of development promotion. Obviously, among the developing countries the ones most interested in the benefits of such exploration and use are those that, for one reason or another, are land-locked—like Bolivia, which is land-locked by force of circumstances and deprived of an outlet to the sea—since that situation makes it still more difficult for the development process of such countries to operate.

86. In this connexion we must also underline a fundamental declaration, that made at the second session of the United Nations Conference on Trade and Development, which in resolution 11 (II) of 23 March 1968 clearly recognizes that the land-locked position of many developing countries affects the expansion of trade and economic development, and what is more, recommends that in view of the special problems of such countries this should be considered as “a factor in determining the criteria for the identification of the least developed among the developing countries”.

87. Having said this, I must point out the particular interest and importance of item 26 of the Assembly's agenda for Bolivia. It explains why the Bolivian delegation at the last session of the Assembly, in this same First Committee, supported and co-sponsored resolution 2340 (XXII) setting up the *Ad Hoc* Committee, and why we are now maintaining this position by co-sponsoring not only draft resolution A/C.1/L.425 and Add.1-7, in the certainty that the same ends justify it, but also, once the initial stage is completed, the establishment of a standing committee, the activities of which will be of interest to all the States Members of the United Nations.

88. Finally, my delegation wishes to offer the Chairman, the Vice-Chairman and the Rapporteur its congratulations on the well-deserved mark of confidence shown towards them in electing them to conduct the important debates in this First Committee of the General Assembly.

89. The CHAIRMAN (*translated from Spanish*): I thank the representative of Bolivia for his congratulations addressed to the Chairman and other officers of this Committee.

90. Mr. WILLIAMS (Sierra Leone): When the Chairman was unanimously elected to preside over our work in this Committee, we had no doubt of his ability and skill to perform that task. After his first week in office, he and the other members of the Bureau, our Vice-Chairman, Mr. Galindo Pohl, and our Rapporteur, Mr. Maxime Leopold Zollner, were able to settle our course of work to the satisfaction of differing groups. We congratulate him

and the other members of the Bureau and we promise our continued full co-operation.

91. Let me turn now to the matter before us, that is, the “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”. When the delegation of Malta in a marathon statement before this Committee [*1515th and 1516th meetings*] during the twenty-second session of the General Assembly set out certain ideas, members were unanimous in their belief that those ideas ought to be pursued and examined further. We again should like to register our appreciation to the delegation of Malta for taking such a bold and far-sighted first step.

92. The General Assembly set up the *Ad Hoc* Committee comprising all interests—the big Powers, the small Powers, the land-locked States and coastal ones, technologically sophisticated countries and developing countries—as well as other shades of interest. The endeavour of that Committee we have in a nutshell in document A/7230. If I say “in a nutshell”, it is because I am aware of the great mass of documents studied by the *Ad Hoc* Committee and the records of its three sessions.

93. We were also fortunate in having the reports of the *Ad Hoc* Committee fittingly presented rather thoroughly by its Rapporteur, Mr. Victor Gauci of Malta [*1588th meeting*]. At the same meeting draft resolution A/C.1/L.425 and Add.1-7 was presented and fully explained by Mr. Roger Denorme of Belgium, who was the Chairman of the Economic and Technical Working Group, and the Chairman of the *Ad Hoc* Committee, Mr. Hamilton Amerasinghe of Ceylon, started our discussion with an assessment of what had been achieved and with more ideas on the future work on the subject. The contribution of these three, in our opinion, not only set the stage for our work, but enabled smaller delegations to have greater insight in a shorter time.

94. I now propose to make some general comments on the question of the sea-bed and then to be a little more specific on a few points in the report of the *Ad Hoc* Committee and the resolutions now before us.

95. Great technological advances in undersea exploration have been achieved and will increase in the future. Indeed commercial exploration of offshore areas and harvesting of oil and other riches, indicate what may be possible in the near future. This raises a question which many delegations have mentioned, that is, the boundary between areas that fall under national jurisdiction and those that should fall under international control. A State might wish to claim sovereignty of an area of rich mineral deposits or other commercially valuable finds for its own use. It is my delegation's belief that States should agree at an early stage that this should not happen.

