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Chairman: Mr. Agha SHAHI (Pakistan).

AGENDA ITEM 32

Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (continued) (A/7622 and Corr.1, A/C.1/L.473, L.474 and Add.1 and L.475)

1. Mr. RONAN (Ireland): Two years ago the timely and brilliant initiative of the delegation of Malta¹ in raising the question of the reservation for peaceful purposes of the sea-bed and the ocean floor beyond the limits of national jurisdiction and the use of their resources in the interests of mankind opened a new horizon for the international community. Expanding technology in the marine environment had indicated that the time had come to plan for the decades ahead to ensure that sea-bed and ocean floor exploration and exploitation would proceed in an orderly and rational manner taking into account the common interests of the world community and the legitimate long-range interests of all States, including coastal States to which the whole question is of special concern. It was generally realized and rightly accepted that the subject was one of considerable complexity with important international legal, economic, scientific and technical, politico-military and social implications and problems which would take time to be identified and solved.

2. The *Ad Hoc* Committee set up by General Assembly resolution 2340 (XXII) to study the peaceful uses of the

sea-bed and ocean floor beyond the limits of national jurisdiction performed a very useful task in the short time at its disposal and its report² together with the supporting papers produced by the Secretary-General and his staff represent an indispensable preliminary source of reference and a point of departure for future studies and work in this field. The report [A/7622 and Corr.1] of the permanent Sea-Bed Committee, which continued the work of the *Ad Hoc* Committee—the report which is the basis for our discussion on this item at the present session of the General Assembly—also represents a valuable contribution to future progress on this highly complex question. In these circumstances my delegation is by no means discouraged that more general agreement could not be achieved by the Committee in the time available to it or that, as has been pointed out in Part One, paragraph 15, of its report, in spite of intensive discussions, the Committee did not find it possible to arrive at the stage of making specific recommendations on the substantive matters brought before it.

3. Given the complexities of this new and vast domain, my delegation, which is not a member of the Sea-Bed Committee, would like to offer our congratulations to the Chairman and Bureau of the Committee and those of its two Sub-Committees on the progress they achieved in producing another remarkable report which clearly sets out the many and, it must be said, frequently divergent views expressed in the course of their intensive deliberations. A special word of thanks and congratulations is due to the Secretary-General and his staff for their arduous efforts in producing the necessary background papers on very difficult aspects of the whole question, papers which were so vital in facilitating the work of the Committee.

4. It is quite clear that the Committee must be asked to continue its work and to sustain the momentum it has achieved in narrowing the existing differences on the legal aspects, in promoting a long-term programme of sea-bed and ocean floor exploration and exploitation, and in studying the question of appropriate international machinery. The Committee's view in Part One, paragraph 20, of its report, that it be allowed more time to carry out its work under the terms of reference given to it by the Assembly and its suggestion that it should be allotted two sessions of four weeks each during 1970 with a short preliminary meeting to discuss procedural matters before the main sessions, would appear to be reasonable and should be approved. Having regard to the foregoing, my delegation will be glad to support the draft resolution in document A/C.1/L.474 and Add.1 submitted by the delegation of Belgium, which requests the Committee to continue its work in accordance with the mandate entrusted to it by the General Assembly.

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

² Ibid., Twenty-third Session, document A/7230.

5. My delegation does not propose to comment in great detail at this session on the work to date of the Sea-Bed Committee and we feel that it might be more appropriate to reserve our comments until the Committee makes some specific recommendations on substantive matters at a further stage. There are, however, some points, either arising from the Committee's report or relevant to its work, on which my delegation would wish to comment.

6. We have noted the continued discussions in the Committee on the task of achieving common agreement on the question of general legal principles and norms relating to the special nature of the area involved and the synthesis contained at the end of the report of the Legal Sub-Committee [*ibid.*, Part Two, paras. 83-87] reflecting the measure of progress achieved in the sustained attempt to arrive at a formulation of principles. Also of special interest is the set of draft general principles contained in the statement made in this Committee on 31 October [1673rd meeting, paras. 44-55] by the Chairman of the Sea-Bed Committee which could well form the basis for agreement on this aspect of the question. Understandably, progress has been slow and cautious as we are dealing with a new concept of great complexity in international relations and the decisions to be taken could regulate an important area of human activity for a long time to come. A further difficulty is that of drafting legal principles in clear legal terms for new political concepts upon which international agreement has not yet been reached.

7. My delegation found it somewhat disappointing to note that no agreement was reached in the Sea-Bed Committee on any principle relating to the legitimate rights and interests of coastal States but, on the other hand, the set of draft principles outlined by Mr. Amerasinghe did contain a clause covering the rights and interests of coastal States. My delegation would find it difficult to subscribe to any general set of principles which did not contain such a clause and which would clearly be interpreted as safeguarding the rights of coastal States under the 1958 Geneva Convention on the Continental Shelf³ or other rules of international law in regard to the exploration and exploitation of the natural resources of the area of the continental shelf over which coastal States have jurisdiction as defined in article 1 of the Convention.

8. Of direct and immediate interest to my Government in this matter is the question of the definition of where national jurisdiction should end and where the area beyond the limits of national jurisdiction, which would be subject to an international régime, should begin. My delegation would not have major difficulties with proposals for agreements on the peaceful or non-military use of the sea-bed, or with any declaration that the area beyond national jurisdictions is the common heritage of mankind, and so on, or with proposals or protocols relating to pollution of any kind, but the determination of the exact spot where our right to explore and exploit ends is of immense importance.

9. From the legal point of view, the right of coastal States to exercise jurisdiction over areas off the continental shelf is far from clear. On the one hand, there is much to be said

for the formula of the Geneva Convention on the Continental Shelf because the elastic clause it contains is very much in the interests of coastal States in general and takes account of technological advances in submarine exploration and exploitation. On the other hand, it has the disadvantage that it would enable small island States and islands which are dependencies of other States to claim vast areas of ocean floor.

10. The phrase "adjacent to the coast" appearing in article 1 of the Geneva Convention appears to be rather vital in the context of jurisdiction and has been the subject of much comment and interpretation. But, in a relative sense, who is to say what "adjacent" means here? In the context of States bordering the ocean, "adjacent" might mean something different to an area where several States might have interests. In other words, an international tribunal might well consider the entitlement of ocean States to subject wider areas to their jurisdiction as being better founded than if the rights of other States were also involved.

11. It has also been suggested from time to time that the Geneva Convention was not concerned with, and did not properly advert to, the areas beyond 200 metres deep because these areas did not appear at that time to be capable of exploitation. From what we know of the working papers of the Conference, that is not correct. In fact, the International Law Commission articles⁴ on which the Conventions were based dealt specifically with that problem.

12. In any event, for obvious reasons it would be in the urgent interests of all to have an acceptable formula for where the boundary of national jurisdiction should be, or rather how it should be defined. In that connexion it is relevant to recall the statement of Ambassador Pardo of Malta on 20 March 1969 in the Legal Sub-Committee [A/AC.138/SC.1/SR.7]:

"It was unrealistic to limit that belt"—that is, from the coasts of States—"to a width of forty to fifty miles, corresponding to the average width of the continental shelf, for some States had a fifty-mile-wide continental shelf, while that of others was 200 miles wide or more. Bearing in mind technological capabilities, national legislation and claims of States, it would appear that the belt should extend at least 100 miles from the coast and that, at least provisionally, it should be twice that width if agreement was to be reached."

13. That shows a realistic approach to the subject which takes account of the legitimate rights of coastal States and technological advances. International law is, or at any rate should be, much more conscious of realities and less likely to depend on legalities than is the case in domestic law. It is now accepted that technology for exploration for hydrocarbons has advanced to the point where drilling at depths in excess of 1,000 feet is becoming feasible, and we understand that many States, acting in accordance with national legislation passed in good faith since the 1958 Geneva Convention, have issued exploratory permits for

³ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

⁴ See *Official Records of the General Assembly, Eleventh Session, Supplement No. 9*.

areas up to and beyond 200 miles from their shores and in waters as deep as 6,000 feet. It is also a reality that, for the carrying out of successful exploration and exploitation operations, rights over large tracts of the sea-bed and ocean floor are required. Neither science nor commerce will stand still while nations negotiate changes in international law. Therefore, my delegation would agree with what the representative of Malta said in his statement in this Committee on 3 November—namely:

“On the other hand, a simple invitation to Member States not to extend their sovereignty over the sea-bed beyond national jurisdiction, or not to exploit its resources, would have no meaning in the present state of international law, where any coastal State can attempt to make a legal case for extending its jurisdiction over the sea-bed, perhaps even to the median lines between continents.” [1675th meeting, para. 78.]