96. Closely allied with this is the fact that much of the technological superiority of the great Powers has been an offshoot of the military endeavours. Governments have been more than willing to allocate huge expenditures for strategic purposes and the development of sophisticated

military weapons. I need only cite that the atom, when split, was first used militarily before it was used for peaceful purposes, and so it has been in the advances in rocket technology. Can it not happen that a great Power—it is difficult to see how a small Power could do so—might in due course find an area on the sea-bed or ocean floor and the subsoil thereof beyond the limits of present national jurisdiction which it believes vital to its interests or defence? That has happened on land, and if the proper safeguards are not arrived at at an early date, then there would be another “gold rush” for the unexplored areas of the sea. We can all jointly and together rediscover the lost city of Atlantis and share its glory. I share the views of other delegations that the Conference of the Eighteen-Nation Committee on Disarmament should submit its proposals on this matter to the General Assembly through the standing committee proposed in draft resolution A/C.1/L.425 and Add.1-7, whose views should also be given. By this method, there would not be a duplication of work, as some delegations have indicated; rather there would be a co-ordination of work, for the proposed standing committee can better relate such a report to its other terms of reference. Again, we agree that the Antarctic Treaty⁵ of 1959 and the 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*] of 1966 could provide useful guidelines.

97. Pollution of the sea and of other waterways has increased with industrialization and the need for the disposal of waste products. Some techniques have been developed for the disposal of radio-active material, for example, but it is evident that the whole area of pollution has not been studied. We welcome the initiative of Iceland in proposing a draft resolution on the pollution of the sea, [*A/C.1/L.431 and Add.1*], which is now co-sponsored, I believe, by thirty-one countries. Again here international co-operation would be needed to prevent this just as, for example, under the World Health Organization disease and viruses have been attacked on a regional or world basis.

98. The harvest of the sea is indeed plentiful, and now that mankind has the three-fold problem of an expanding population, of a decrease in available arable land and of pollution, we should be very wary about upsetting the marine balance. Man has never been as aware as he is now of the protein needs for his health and development. As the amount of protein on land becomes insufficient for his needs, he turns increasingly to the ocean depths for protein. It is necessary to ensure that our quest for other things does not upset the marine balance or that our desire to satisfy our food and other requirements does not cause us to create the conditions for the extinction of marine life, as has happened to many land animals. I believe we must prevent that from taking place.

99. It seems to my delegation that the title of agenda 26, which we are now discussing, implies that the resources of the sea should be used in the interests of all mankind. If I may be bold to state what is obvious, I hope the Committee would forgive me. Without the oceans and the seas, which together comprise the lion's share of our planet, there would have been little or no life on earth. Without the

ocean and the sea, water, so essential for the existence of life on earth, would not appear as rain or snow or ice. This natural benefit we have shared for millions of years while progress has been made in our everyday lives. I believe that those oceans and seas so vital to our very existence should not now be the subject of division. They have been our common heritage; they have been our very sustenance of life; they should continue to be that.

100. Further, if we are to preserve that, we should all be aware that it is in our interests to do so, and that a concerted and joint effort for the preservation and utilization of the ocean and the sea-bed is basic to human survival. It might be premature to suggest that we all should participate in developing what we know is there and what is still hidden from us. In this connexion, it is my delegation's sincere hope that nations will not try to widen the gap between the rich and the poor through the development of the sea-bed and the ocean floor. We agree with those delegations that have emphasized that all countries, whether land-locked or coastal, should participate and benefit jointly. We hope that future work would ensure the acceptance of those ideas.

101. The legal problems that emanate from the use of, so to speak, virgin areas, are immense and difficult. However, there is a climate of co-operation amongst nations in the better codification of international law. Problems of the boundary between national jurisdiction and international responsibility are of first importance; so also is the formulation of an agreement covering all the principles that we might accept.