14. While the need to arrive at a clear legal determination of the limits of the sea-bed area subject to national jurisdiction is acknowledged, it is also acknowledged that the question is complex and raises delicate political issues. It is rather beyond the mandate of the Sea-Bed Committee, and even outside the powers of the General Assembly, to determine the extent of the jurisdiction of States in the present context. That could be achieved only on the basis of intensive studies and negotiations leading to the convening of an international conference to review the 1958 Convention on the Continental Shelf and it would be only realistic to assume that such a conference could hardly be held for some years to come.

15. Therefore, my delegation has studied with interest the draft resolution in document A/C.1/L.473 submitted by the delegation of Malta, which would request the Secretary-General to ascertain the views of Member States on the extent of the area of the sea-bed and ocean floor lying beyond national jurisdiction and on the feasibility of convening at an early date a conference to review the 1958 Geneva Convention. We have noted the reasons adduced by Malta for this proposal and we regard them as being realistic and as representing a practical approach to a difficult and complex problem. Accordingly, my delegation would in principle be prepared to support the Maltese draft resolution if it found favour with a sufficient number of other delegations. My delegation is not as yet in a position to comment on the amendments to the Maltese draft proposed by Jamaica and Trinidad and Tobago in document A/C.1/L.475.

16. I now turn briefly to paragraphs 40 to 47 of the report of the Legal Sub-Committee, which deal with the reservation of the sea-bed and the ocean floor exclusively for peaceful purposes. Extension of military and strategic activities to the sea-bed and ocean floor would literally add a new dimension to the arms race and generate new tensions which would greatly increase the danger of a global war, as well as interfere with the use of the sea-bed for peaceful purposes. It is therefore necessary to develop without delay an international commitment that the sea-bed and the ocean floor will not be used for military purposes. The Conference of the Committee on Disarmament at Geneva is seized of this whole question and the Sea-Bed Committee also has a competence but theirs is

confined to the area beyond the limits of national jurisdiction. The Soviet Union and the United States have negotiated at Geneva a draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and ocean floor, the detailed discussion of which will be more relevant on the report of the Committee on Disarmament than under this item.

17. Because of the significant strategic advantages which would be enjoyed by the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and ocean floor, my delegation welcomes the draft treaty but will reserve any further comment we may have to make thereon for the disarmament debate. We would only wish to point out that the draft treaty provides that the area beyond which emplacements shall not be made shall be the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone.⁵ We feel that because of the use of that concept, which may call for some elucidation, on the competence of the Sea-Bed Committee in regard to the area beyond the limits of national jurisdiction, the Sea-Bed Committee might be afforded an opportunity, if it so desired, of examining the draft treaty and letting this Committee have the benefit of its views. That procedure would also be in the interests of co-ordination and harmonization of effort.

18. My delegation is glad to note the attention given by the two Sub-Committees to the question of pollution and other hazards, as well as obligations and liability of States in the exploration, use and exploitation of the sea-bed and the ocean floor. The increasing dangers of pollution of the sea by dumping of waste material and accidents involving large oil tankers have been accentuated, as is well known, by increasing activities in relation to exploration and exploitation of the sea-bed, so that the whole problem has become one of great concern, particularly to coastal States. Better safeguards are required against the dangers of pollution and for the conservation and protection of the living resources of the marine environment so that beaches will not be contaminated nor fishing industries endangered. The valuable initiative of the delegation of Iceland on this question⁶ at the twenty-third session of the General Assembly had the full support and co-sponsorship of my delegation and we are glad to note that both the Legal Sub-Committee and the Chairman of the Sea-Bed Committee include a draft principle on pollution among the general principles which they suggest for adoption.

19. As the representative of Iceland mentioned in his statement this morning [1678th meeting] the need for further international action on the whole question of marine pollution including the sea-bed aspects received further endorsement in a resolution [A.176 (VI)] again introduced by Iceland, which has just been unanimously adopted by the Inter-Governmental Maritime Consultative Organization (IMCO). Having taken note of the Secretary-General's report [A/AC.138/13] on the inter-Secretariat meeting and the report of the joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP), the

⁵ United Nations, *Treaty Series*, vol. 516 (1964), No. 7477.

⁶ See *Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda item 26, document A/7477, para. 11.

resolution invited the IMCO Maritime Safety Committee to proceed with its work on marine pollution with all possible speed and decided to convene in 1973 an international conference on marine pollution for the purpose of preparing a suitable international agreement for placing of restraints on the contamination of the sea, land and air by ships, vessels and other equipment operating in the marine environment. Member States were invited to recognize the need for urgency in applying effective control measures for preventing pollution of the marine environment from ships, vessels and other equipment and to submit the necessary information for this purpose. This is a very welcome development which will, no doubt, formally be brought to the attention of the Sea-Bed Committee and the General Assembly at an appropriate time.

20. My delegation would stress that the problem of the disposal of radioactive, chemical and biological wastes at sea needs particular attention and that the International Atomic Energy Agency (IAEA) has a special responsibility in this regard. Because of the concern felt by my Government at the dangers involved, it has submitted a proposal in a European organization that there should be an annual review of the amounts of radioactive waste in Europe requiring disposal and of techniques for safeguarding coastal populations from any hazards which might arise from the dumping of radioactive waste into the seas and the oceans.

21. The whole question of marine pollution is one which requires much further study in all its many aspects and we are glad to note that the programme now evolving is designed to cover virtually the full range of the problems involved. We hope that the appropriate international bodies will continue to pursue with vigour their work on these urgent problems and that new international agreements will be adopted to cover existing gaps, including the obligations and liability of States.

22. Of special interest has been the Secretary-General's study of appropriate international machinery [*A/7622 and Corr.1, annex II*] and its consideration by the Economic and Technical Sub-Committee. The study is a remarkably original document in a very new field in international organization. Judging from the views expressed in the Sub-Committee and in this Committee, it is clear that we are still at a very preliminary stage in our consideration of this complex question and that a great deal of thought and discussion on the issues and alternatives involved will yet be required. The suggestion of the Sea-Bed Committee in Part One, paragraph 19, of its report that the Secretary-General be requested to continue the study in depth, with emphasis on certain specified areas, seem entirely appropriate.

23. The only comment we would venture to make at this stage is that the question of an international régime is closely connected with the question of the definition of the area over which coastal States exercise sovereign rights in international law for exploration and exploitation of the sea-bed and the ocean floor. Until the boundary of national jurisdiction has been settled, decisions on the establishment of appropriate international machinery would not appear to be a high priority. Of course, there is plenty of scope for further preliminary discussion on this question but with the limited amount of basic information which is available on

the exploration of the sea-bed and ocean floor, whether in regard to geological structures or information of an engineering or technological nature, it is doubtful if all the problems involved are yet sufficiently well known for decisions to be taken on, for example, the nature of the international machinery which should take over responsibility for the sea-bed and the ocean floor beyond the limits of national jurisdiction.

24. Another aspect requiring further careful study would be an assessment of the funds likely to be available for the benefit of mankind from fees levied internationally for sea-bed exploration and exploitation after capital and administrative expenses have been paid. My delegation would, therefore, agree with the view expressed in paragraph 158 of the report of the Economic and Technical Sub-Committee that final decisions on the question of establishing international machinery would have to wait until it is possible to view a solution to a number of serious problems which are involved, including those to which I have just referred.

25. Finally, my delegation would like to emphasize the importance of international scientific and technical co-operation in the orderly exploration and exploitation of the sea-bed and ocean floor, which could be of great benefit to all peoples, including those who are still far from having the technical and financial resources to take advantage of their rights. A great opportunity has been opened for all by the objectives of this item. There are problems to be faced which become more urgent daily due to rapid advances in ocean science and technology. With patience and understanding these problems can be overcome. The Sea-Bed Committee is in a key position to lay the foundations for systematic progress and to point the way to new horizons of international co-operation and peace through equitable utilization of the vast resources of the ocean beds in the interests of mankind as a whole. Let us "take the current when it serves or lose our ventures".

26. The CHAIRMAN: I should like to express my gratitude to the representative of Ireland for being ready to speak as the first speaker even before we had more than a very few representatives present.

27. Mr. ZEGERS (Chile) (*translated from Spanish*): My delegation would like first of all to associate itself with the expressions of fellow-feeling towards the peoples of Yugoslavia and Tunisia on the occasion of the natural disasters that have recently overtaken them. My country knows by bitter experience the problems caused by nature's upheavals, and hence our very deepest sympathy goes out to these fellow-sufferers.

28. We would like at the same time to express our deep condolences at the death of Dato Mohamed Ismail bin Mohamed Yusof of Malaysia and Mr. Akili B. C. Danieli of Tanzania. I had the privilege of sharing the Vice-Chairmanship of the Sea-Bed Committee with Mr. Danieli, and his industry and talents were decisive in the deliberations of the former *Ad Hoc* Committee and in the understanding brought about among the developing countries.

29. The First Committee is discussing the work it entrusted last year to the Committee on the Peaceful Uses of

the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction—which incidentally it helped to set up. My delegation feels that the work described in the report [A/7622 and Corr.1] is constructive, as has been unanimously recognized in the current debate.

30. Admittedly, in regard to the fundamental task entrusted to the Sea-Bed Committee in resolution 2467 (XXIII), namely that of preparing a legal régime, no definite formulation has been forthcoming; but the progress made in that direction has been substantial. As far as the study of the economic and technical requirements that such a régime must meet are concerned, the report gives extremely valuable information on this virtually unknown sphere, which has rightly been called “a new frontier for mankind”.

31. Of decisive importance in this work has been the invariably sound and dynamic guidance of the Chairman of the Committee, the representative of Ceylon, Mr. Hamilton Shirley Amerasinghe. Equally important was the work of the Chairman of the Legal Sub-Committee, Mr. Reynaldo Galindo Pohl of El Salvador, following the brilliant efforts of his predecessor, Mr. Leopoldo Benites, and that of the Chairman of the Economic and Technical Sub-Committee, Mr. Roger Denorme. We shall soon be losing Mr. Denorme's collaboration because of his promotion to a high diplomatic post; and I would like to pay a special and well-earned tribute to him for his exemplary faith, dedication, talent and energy in our joint labours. The Chairmen were very ably assisted by the other officers and by the Secretariat, whose efficient and hard-working qualities I would like to exemplify in the person of Mr. David Hall, the Secretary of the Committee.

32. I propose first of all to discuss the preparation of a legal régime for the sea-bed beyond the limits of national jurisdiction, for as has been said, that is the fundamental task entrusted to the Committee in the resolution embodying its terms of reference, and it is precisely the formulation of principles bringing that régime into being that has been the basic concern of the vast majority of delegations, both in the Sea-Bed Committee proper and in the *Ad Hoc* Committee.

33. On that essential point, the summary contained in paragraphs 83 *et seq.* of the report of the Legal Sub-Committee is very revealing. There was general agreement on a number of important points, but there was not the same identity of views on certain even more vital features of the subject. Nevertheless, outlining the hypothetical elements of a régime, bringing some clarity to the problem, and identifying the main areas of agreement and disagreement—all this represents very valuable progress as pinpointing exactly where the political will exists which is essential if the determination of the international community that these resources shall be used in the interests of all mankind is to materialize, and where that political will is lacking. Of basic importance in that work were the informal consultations held for over a month, in which my delegation took an active part. The Drafting Group presided over by the delegation of Brazil submitted a report which is annexed to the document under discussion.

34. The identification of the content of such a régime and the existence of actual formulations have demonstrated the

relationship between them and the importance, referred to in paragraph 15 of the report, that a declaration of principles should be “comprehensive and well-balanced” if it is to provide an effective basis for the future régime.

35. No-one can doubt that in dealing with this topic we are evolving rules of law, that we are working to bring order into a new field, a sphere as yet unexplored; and for that reason my delegation considers it fundamentally important to define clearly what is the kernel of the task before us. It is surely the reservation exclusively for peaceful purposes of the sea-bed and ocean floor and the use of their resources for the benefit of mankind. The problem is therefore to define ways and means by which the vast resources of the sea-bed beyond national jurisdiction can be exploited for the benefit of all mankind, bearing in mind particularly the interests and needs of the developing countries.

36. Several representatives who have preceded me have explained the concept of the common heritage of mankind, which for most of the members of this Committee defines the legal status of the sea-bed. This concept, as the delegation of Brazil, with its usual skill, penetratingly explained [1674th meeting], embraces two elements, one negative—non-appropriation—the other positive—universal participation in the resources of the sea-bed beyond the limits of national jurisdiction. In other words, the concept of a common heritage would give legal shape to the political will expressed by the international community through General Assembly resolutions 2340 (XXII) and 2467 (XXIII) and ensure that all mankind will benefit from the use of those resources.

37. The concept of a common heritage not only expresses the legal status of the area with which we are concerned; it also constitutes the basis of the legal régime to be applied in the future. From another angle it reflects a political will which is the very crux of the matter. The reason for the anxiety to steer clear of the classic concepts of *res nullius* and *res communis* is that they are characteristic of international egotism—the first by definition and the second through the interpretation given to it by those who contend that *res communis* defines the status of the high seas.

38. What is sought is to prevent the same thing from happening to the resources of the sea-bed as occurred earlier in regard to fisheries, where a few countries possessing know-how and capital divide up the wealth among them to the detriment of the rest and in disregard of the common weal. The United Nations has been concerned, first through the inspired initiative of Mr. Pardo, which produced resolution 2340 (XXII), and subsequently through the establishment of a committee with very precise terms of reference, to prevent those resources from being exposed to appropriation by the first-comer or to the whim of the strong. The international community has been anxious to ensure, through the Organization, that all States, coastal or land-locked, developed or not, shall share in the resources of this new, unknown sphere, and that here what might be termed international social justice will prevail.

39. The reason why there is no agreement so far on the formulation of legal principles as the basis of an international régime is because some of the more developed

countries still lack the political will to apply to the sea-bed what in economic development is sometimes called the theory of participation. However, in this connexion we must welcome the explicit recognition of the concept of common heritage in a decisive statement by the delegation of Norway [1676th meeting], associating itself with the voices of the developing countries unanimously expressed in this room. This opens up wide vistas and portends progress in that field in the Sea-Bed Committee, if we bear in mind also the encouraging statements we have heard from the delegations of Belgium [1673rd meeting] and the United Kingdom [1676th meeting].

40. I cannot go into all the inferences of the notion of a common heritage circumstantiated in the report. My delegation would merely like to urge the need for international machinery, as part and parcel of the régime in question, making it possible to realize the goals inherent in the concept of a common heritage and to regulate future exploitation in such a way as to preserve the wealth under the sea, to safeguard the other uses of the sea, and to avoid encroaching on the interests of third parties. My delegation therefore favours expanding the interesting study on the subject submitted by the Secretary-General [A/7622, annex II], along the precise lines recommended by the report of the Committee.

41. In this connexion my delegation would like to repeat its view that in the absence of principles and norms regulating possible exploitation of the sea-bed, such exploitation cannot be permitted until an international régime is established. Such a prohibition, in our opinion, is implicit in General Assembly resolutions 2340 (XXII) and 2467 (XXIII), which reserve the area and its resources for the benefit of all mankind.

42. With regard to the principle of the peaceful uses of the area and the draft treaty on the partial prohibition of nuclear weapons submitted at Geneva by the Soviet Union and the United States² we may have occasion to speak on this matter in due course. For the moment I wish emphatically to express our support for the view of the Chairman of the Committee, Mr. Amerasinghe, that the Sea-Bed Committee has full competence to deal with this matter and that it cannot be dealt with in the First Committee pending a decision by the Sea-Bed Committee. We indicated this to the officers of the Sea-Bed Committee. I would also like to endorse the substance of the view expressed in masterly fashion by Mr. Benites of Ecuador [1676th meeting].