102. From what I have said, it should be clear that Sierra Leone is generally in accord with the report of the *Ad Hoc* Committee [*A/7230*] and its recommendations. While it was not possible for the thirty-five members of that *Ad Hoc* Committee to agree on all issues, certain broad guidelines were formulated. It is heartening to find that greater agreement is being arrived at during the consultations in this Committee, and it is our desire to co-operate to set the standing committee on its feet. It is also our hope that the General Assembly at this session will adopt not only resolutions appointing the standing committee, but that it will move to adopt other resolutions containing the principles which will regulate activities in this area and map out our goals for constructive international co-operation in the future.

103. The CHAIRMAN (*translated from Spanish*): I thank the representative of Sierra Leone for his kind words and congratulations addressed to the Chairman of the Committee, Mr. Piero Vinci, and the other officers.

104. Mr. RAMANI (Malaysia): As this is the first occasion that my delegation is participating in the discussions in this Committee, may I also begin by offering the Chairman and the members of the Bureau our felicitations upon their election and our good wishes for the purposeful pursuit of our joint endeavours so that the results in terms of achievement will not fall far behind our expectations.

105. The item that we are discussing, I believe, has had the most voluminous documentation collected behind it, so that one tends to get lost in the abundance of its

⁵ United Nations, *Treaty Series*, vol. 402 (1961), No. 5778.

complexities. That the resources of the sea-bed and ocean floor and the subsoil thereof should be reserved for the benefit of mankind is an ideal that none would cavil at, but that their exploration and use should be bent to maintaining international peace and security is perhaps more easily said than done. Every tension, every conflict, every debate that we see, hear and experience about us in the world today is ingeniously and inevitably made to rest on the pursuit of peace and security, so that the problem is beset with difficulties, intense and incalculable, *in limine*.

106. General Assembly resolution 2340 (XXII), which started the United Nations on this complex quest, sagely recalls in its preambular part "Mindful of the provisions and practice of the law of the sea relating to this question". It is those "provisions and practice" that I venture to think are so exceptionally difficult to discover. The legal studies prepared by the Secretariat draw pointed attention to this primary difficulty.

107. There is here one additional difficulty unnecessarily created, as I think, by the Secretariat, which I hope I shall be pardoned for mentioning. I do not intend to minimize one whit the result of their labours. One observes that though the item itself as inscribed referred to "the high seas beyond the limits of present national jurisdiction", the operative part of that resolution omitted the word "present" as qualifying national jurisdiction.

108. One assumes, however, that any objective study prepared by officials must have regard only to present realities; but, having regard to the fate of the discussions of the United Nations Conferences on the Law of the Sea held at Geneva in 1958 and 1960, respectively, one cannot help feeling that the study has conformed to the actual resolution. Perhaps, in the end it has had the beneficial effect of highlighting the lack of desirable uniformity in the law and practice in this particular area.

109. There is, as I shall endeavour to show, an urgent and peremptory need for uniformity in the practice of States in this field, and excessive reliance on the qualification of the word "present" tends to freeze existing positions taken by States in the pursuit of their individual interests, untrammelled by international considerations.

110. The four Conventions resulting from the two Geneva Conferences crystallized and gave currency to five concepts: the territorial sea, the internal waters, the contiguous zone, the continental shelf and the high seas. The basic common requirement under which the *Ad Hoc* Committee worked required the exclusion of the limits of national jurisdiction from its consideration in the context of the resolution. The Committee's area of competence was, therefore, all parts of the sea not included in the territorial sea or the internal waters. Disregarding the latter, it would appear patent that the determination of the configuration and area of the territorial sea is the first step in the ascertainment of the area of the high seas, over the resources of which or the peaceful uses of which mankind at large is hopefully claimed to be the beneficiary.