43. I now turn to the problem of the régime, and the question of boundaries. It was argued in the Sea-Bed Committee that resolution 2467 A (XXIII) indicates a method and priorities to the Committee by entrusting to it the drafting of the principles and norms calculated to secure the objectives defined in the resolution. That is the purpose of the Committee's theme and terms of reference, as is clear from the words of the relevant resolutions. Yet it is argued that just as urgent as the formulation of such a régime, if not more urgent, is the task of defining the precise limits of the continental shelf; that this definition is

inseparable from the régime; and that without it no progress can possibly be made in working out principles and norms.

44. My own delegation shares the view expressed by Pakistan, Brazil and others in this debate that there is nothing in the way of the immediate establishment of such a régime, as resolved by the General Assembly. It is essential to recall, as is done in paragraph 78 of the Legal Sub-Committee's report, that arguably there are no precise boundaries to any sea area—not to the territorial sea nor to fisheries nor to the continental shelf, nor to outer space. Yet for all these regions it has been possible to formulate not only principles but international treaties and conventions defining an international régime.

45. General Assembly resolution 2340 (XXII) and 2467 (XXIII) very properly proceeded on that assumption, which is rooted in experience. They therefore legislated for an area lying beyond present national jurisdiction, in other words beyond existing jurisdictions and presumed to be known. And for that area they entrusted a committee with the task of elaborating the bases of an international régime. There was no objection to this when the resolutions were adopted, and there is still no objection today. On the contrary, the definition of a régime is not only necessary but urgent, as virtually all the delegations have argued.

46. If what is sought is to fix precise boundaries for the continental shelf or other marine spaces, this is clearly a matter for a conference on the sea. It is our contention, however, that the convening of such a conference is not a matter coming within the scope of this item; and we believe that when it does come to be convened—and my delegation is quite willing to envisage such a conference—it should be adequately prepared and should embrace all the sea areas as did the 1958 and 1960 conferences before it.

47. The need for any future conference on the sea to be able to deal with all aspects of maritime areas is not just fanciful. It is based on the nature of the marine environment, on international experience, and also on General Assembly resolutions, declarations by the International Law Commission, and the opinions of writers on the subject.

48. The International Law Commission defined this connexion as follows:

“The Commission is of the opinion that the conference should deal with the various parts of the law of the sea covered by the present report. Judging from its own experience, the Commission considers—and the comments of Governments have confirmed this view—that the various sections of the law of the sea hold together and are so closely interdependent that it would be extremely difficult to deal with only one part and to leave the others aside.”⁸

49. Commenting on this subject and on the position of the International Law Commission, the eminent American legal writer William Burke, a member of the Executive Com-

⁷ Official Records of the Disarmament Commission, Supplement for 1969, DC/232, annex A.

⁸ Official Records of the General Assembly, Twenty-first Session, Supplement No. 9, para. 29.

mittee of the Law of the Sea Institute, said in August this year:

(Spoken in English)

"The International Law Commission called the Assembly's attention to this general point over a decade ago in noting the interdependence of numerous issues in the law of the sea. If anything, a close relationship between seemingly unconnected problems of ocean policy is more pronounced today than a decade ago in Geneva. It may be recalled, for instance, that three of the four Geneva Conventions on the law of the sea (those on the High Seas, Territorial Sea and Continental Shelf) are all by their terms subject to calls for revision at about the same time (June and September 1969) and the fourth, on Conservation of Living Resources, is similarly subject in 1971, probably before a general conference on the law of the sea could be convened." [Burke, Law, Science and the Ocean.]

50. Moreover, the views of the International Law Commission and of legal authorities serve only to confirm what was decided by the General Assembly on a particular occasion, namely:

"...that the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf and the superjacent waters are closely linked together juridically as well as physically..." [resolution 798 (VIII)].

51. Thus the essential link between the problems of the sea and the necessity for tackling them jointly have been confirmed time and time again by the international community. That is what two conferences on the sea, the General Assembly, the International Law Commission, and many authorities on the law have had to say. The same has been recognized, incidentally, by a number of delegations in this room, among them, as I recall on the spur of the moment, those of India, Trinidad and Tobago, and Brazil. Thus if a new conference on the sea is to be held, like the previous ones it must cover all the problems of the marine environment. And if it is to be successful, it must be properly prepared, perhaps through the Sixth Committee. The delegation of Chile will be ready at all times to consider such a possibility.

52. In the light of the foregoing, my delegation cannot support the idea of convening a conference on the sea with limited objectives, as proposed by the delegation of Malta in document A/C.1/L.473. We appreciate the constructive intent that actuates its proposer, but the best way of allaying the misgivings expressed in that document might be to hold consultations, at a convenient moment, on convening a new conference on the oceans, purely and simply.

53. However, such a conference cannot be convened, in our view, in connexion with the present item, which relates to a very limited subject. We are concerned with the reservation for peaceful purposes of the sea-bed and the ocean floor beyond the limits of present national jurisdiction, i.e. beyond the limits of existing jurisdictions; and with the need for defining an international régime for that area, which is presumed to be known. Hence it would

hardly be possible, within the framework of that item, to raise the question of revising the Convention on the Continental Shelf,⁹ which does not belong to it. My delegation therefore reserves the right to bring up the constitutional question involved.

54. There are many other questions worthy of consideration within the broad and varied framework of the item before us. However, so as not to prolong this statement, and merely citing our performance in the Sea-Bed Committee, my delegation would like to conclude with one brief point.

55. To put our views in a nutshell, we believe that in its work next year the Sea-Bed Committee can make considerable progress in the formulation of a régime, as entrusted to it, provided the political will exists to realize the intentions embodied in the resolutions adopted by the General Assembly. World public opinion expects as much.

56. My delegation will speak again if necessary when the draft resolutions are voted on.

57. Mr. MENDELEVICH (Union of Soviet Socialist Republics) (*translated from Russian*): We all suffered a double loss a few days ago, and since my delegation has not spoken since then, it would now express its sincere condolences on the deaths of Mr. Danieli, the distinguished representative of the United Republic of Tanzania, and Mr. Ismail, the distinguished representative of Malaysia.

58. The First Committee is now considering the results of the sizable work performed in the course of the year by the members of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. This work was carried on under the able and efficient guidance of the Committee's Chairman, Mr. Amerasinghe of Ceylon and his fellow officers, Mr. Galindo Pohl of El Salvador, the Chairman of the Legal Sub-Committee and his fellow officers, and Mr. Denorme of Belgium, the Chairman of the Economic and Technical Sub-Committee and his colleagues, and my delegation wishes to take this opportunity to commend the meaningful and purposeful work of the Committee and its subsidiary bodies under their guidance.

59. The Committee's report bears witness to the fact that Member States attach great importance to the exploration and utilization of the sea-bed and the ocean floor for peaceful purposes. What is being considered is the possible conquest of vast submarine areas, which represent a major part of the earth's surface, and where in the future—although, apparently, not in the immediate future—States will carry on increasing activities.

60. The report before us reflects the views and positions of Member States on a broad range of political, economic, technical and scientific questions, as well as questions of international law, relating to the peaceful uses of the sea-bed and the ocean floor. Despite the obvious difficulties arising from the newness and complexity of these questions and the widely different approaches of States to them, the work of the above-mentioned Committee and its Legal and

⁹ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

Economic and Technical Sub-Committees proceeded in a businesslike and constructive spirit. There was agreement on some points and disagreement on others, but progress was not impeded by any political clashes or conflicts.

61. This constructive and workmanlike approach is to be welcomed. It offers a guarantee of future success on the part of the Committee, whose work is of the highest importance.

62. That work consists in drafting international rules for the activities in States in utilizing the vast submarine areas of the world ocean, which is to say, in solving problems that affect the vital interests of all States—coastal and land-locked, great and small, developed and developing, socialist and capitalist.

63. Realizing that these problems are important, but are also new and relatively unstudied, the Soviet Union has held from the first that no points should be settled in undue haste and that final judgements should be made only after painstaking and thorough examination. The Soviet Union still adheres to this position, which it believes to be fully justified, and which is not at variance with the general interests of other States.

64. What is our evaluation of the practical results of the work performed by the Committee on the Sea-Bed and the Ocean Floor during the first year of its existence? What has it accomplished during this brief period in considering the political, legal, economic and technical aspects of the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction? What should it do next?