111. We recall that the breadth of the territorial sea is in national practice as varied as are national ambitions, and extends from three nautical miles through many varying multiples of it to as much as 240 nautical miles. The

Geneva Conferences of 1958 and 1960 failed to find a consensus of international acceptance regulating the breadth of the territorial sea. It does not require much intelligence to recognize that any plans and programmes for the reservation of the sea-bed and the ocean floor and their economic exploitation for the benefit of mankind, institutionalized in the United Nations organs, would, I venture to say, far from leading to uniformity in the international concept of the territorial sea, be more likely to inspire and encourage national ambitions and the desire in the littoral States to fence off wider and wider areas of the belt of sea along their coasts. That is too obvious for any further expatiation or explanatory words of mine.

112. While paying its highest tribute to the representative of Malta on the collection, collation and presentation of pioneering material in this field, my delegation, in common with every other, is by the same token apprehensive that he has opened the door to the littoral States' indulging in the pursuit of the greatest good not to the greatest number but to themselves. His exhaustive—I had almost said exhausting—statement in this Committee at the twenty-second session [*1515th and 1516th meetings*] has opened wide another Pandora's box of international rivalry in which, in common with the pattern of international development, the rich nations will grow richer and the poor nations poorer—and among the latter I include those victims of geography—the land-locked States.

113. There is therefore to be seen in these elaborate discussions an element of unreality, because we do not know the precise particulars of the depth and area of what we are industriously talking about as "the sea-bed and the ocean floor". It can never achieve that geographical reality unless and until we, all the Members of the United Nations, take our courage in both hands and make an effective attempt to cordon off the territorial sea within an internationally uniform width.

114. I am acutely conscious of the limitations of international law in governing, or even persuasively regulating, the conduct of States. Search as one will among the accepted sources of international law, one will search in vain for any set propositions. There is no agreed principle except this: that each State ought to have respect for the dignity and independence and regard for the needs and requirements of other States. Even for that basic principle there is no common ground. Each State applies the principle in its own way and, as the law relating to the territorial sea, more than any other, demonstrates, each will apply it differently. So long as one's own domestic law can be depended upon to declare with conviction what is good for itself, and that indeed is the essence of national sovereignty, the pursuit of uniformity in an area which necessarily infringes the principles and practice of international law is very much the pursuit of a mirage.

115. If I may digress for a moment I should like to mention a matter of some importance to my own country. A classic text writer on the law of the sea has drawn attention to the fact that this area of international law is characterized by an embarrassing abundance of contradictory opinions, an almost complete absence of case law and a varying and conflicting practice by States on the subject. However, even he could hardly have contemplated

a situation in which a neighbouring State across the sea, whatever its geographical configuration and whatever its special problems, could advance a claim to a theoretical acquisition of territory beyond its international borders, as declared in its own constitution, by the mere legislative act of reserving to itself the premature exercise of an inchoate right of defining the base lines of its territorial sea by prescribing geographical locations on the seaward side of the territory which it hopes to acquire. That has been attempted and it has been referred to here—which, incidentally, is my sole excuse for digressing. If pursued to its logical conclusion it would produce a startling reversal of the doctrine declaring a belt of sea as appertaining to the territory it surrounds and over which that territory may exercise sovereignty.

116. That would be inventing the new doctrine, even in this ambiguous area, permitting an attempt to appropriate a territory under obvious foreign sovereignty by declaring ownership of the belt of sea surrounding it. I am only concerned here to draw attention to a political legerdemain, not to its legal validity, which is just nil.

117. That is perhaps the *reductio ad absurdum* of the concept of territorial waters, and as far as my Government is concerned it wishes to place on the record of the United Nations that States undertaking to acquire territory and have it accepted as an international fact by international persons, without which no acquisition is complete, should do much more than draw a map to its own satisfaction in the pursuit of its own illegitimate ambitions and deposit it for reference in any office of the United Nations Secretariat. My Government's position on this strange claim has been stated, restated and stated again during the general debate recently concluded [1696th, 1698th and 1707th plenary meetings], and there my Government will let it rest.

118. To return to my main argument: having said all that and drawn attention to all those difficulties, I must say I do not despair. I may add, we should not despair. The United Nations should once again make another attempt to achieve that uniformity in the width of the territorial sea. We are aware of the several instances in which deference to United Nations programmes, on the grounds that more States may enjoy the benefits, has moderated the claims of individual States so as to permit the participation of all States in the production of wealth for all humanity, subordinating the selfish urges of individual States. That, I venture to think, is our primary need. If one fears to catch a snake by its head, one does not play with it by catching it by its tail.

119. The *Ad Hoc* Committee's report—which has received well-deserved praise all round—is not only a compendium of the complexities to which I have referred; it illustrates also, as nothing else that I can say will, the art of linguistic pragmatism which in the field of international law proscribes the offensive practice of using excessively clear language, lest the attempt, however necessary, of finding a compromise between antagonistic positions should create more antagonisms.

120. The *Ad Hoc* Committee and its Chairman cannot expect continuously to receive bouquets of roses without their thorns. I offer mine; and I hope I may be permitted to

draw attention to a few of the thorns. The draft declaration of general principles [A/7230, para. 88], I am afraid, is too general to permit of its applicability to particular cases; and the draft statement of agreed principles [ibid.] is neither agreed nor capable of practical agreement. One can roller-skate around obstacles by saying, as the agreed statement says:

“(2) Taking into account relevant dispositions of international law, there should be agreed a precise boundary for this area.”

That only leaves the obstacles exactly where they are. With all deference, I permit myself the question: is that not where one should really begin?

121. That is also the reason why, while my delegation supports the general principles contained in the draft resolution document A/C.1/L.425 and Add.1-7, sponsored by a large cross-section of this Committee's membership, it feels a certain amount of diffidence in lending its wholehearted support to the language in which the operative parts are expressed. For instance, paragraph 2 which instructs the Committee “to study the elaboration of a body of rules . . .” is something which in terms of language my delegation finds difficulty in understanding. The foundation-stone is still to be laid, but we are proceeding immediately to discuss the superstructure. We have been assured by the representative of Malta [1589th meeting] that, in etymological terms, the phrase means and is intended to mean something other than what it plainly conveys, at any rate to my limited intelligence. However, I am conscious of the fact that he is the expert on this subject, and I am willing to defer to him. If he is satisfied with this language, I am. At least I have warned against a future semantic debate in an area where, in all conscience, we have complexities enough.

122. Paragraph 3 of the draft resolution would request the Committee “to submit to the General Assembly reports on its activities at each subsequent session”. It is heartening to note that the draft resolution does not limit the time and hopefully conforms to the United Nations tradition of interminable discussions over a long period. Having regard to the complexities to which I have referred more than once, my delegation will also support the proposal of the United States [A/C.1/L.429/Rev.2] to declare the 1970s as the decade devoted to development—economic, political and military—in this still uncharted area of international law and practice that will serve the cause of mankind.

123. The CHAIRMAN (*translated from Spanish*): I thank the representative of Malaysia for his congratulations addressed to the Chairman and other officers of the Committee.

124. Mr. FONSECA (Colombia) (*translated from Spanish*): In taking part in the debate on the item: “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”, my delegation is anxious to do so in a spirit of open-mindedness towards the different views expressed so far in this room, and in the

desire to help to find constructive solutions that can enlist the greatest possible measure of acceptance.

125. From the moment last year when this item was included in the agenda of the twenty-second session of the General Assembly, the Colombian delegation has taken a keen interest in the debate on it and has expressed its determination to co-operate in the efforts to be made by the United Nations as an effective contribution towards improving the well-being of the peoples of the world.

126. For the current twenty-third session of the General Assembly we already have before us the report of the *Ad Hoc* Committee [A/7230] prepared in accordance with the provisions of General Assembly resolution 2340 (XXII), and we have also had occasion to hear sound arguments expressed by the delegations that have spoken before us.