65. Let me begin with the political aspects. In my delegation's view, the Committee has held a useful general discussion of the uses of the sea-bed and the ocean floor exclusively for peaceful purposes. The broad support given in the Committee to the USSR proposals on the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor and the prohibition of their use for military purposes outside the territorial waters of coastal States undoubtedly helped to create a favourable atmosphere in the Committee on Disarmament during the latter's negotiations on preventing the militarization of the sea-bed and the ocean floor. Discussion of these matters in the Committee on the Sea-Bed and the Ocean Floor also helped to bring to light the most important aspects of the general problem. It can therefore be said that this Committee has been of service in preparing the first important measure to exclude the submarine environment from the arms race—in that the Committee on Disarmament was able to draft a treaty prohibiting the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed or the ocean floor.

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

66. In further discharging its terms of reference under General Assembly resolution 2467 (XXIII), and especially in further studying the question of preserving the sea-bed and the ocean floor exclusively for peaceful purposes, the above-mentioned Committee will of course have to take into account these initial results achieved by the Committee on Disarmament in an area of great importance for peace. Its members seem to me to be fully aware of this point.

67. Elaboration of rules of law governing the activities of States with regard to the sea-bed and the ocean floor and, above all, the drafting of the relevant principles of law were justifiably given pride of place in the Committee's work. What have been the results?

68. If we look at those parts of the Committee's report summing up the work on legal questions, and especially the report of the Informal Drafting Group, we are struck at once by the numerous references to views being expressed or shared by "some delegations", "many representatives" and "individual members", whereas other delegations "expressed other views", "doubted", "objected", or "proposed a different approach", and so on, and so forth.

69. Is this in any way unusual? On the contrary, in our view it is only natural. Elaboration of the law relating to the sea-bed and the ocean floor is in its very first stage, and States are actually for the first time weighing their interests in that area against the needs of international co-operation; this is, I would say, a process of "trying on" certain rules of law as understood by various States and "adjusting" them to the general interest.

70. In addition—and I would again draw attention to this most important fact, which must be taken into account if we have the true interests of the peoples at heart in dealing with the utilization of the sea-bed and the ocean floor—in working out the relevant legal principles we must bear in mind that these principles should not encourage but obstruct the predatory activities of imperialist monopolies in looting the wealth hidden beneath the seas.

71. In the light of these considerations, in evaluating the results of the first year of the Committee's work on elaborating agreed legal principles we should not be disappointed at the disagreement on many points, but rather gratified at the many areas of general agreement.

72. During the two working sessions of the Legal Sub-Committee and lengthy informal consultations in the summer of 1969 considerable rapprochement was achieved in the various positions on a number of important legal principles. These areas of agreement are recorded in the closing section of the Legal Sub-Committee's report, entitled "Synthesis". It offers an excellent foundation for further work on legal principles relating to the uses of the sea-bed and the ocean floor.

73. In the Legal Sub-Committee and during the consultations I mentioned, the USSR delegation submitted drafts of principles on all the main aspects of the utilization of the sea-bed and the ocean floor, taking into account the broad range of views expressed on these matters in United Nations organs in 1968 and 1969. My delegation is ready to continue this work together with other delegations, with a view to achieving agreement on the most important legal principles relating to the sea-bed and the ocean floor, which could then be submitted to the General Assembly consideration.

74. Of considerable importance for the success of this work will be the achievement of agreement among States on a matter of principle—the general scope of a possible declaration of legal principles governing the activities of

States on the sea-bed and the ocean floor beyond the limits of national jurisdiction. As may be seen from the report before us, some members of the Committee would like such a declaration to include all the elements of a future international régime for the sea-bed and the ocean floor. But that is no simple matter. To ignore the complexity of such a task would merely create additional difficulties, which might prove insurmountable. The result would be continuous postponement of the achievement of agreement on, and adoption of, legal principles relating to the sea-bed and the ocean floor.

75. Who would gain thereby? The socialist States? Certainly not. The socialist States—and this no one has any right to doubt—do not want the sea-bed and the ocean floor to go on being an area of competition among States and subject to unobstructed looting by capitalist monopolies. The Soviet Union is firmly in favour of developing international co-operation in this important domain, rather than of arbitrary and “piratical” activities in ocean depths.

76. Would further postponement of agreement on legal principles relating to the sea-bed and the ocean floor be in the interests of the developing countries of Asia, Africa and Latin America? That is highly doubtful.

77. Any postponement in reaching agreement on legal principles relating to the utilization of the sea-bed and the ocean floor, no matter what excuses are used to justify it, such as desire for the “completeness” and “universality” of the declaration, can serve only those who are benefiting by the present legal vacuum—the predators, the imperialist monopolies alone. The fact that these monopolies sometimes try and no doubt will go on trying to influence the positions of various States by making seemingly attractive but actually demagogical promises of “a cut of the profits” and other largesse, in no way changes the truth of the matter.

78. In the light of these considerations, the USSR delegation is of the opinion that another approach to the scope of the legal principles in question, which manifested itself in the Legal Sub-Committee and the informal consultations, has far greater advantages. This approach calls for agreeing upon and including in the declaration of legal principles relating to the activities of States on the sea-bed and the ocean floor beyond the limits of national jurisdiction a number of fundamental, broad general legal principles whose adoption would greatly promote the regulation, here and now, of the sphere of activity of States in the exploitation of the submarine environment and prevention of further arbitrary extension of State jurisdiction over vast areas of the sea-bed and the ocean floor beyond the limits of the continental shelf. The adoption of such principles would place an obstacle in the way of unhindered seizure and partition of the sea-bed and the ocean floor beyond the limits of national jurisdiction among individual States or groups of States and would seriously hinder any expansion of the looting of submarine wealth by the imperialist monopolies.

79. Many representatives have drawn attention to the dangerous consequences of such activities. I might remind the Committee that it is precisely to attain the objectives I have mentioned that the United Nations undertook two

years ago its consideration of the problems relating to the sea-bed and the ocean floor, as a new sphere for co-operation among States. It should also be borne in mind that this approach to the content of the legal principles relating to the sea-bed and the ocean floor opens up good prospects for agreement.

80. The principal result of the work of the Legal Sub-Committee and of the informal consultations is, after all, that a considerable degree of agreement has been reached on such principles as the prohibition of appropriation of the sea-bed and the ocean floor by any State beyond the limits of its national jurisdiction, the applicability of the purposes and principles of the United Nations Charter to activities on the sea-bed and the ocean floor, the preservation of the sea-bed and the ocean floor exclusively for peaceful purposes, freedom of scientific research in this area, prohibition of pollution, and preservation of the freedom of the high seas, to name but a few.

81. These principles are meant to ensure the exploration and peaceful exploitation of the sea-bed and the ocean floor for the good of all countries and in the interests of all mankind.

82. Because of this constructive approach, there is a basis for agreement on the most important legal principles relating to the sea-bed and the ocean floor. Such agreement would crown an important stage of United Nations action in the legal regulation of the exploration and utilization of the sea-bed and the ocean floor in the interests of developing international co-operation. The adoption of such general principles would serve as a starting point for further work on legal problems in this area and for elaborating legal norms regulating in greater detail the activities of States with regard to the sea-bed and the ocean floor.

83. During the work of the Committee and its Legal Sub-Committee it also became clear that a considerable number of States were agreed that the present uncertainty as regards the limits of the national jurisdiction of States over the sea-bed and the ocean floor can be a serious obstacle in the way of elaborating legal norms to regulate the submarine activities of States, especially in exploiting submarine resources. Consequently, as may be seen from the report before us, there was general understanding of the need for more precise delimitation of the sea-bed and the ocean floor lying beyond the limits of national jurisdiction, or, in other words, an exact international definition of the outer boundaries of the continental shelf of coastal States. My delegation takes the view that this question should be settled, and that it should be settled by means of negotiation.

84. The discussion of the so-called “international machinery” for the sea-bed and the ocean floor stands out in that it gave rise to the greatest divergences of views among individual States and even groups of States. These divergences are adequately reflected in the Committee’s report.

85. The discussion of “international machinery” became particularly lively after the special study prepared by the Secretary-General in accordance with resolution 2467 (XXIII) had been circulated to members. The work

done in preparing that study deserves commendation. The Secretary-General's report on "international machinery" for the exploration and exploitation of the resources of the sea-bed and the ocean floor contains much interesting information. It sums up the various views expressed in United Nations organs on related questions and analyses the different organizational forms and principles which might furnish the basis for such machinery.

86. The problem of setting up "international machinery", as has been repeatedly pointed out by many delegations in the Committee on the Sea-Bed and the Ocean Floor, directly affects a broad range of questions, especially economic questions. Certainly economic and technical factors must be given the most serious consideration in deciding whether or not it would be advisable to set up "international machinery". These factors would largely predetermine the specific form and organizational structure of the machinery which, if it should become necessary, States might wish to establish in the future, after thoughtful and careful study.

87. Regrettably, the Secretary-General's report fails to pay due attention to this important matter—the economic and technical aspects of the question of setting up "international machinery" for the sea-bed and the ocean floor. This is recognized in the introduction to the report, which states that: "the study does not, however, attempt . . . to enter into detailed economic and technical questions". That is, of course, an important omission, which makes the discussion and proper understanding of the problem more difficult. My delegation feels that the inadequate economic and technical, and consequently scientific, background of the Secretary-General's report has left its mark on the Committee's discussions of the question of "international machinery".

88. Moreover, the members of that Committee did not have enough time seriously to study the Secretary-General's report on "international machinery" before the beginning of the discussion. Understandably, therefore, the remarks made by representatives on this question were for the most part purely preliminary.

89. It is thus natural enough that some representatives, lacking technical, economic or practical groundwork and relying only on the abstract concepts of logic and occasionally on their own imagination, should have favoured the prompt creation of "international machinery" either within or outside the United Nations, with the broadest functions and powers. Other representatives agreed in principle that such machinery might be set up in the future, but believed that the form it should take, the principles governing it and the extent of its powers should be determined on the basis of precise technical and economic indicators and the actual state of the exploration and exploitation of submarine resources. Yet another group of members of the Committee quite justifiably stressed the need for a serious and thoughtful study of the Secretary-General's report and the relevant material by the Governments of the States concerned, as also the need to carry out major additional work in exploring and prospecting for submarine resources before deciding whether or not it was advisable to create "international machinery" to exploit them, and determining the form and functions of such machinery.

90. In view of the newness and special importance of this question and of the interest taken in it by a number of Asian, African and Latin American countries, the USSR delegation believes that the General Assembly should recommend that the Secretary-General's study on the question of "international machinery" should be sent to all States Members of the United Nations, or, better still, for obvious reasons, to all States of the world without exception, for detailed study and comment, in the light of which the question of setting up "international machinery" could be more thoroughly and comprehensively examined in the Committee on the Sea-Bed and the Ocean Floor.

91. My delegation would also emphasize that the question of creating "international machinery" for the sea-bed and the ocean floor should be studied and analysed not only from the economic, technical and organization angles, but—and this is very important—from the social and political angles as well. The point is that the interests of an overwhelming majority of States, including the developing countries of Asia, Africa and Latin America, as regards their activities in utilizing submarine resources would be greatly endangered if "international machinery", no matter how perfectly conceived, were established but were to be directly or indirectly operated or controlled by imperialist monopolies.

92. In commenting on the possible creation of "international machinery" for the sea-bed and the ocean floor, my delegation has in fact proceeded to discuss some of the economic and technical problems which the Committee on the Sea-Bed and the Ocean Floor has considered, along with the political and legal problems, during the first year of its activity. It can confidently be said that this year's work has greatly enriched the knowledge and ideas of Member States with regard to the as yet inadequate exploration of submarine resources and the level of modern technology for their exploration and exploitation. States have also become better cognizant of the problems in this area and of the ways and means of solving them. However, no one would deny that only the first steps have been taken and that a great deal of original work lies ahead. My delegation is convinced that in the circumstances it would be premature, not to say rash, to take decisions that would have far-reaching consequences.

93. It seems to me that in our further study of the advisability of setting up "international machinery" we must first carefully analyse a number of questions, such as the results achieved in studying the resources of the sea-bed and the ocean floor, evaluations of various useful deposits, and the prospects for their exploitation. We cannot take a serious decision on the form and functions of the proposed international machinery without further evaluation of the engineering and technical possibilities of mining useful deposits in deep waters and the prospects of further development in this area. Another important matter is a careful analysis of the prospects of profitability of deep-sea mining in the foreseeable future, bearing in mind the rapid success in prospecting for minerals on dry land and on the continental shelf. The actual possibilities for the exploitation of submarine resources in the next five, ten and fifteen years should also be evaluated and borne in mind.

94. This is a very rough and far from exhaustive listing of the main lines of the substantial preliminary work without

which, in our view, it would be extremely difficult or impossible to take any decisions on the advisability of setting up any kind of international machinery to regulate the exploitation of submarine resources, and still less on the nature, functions and powers of such machinery.

95. Such preliminary work is quite unavoidable if we are to have a clear picture of the state of affairs at present and in at least the near future. My intention has been to demonstrate the need for a study of the physical and technical factors involved, for without such knowledge we cannot rationally and seriously elaborate a régime for the exploitation of submarine resources. The Soviet Union has been steadfastly in favour of such a régime. During the discussion in the Legal Sub-Committee on the legal principles applicable to the sea-bed and the ocean floor, the USSR delegation proposed a draft calling for future elaboration of a special legal régime to regulate the exploitation of the resources of the sea-bed and the ocean floor.

96. The report before us on the whole supports the conclusions of the 1968 *Ad Hoc* Committee on the Sea-Bed and the Ocean Floor¹⁰ to the effect that, despite the considerable efforts by many States and international organizations to study the world ocean, present scientific knowledge with regard to the resources of the sea-bed and the ocean floor is still very limited.

97. In particular, it is emphasized in this report that: "our knowledge of the ocean is still fragmentary and perhaps too scant to provide a basis for economic exploitation of the sea-bed and its resources beyond the geophysical continental shelf" [*A/7622 and Corr.1, Part Three, para. 48*].

98. The report also states quite unambiguously: "Before us is the task of conducting a systematic geological survey of the sea-bed and the ocean floor. It is an enormous task, very expensive and will involve many years of work." [*Ibid., para. 66*].

99. It also provides further confirmation of the conclusion that present engineering and technical capabilities will not suffice for the industrial exploitation of the mineral resources of the sea-bed and the ocean floor beyond the limits of the continental shelf and that even assuming rapid progress in techniques for the under-sea exploitation of mineral wealth a long time will elapse before such exploitation becomes economical.

100. Accordingly, my delegation feels obliged to repeat that, before we can consider extended exploitation of submarine resources, we must, by means of systematic exploration and prospecting, obtain the basic geological and geophysical data giving us an indication of the geographical distribution and variation of mineral resources, locate the actual zones of concentration of mineral deposits, and evaluate the technological means and the costliness of extracting mineral resources under the arduous conditions of under-water work.

101. Consequently, primary attention should be paid to intensifying the efforts of States to study the sea-bed and

the ocean floor and to prospect for and locate their resources.

102. The Soviet Union, which has a sizable expeditionary fleet (more than 100 vessels of 400 to 6,000 tons), has been spending many millions of rubles on the tremendous work it has been conducting jointly with other socialist countries to explore the world ocean and its floor, and has thus been doing its part to bring nearer the day when the sea-bed and the ocean floor, with their resources, can be widely exploited for the benefit of all mankind. Our knowledge has been gradually increasing, but it is still rudimentary, and a great deal of work lies ahead. For example, we shall have to carry out a general mapping and geographical survey of the world ocean, detailed investigation and identification of mineral deposits, geophysical research, and special drilling operations, and we shall also have to investigate the quantitative and qualitative characteristics of under-water mineral resources and resolve important scientific problems relating to the geology of our planet.

103. One important result of the exchange of views held in the Committee on the Sea-Bed and the Ocean Floor was the general agreement that further development of international co-operation in the relevant scientific and technical areas is needed before we can solve the scientific, technical and economic problems of submarine exploitation. This realization was reflected in the attention paid by the Committee to the work of the Intergovernmental Oceanographic Commission of UNESCO under its long-term programme of oceanographic study and to other aspects of scientific investigation of the sea-bed and the ocean floor and of their resources.

104. I would note in this connexion that further serious study of submarine resources and the possibilities of their exploitation, as also a solution of the problem of the limits of national jurisdiction, i.e., the outer boundaries of the continental shelf of coastal States, will also enable us to take a more realistic view of the advisability of setting up "international machinery" for the sea-bed and the ocean floor.