127. I should like to make a few comments on behalf of my delegation; but first I wish to express our warm congratulations to the Chairman of the *Ad Hoc* Committee, Mr. Amerasinghe of Ceylon, to the Chairman of the Legal Working Group, Mr. Benites of Ecuador, and to the Chairman of the Economic and Technical Working Group, Mr. Denorme of Belgium, on their excellent work in directing and steering the *Ad Hoc* Committee to the point of preparing a document which, without pretending to be exhaustive, embodies the results of significant experiences and studies emanating from the Secretary-General of the United Nations, the Intergovernmental Oceanographic Commission of UNESCO, the International Atomic Energy Agency, the Inter-Governmental Maritime Consultative Organization, the World Meteorological Organization, and other bodies concerned with all matters relating to the sea-bed and the ocean floor. The report also takes account of current international agreements on these matters and describes clearly and succinctly their scientific, technical, economic and juridical aspects, while indicating practical ways and means of exploring and utilizing the sea-bed and its resources. For all these reasons, the *Ad Hoc* Committee's report seems to me to be a valuable piece of work which will enable objectively the very important item with which we are now concerned.

128. The first impression we get from reading the report is that we are at the beginning in relation to this problem. We have ahead of us a long road of patient negotiation, which we must travel without haste but with a firm determination to do what we set out to do. Only the most single-minded, loyal and sincere resolve on the part of all States to co-operate can hope to crystallize for the benefit of mankind the lofty aims set forth in the Maltese delegation's proposal.

129. Colombia solidly supports the proposed expansion of the bases of the Intergovernmental Oceanographic Commission [E/4487 and Corr.1-6, para. 256] to enable it to co-ordinate an expanded programme of oceanographic research, as part of an international decade, with the co-operation of the other international agencies and the participation of all countries. With regard to the United States proposal for an International Decade of Ocean Exploration [A/7230, annex III], the offer made to the developing countries enabling them to acquire training in marine technology and science and to obtain assistance

with a view to using the resources of the sea-bed within their national jurisdictions, strikes us as extremely interesting.

130. In the course of the debate we have frequently heard delegations assert that scientific research does not automatically create the right to exploit the sea-bed and its subsoil beyond the limits of national jurisdiction. We fully share this view, for otherwise the developing countries would be placed at a great disadvantage.

131. The importance of making a study of the economic complications of the exploitation of the mineral resources of the sea-bed and its subsoil, particularly with reference to international trade and prices, has likewise been pointed out. In this connexion, we cannot but express concern that the consequences may adversely affect the economies of many of the developing countries.

132. The primary purpose of the Maltese proposal is to buttress in some measure the shaky economies of these developing countries, and hence it is desirable that the study should proceed, with due regard for the interests of the countries that depend on exports of mineral products and could at a given moment find themselves affected by the exploitation of the minerals below the ocean floor.

133. We are gratified to note that the unanimous consensus of opinion in this First Committee, including that of the great Powers, gives wide support to the premise that the sea-bed and ocean floor beyond the limits of national jurisdiction must be used exclusively for peaceful purposes. We also regard as sound the view that certain aspects of the demilitarization of the area in question to curb the spread of the arms race to the ocean floor come within the competence of the Eighteen-Nation Committee on Disarmament; and it seems to us desirable that the latter should try to conclude an international agreement by which all parties would undertake not to install weapons of mass destruction on the ocean floor.

134. My delegation also considers, however, that we must not deprive this United Nations forum of the opportunity of lending its invaluable help in the awkward problem of finding constructive solutions calculated to strengthen international peace and security.

135. We observe with great satisfaction the healthy signs of agreement as to the advisability of laying down general principles such as, in our judgement, would represent the minimum acceptable progress during this twenty-third session of the General Assembly.

136. Again, we regard as most necessary the measures required for the conservation of the living resources of the sea, in order to maintain the ecological balance of the marine environment and preserve the vast resources which are the common heritage of mankind. These incalculable resources are destined to be enjoyed, technically exploited and equitably distributed, by present and future generations. Colombia will vote in favour of the draft resolution sponsored by Iceland [A/C.1/L.431 and Add.1] and aimed at minimizing the danger of pollution of the sea that could result from the exploitation and utilization of the sea-bed and ocean floor and the subsoil thereof. We likewise

endorse the view that damage caused by pollution of the sea should involve the responsibility of those who cause it.

137. Also of special interest are the points in the report relating to present status and foreseeable advances in the technology, exploration, evaluation and exploitation of the resources of the sea-bed, and the prospect of using them in the future in accordance with their profitability and the incentives and safeguards they offer for investors. In this connexion, we incline towards an optimistic but pragmatic criterion with regard to any technical progress that may be achieved in the near future to make man the master of the sea-bed. To our way of thinking, the highly industrialized countries, and especially those with market economies, should not lay undue stress on purely utilitarian and short-term incentives. We fully appreciate the concept of return on investments, but we feel that in a project such as the present one, with vast possibilities for mankind and designed to stimulate the development of the more backward areas of the world, investment too should be stimulated by a broad outlook envisaging the gradual development of the less-privileged peoples, who need ample time before the technical training they acquire will enable them to reap the fruits of such investments. It would not be right for future exploitation of the ocean floor to have the effect of widening still further the undesirable gap that today divides the world into a small group of nations growing richer every day, and a large number of countries growing daily poorer. The suggestion that multinational undertakings be set up to increase international co-operation in the exploitation of the resources of the sea would seem to deserve study and consideration.

138. We have been able to appreciate, over the short space of one year, the great complexity of the legal, scientific, economic and political problems arising out of the study of the item now before us.

139. It is natural enough that a country like Colombia, with an extensive coastline on both the Pacific and the Atlantic, should attach the greatest importance to the item under consideration. At the same time we recognize the interest it has for all countries, especially those that are land-locked. In our opinion, no country should refrain from co-operating in this great enterprise, and for that reason Colombia decided to co-sponsor draft resolution A/C.1/L.425 and Add.1-7, submitted by Belgium and other countries, and proposing the establishment of a standing committee to carry on the studies in progress and make recommendations to the General Assembly on all these questions at its next session.

140. The Colombian delegation largely sympathizes with many of the misgivings expressed by Latin American delegations about the legal points that arise in connexion with the need for a precise definition of national jurisdiction over the continental shelf, inasmuch as the item before us relates to the sea-bed and ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of that jurisdiction.

141. At the last session of the Assembly my delegation recommended that the study of this topic be carried out very carefully [*1528th meeting, para. 10*] since no country denies the great importance of these new aspects of the law of the sea and the desirability of establishing an effective international régime over the sea-bed and the ocean floor in the areas not included in the 1958 Geneva Conventions.

142. In this connexion we believe that the proposal submitted by Uruguay and other delegations [*1593rd meeting, para. 82*] on the convening of a third conference on the law of the sea is worth considering. But we have an open mind on this question, and we do not believe that the legal difficulties arising from the need for a definition of national jurisdiction over the sea-bed are insurmountable.

143. We must never lose sight of the fact that the area beyond the limits of this jurisdiction comprises as we have been told, rather more than three quarters of the surface of the earth. The area is so vast that it has actually been suggested that an appropriate name for our planet, looked at from the vantage-point of an imaginary inhabitant of outer space, would be "Sea" rather than "Earth".

144. It is a constant source of amazement that because of the rapid progress of science and technology, the study of the use of outer space has gone ahead of the study of the use of the sea-bed and ocean floor.

145. In his ambitious star-gazing, man will have to take account of his true limitations and begin to recognize the urgent need to mobilize his resources and his scientific knowledge in the common interests of all mankind.

146. The CHAIRMAN (*translated from Spanish*): I have to inform the Committee that Turkey has become a sponsor of draft resolution A/C.1/L.431 and Add.1 on the prevention and control of marine pollution. Thus the number of sponsors of the draft is now thirty-two.

The meeting rose at 12.55 p.m.