105. My delegation regrets that the Committee on the Sea-Bed and the Ocean Floor was unable to devote the necessary attention to the very important question of measures to prevent pollution of the marine environment which might result from the exploration and exploitation of submarine resources. It hopes that the Committee will repair this omission.

106. In conclusion, my delegation believes that, on the basis of the experience it has gained, the Committee should continue its work next year in the same spirit of constructive and workmanlike co-operation and of seeking mutually agreeable decisions. Only then can it do fruitful work. The more successful it is, the easier it will be to decide the important questions of international co-operation which have already arisen and which will continue to arise as further progress is made in the study of the sea-bed and the ocean floor, the exploration of their resources, and the exploitation of those resources for the benefit of the peoples.

¹⁰ *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

107. Mr. JACKMAN (Barbados): This is the first time my delegation has spoken on this item at a session of the General Assembly so perhaps I should apologize for being a little over two years late in congratulating the Malta delegation for the signal contribution which it has made to the work of the United Nations in bringing the sea-bed question to our consideration. In the view of our delegation, if the United Nations succeeds in devising a viable régime for the sea-bed and the ocean floor it will be a genuine triumph for the international community and Malta will deserve the lion's share of the kudos, if not necessarily the proceeds.

108. The two years of debate and study on this question have thrown into very sharp relief a fact which to some delegations may be a truism, but which to a new delegation like my own is a revelation scarcely less arresting than that which occurred to Paul on the road to Damascus. It is, very simply, that the state of international law in general is appalling and that the state of the law of the sea, in particular, is pathetic. It calls to mind a gadget which was marketed some years ago which consisted of an elaborate box equipped with a delicate series of springs and counterweights and two buttons at the top. When you pushed one button the box opened very slowly and an exquisitely carved figure of a man emerged and pressed the other button. This caused the box to close and the little man disappeared inside. The frustration that this kind of thing produced on the uninitiated is, very much the same as we feel when we contemplate the Convention on the Continental Shelf of 29 April 1958.¹¹ I am sure that the delegation of Malta, which has authored draft resolution A/C.1/L.473, will understand our feelings.

109. But the work of the *Ad Hoc* Committee and of the substantive Sea-Bed Committee has produced certain positive results. It has been an important ground-clearing operation which has put us very greatly in the debt of those delegations and agencies which have been involved. We would also wish to record our gratitude to the Secretary-General for the excellent work produced by the Secretariat on possible forms of international machinery [A/7622 and Corr.1, annex II].

110. As we see it, there is something of a consensus that the present law dealing with the continental shelf is unsatisfactory and needs to be reviewed, if not radically revised. The effect of the 1958 Convention is that it is open to coastal States to claim a shelf of any width in waters of any depth. The test of "exploitability" is already discredited by the march of technology. Indeed, one student has advanced the view that:

"... deep sea resources have already been placed by the Convention under the control of certain specified States. ... It can be inferred that, under this Convention, all the submarine areas of the world have been theoretically divided among the coastal States at the deepest trenches ...".

111. That is an interpretation which is not unattractive to the representative of an island like Barbados; I am sure that we could come to an amicable agreement with our friends

from Senegal on the median line which would divide the spoils and the jurisdiction between our two countries. However, it is not an interpretation which can commend itself to a world community desirous of achieving an equitable and creative distribution of the potential wealth of 75 per cent of the earth's surface.

112. What is encouraging, however, is that the discussions have also produced a kind of consensus in favour precisely of a creative and equitable distribution. No country has argued—at least not on the record—for what might be called the *jus fortioris*, in other words the law of the jungle. To our mind, that is not a merely negative achievement; an international organization cannot begin to function unless it undertakes a dynamic search for the common ground between nations. There is no doubt that in the past international law, to quote the distinguished Chairman of the Sea-Bed Committee, has "found its origin in the convenience and power of the few" [1673rd meeting, para. 41]. We must welcome every sign that the world is moving away from this oligocentric—and chaotic—state of affairs.

113. Again, although there is still no agreement on the precise delimitation of the area of the sea-bed and ocean floor which lies beyond national jurisdiction, there is agreement that such an area exists, which by inference is a rejection of the interpretation of article 1 of the continental shelf Convention to which I referred a moment ago. There is agreement, too, that the area shall not be subject to national appropriation and that it is proper and necessary that it should be the subject of some kind of international régime. There is agreement on the peaceful uses of the sea-bed and there is agreement on reasonable freedom of scientific research.

114. Mr. Chairman, we are nearing the end of an exhaustive and, for us, instructive debate on this item. My delegation sincerely wishes to thank those who have preceded us for the clarity of their expositions, which have been of immense value to us, and to congratulate, in particular, the members of the Sea-Bed Committee, not only for their committee work, but also for the quality of their contribution to the debate. I think the debate might be described as being the very best kind of seminar because it not only had very high intellectual content but also had the important leaven of political realism. We have been particularly impressed by the twelve principles which Mr. Amerasinghe, the Chairman of the Committee, set out as representing the main points which his delegation would wish to see embodied in a general declaration [ibid., paras. 44-45]. I shall not tire the Committee by repeating those twelve principles; they are in the record. Since those principles are more or less—I repeat more or less—common ground and since my delegation is convinced that the United Nations must declare itself with some urgency, I would hope that this Committee would soon be in a position to send to the General Assembly a draft capable of achieving unanimous or near unanimous support.

115. There is a great deal more work to be done, as some delegations have pointed out. The Sea-Bed Committee is ready and willing to plunge back through the superjacent waters to bring us even more valuable prizes than it has in this last exercise. I think the Sea-Bed Committee would be

¹¹ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

heartened and encouraged if the valuable preliminary work which it has done could be consummated by way of a general declaration of principles on lines similar to those suggested by the Ceylon delegation. I was very struck a moment ago to hear from Mr. Mendelevich of the Soviet Union that his delegation is also in favour of some early declaration of general principles. My own delegation would welcome the early establishment of an international agency for the deep-sea regions with specific powers to control all activities in the area in the interest of all mankind, bearing in mind the special needs of the developing countries. But we have no doubt that a proper order of priorities would call for an immediate "declaration of intent", so to speak, since we cannot accept the view that a declaration limited to agreed principles could prejudice the formulation of a more comprehensive declaration at a later time. All the evidence suggests that this is a matter of real urgency, as more and more States begin to licence operations of an exploratory nature farther and farther from their coasts. By acting now we could push back the threat of chaos, and so give ourselves more time to work out the complicated details of a viable régime. The Barbados delegation therefore urges the First Committee to address itself to that task without delay.

116. Mr. LEGNANI (Uruguay) (*translated from Spanish*): I must ask the delegations of Malaysia and Tanzania to accept and transmit to their Governments the heartfelt condolences of my delegation on the sad deaths of the Chairmen of their delegations. At the same time I would like to express our sincere sorrow at the great loss of lives and property suffered by Tunisia and Yugoslavia.

117. The delegation of Uruguay wishes to thank the members of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, and especially Mr. Amerasinghe, Mr. Galindo Pohl, Mr. Denorme and the other officers of the Committee and its two Sub-Committees, for the solid work described in document A/7622 and Corr.1. That report contains an enormous amount of material worth digesting, as well as schemes and suggestions for solving the many complex problems raised by the topic now under discussion in this Committee.

118. At first glance the report might seem lacking in constructive solutions. But studying it at greater length, my delegation finds that the first impression is gradually dissipated and that it is perfectly well explained by the objectivity with which the various opinions and the antagonistic theories and proposals on each of the aspects of the peaceful uses of the sea-bed and ocean floor are outlined.

119. Admittedly, as paragraph 15 of the report states, "it was not found possible to arrive at the stage of making specific recommendations on the substantive matters before the Committee" [A/7622, Part One], but it is nevertheless true that the indispensable prior phase, that of collecting and arranging the material which will ultimately constitute the substance of the recommendations, has been attained—so much so that a decision on the different possible options is already on the cards, without prejudice to others that may emerge once the various points in the report have had time to mature.

120. My delegation agrees with the view expressed by other speakers that in connexion with this topic, vital, serious and genuine interests of nations can arguably be brought into harmony without major harm to any, and to the benefit of the international community as a whole.

121. Obviously those interests include the interests of coastal countries in their territorial sea and the continental shelf surrounding them—areas directly and closely linked to the actual territory of the countries and representing sources of natural wealth which give a spur to their economies and help them to solve their food and industry problems.

122. Article 2, paragraph 1, of the Geneva Convention on the Continental Shelf,¹² which entered into force on 10 June 1964, and which was duly signed by my country, stipulates that:

"The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources",

and paragraph 2 reaffirms those sovereign rights, stating that they are

"... Exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the continental shelf, without the express consent of the coastal State".

Paragraph 3 gives further emphasis to the rights of coastal States over the continental shelf by stating that they "... do not depend on occupation, effective or notional, or on any express proclamation".

123. According to article 1 of the same Convention,

"the term 'continental shelf' is used as referring: (a) to the sea-bed and subsoil of the submarine area 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 sea-bed and subsoil of similar submarine areas adjacent to the coasts of islands".

124. Thus the boundaries it fixes for the continental shelf meet two criteria, the primary one being the depth line of 200 metres, and the subsidiary one the possibility of exploiting the natural resources of the area.

125. Without prejudice to its exclusive fishing and hunting rights in epicontinental waters in accordance with modern and generally accepted criteria, the Uruguayan Government has declared its sovereign rights over the continental shelf for the purposes of exploration and exploitation of its natural resources, defining the shelf in accordance with the provisions of the Geneva Convention in question. Uruguay has also staked its rights over the continental slope, the outer edge of the continental shelf, on the basis of the possibility of exploiting the natural resources of that area.

¹² *Ibid.*

126. My delegation is well aware of the need to find over-all solutions for the problem of the exploration and exploitation of the resources of sea and ocean. Proper use of the vast area referred to, covering five sevenths of the planet, and possessing seemingly incalculable potential wealth, might well furnish the vital means of satisfying the needs of vast human masses, and this could undoubtedly be done without sacrificing the legitimate and respected rights of the coastal States, which see in their marine territories a source of food and economic resources that unquestionably belong to them.

127. In our view, although the Committee that prepared document A/7622 and Corr.1 should be allowed to continue its effective and extremely important work, it would be advisable to envisage holding at some convenient date an international conference with a view to the establishment and definition, by agreement among States, of principles for a determined approach to the exploitation of the sea-bed and ocean floor beyond national jurisdictions.

T 128. It would definitely be useful, in our opinion, if the General Assembly were to declare at once that the sea-bed and ocean floor beyond the limits of national jurisdiction are to be used for the benefit of the international community and in particular the developing countries. Such a declaration would form a basis for legal instruments regulating the fact and functioning of the exploitation of the sea-bed and ocean floor; and it would also have the virtue of indicating that any acts performed before those instruments are forthcoming will have to be in keeping with the legal régime to be devised in accordance with the principle referred to above.

129. The existence of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction has not been challenged; nor to any appreciable extent has the notion that the sea-bed and ocean floor should be exploited for the benefit of the international community, and particularly the less developed nations.

130. The snag occurs when we try to translate into legal terms the resources subject to exploitation and the allocation of the benefits of such exploitation. This would in due course be embodied in rules of law crystallizing the juridical status of the sea-bed and ocean floor. The difficulties emerge when we try to adapt this to long-standing legal concepts. Thus the concept of *res nullius*, of resources that belong to no one and can be appropriated by the first claimant, does not fit the case, since the ocean floor cannot be appropriated in accordance with the norms and characteristics of the right of ownership. However, it may be pertinent to mention that in Roman law, the term *res nullius* referred to things which could not belong to anyone, either because they were consecrated to the gods or because they were set aside for public use. It may be pointed out that this interpretation—which is not that embodied in international law—might perhaps be applicable to the status of the sea-bed.

131. The concept of *res communis*—goods or resources not able to be possessed privately but reserved for common use by all men, such as light, air and running water, which cannot be possessed exclusively and completely, even

though part of them can be used or enjoyed by anyone—is likewise not properly applicable to the utilization of the sea-bed and ocean floor.

132. The concept of the “common heritage of all mankind” might perhaps also be challenged, in so far as the word “heritage” is understood to imply the universal rights and obligations applicable to an individual. I must confess, nevertheless, that this is the term I prefer, since it specifies clearly the concept it is supposed to express, and it does so in accordance with the meaning generally given to the word “heritage” in legal texts. The delegation of Brazil made extremely interesting points about the use of the expression “common heritage”. One would rule out any right in the exploited area to claim sovereignty under public law or appropriation under private law; another, more positive, would allow States to participate in the administration of the activities and in the benefits or profits derived from exploitation.

133. Weighing the necessity or usefulness of a basic declaration, subject to later juridical elaboration, I would like to list the following points: (a) Statements of principles, which after all are statements of specific ideas, may be difficult to convert into reality because of the complex texture of previously occurring events which contradict or interfere with the principles to be applied; and of course, as regards the sea-bed and ocean floor beyond the limits of national jurisdiction, we are aware that certain events have already taken place that are bound to interfere with the principle whose application we are discussing. But such cases would at any rate be few in number and they would not negate the basic principle of the exploitation of the sea-bed and ocean floor for the benefit of mankind or reduce it to a mere form of words. (b) Second, the efficacy and validity of legal principles, like declarations of rights, sometimes depend on previous practical experience and on the way they are systematically linked with other legal concepts of effective and time-honoured application. But paradoxical as this may seem, these things depend to a large extent on anticipated experience, on experience planned in accordance with the ends envisaged. The principle or right desired or to be established or recognized or respected is that which, once it becomes a reality, seems most likely to secure the greatest good or happiness for human beings. (c) In accordance with the foregoing, the exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction for the benefit of the community of nations and especially the less developed countries, implies the proclamation of a principle which, once it becomes a reality, seems most likely to secure the greatest good and happiness for human beings. Consequently, it should be the subject of a basic declaration by the General Assembly, for use as a background in formulating and establishing the legal status of the sea-bed.

134. The fact that the declaration does not have recourse to current legal terminology or reiterate time-honoured legal notions or concepts is neither here nor there. All that is needed, in our view, is to ensure, as we are trying to do, that when it is put into practice it will achieve the noble yet practical aims intended.

135. The basic declaration to be made by the Assembly, bearing in mind the factors involved and the ultimate goal,

might be worded essentially on the following or similar lines: the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, constitute a source of wealth for the international community, and especially the less-developed members of the community.

136. It would be a declaration not only specifying the ultimate goal we seek for the exploitation of the sea-bed and ocean floor; it would curb the claims of States, organizations or individuals, warning them that any encroachment on that source of wealth would be unlawful. On the basis of the declaration in question, my delegation is co-sponsoring the draft resolution to be submitted in due course to the members of the First Committee.

137. Mr. BAYÜLKEN (Turkey) (*translated from French*): I should like first to express the deep sorrow that I felt when I heard last Monday the painful news of the sudden demise of our two eminent colleagues, Mr. Mohamed Ismail of Malaysia and Mr. Akili Danieli of the United Republic of Tanzania. I had known them since I first assumed my functions here. During our subsequent contacts I was able to appreciate and admire the high-mindedness and the faith in the United Nations of these two outstanding diplomats of Asia and Africa, whose premature disappearance is a grievous loss not only for their countries but also for the whole community of the United Nations. Through you, Mr. Chairman, I should like to address to the delegation of the United Republic of Tanzania and to the delegation of Malaysia, to the aggrieved families of the deceased, and to the Governments and peoples of those two countries the sincere and heartfelt condolences of the delegation of Turkey.

138. The question of the reservation exclusively for peaceful purposes of the sea-bed and ocean floor has been presented as a new approach to the control and utilization of the natural resources of the globe beyond the continents, and our Committee is being called on once again to study a valuable report on that subject. The permanent Committee set up under resolution 2467 (XXIII) has submitted to us an excellent report on the work of the three sessions held this year. That document, as its contents show, represents a real analytical, constructive and negotiating effort on the part of the Committee to promote the solution of many difficult, complex and interdependent problems entrusted to it. It is true that most of these problems are still far from being solved, for reasons and difficulties that are well-known. Despite this, we can certainly say that the Committee has done an excellent piece of work. I should like to pay a special tribute to the Chairman of the Committee and the Chairmen of the two Sub-Committees: Mr. Amerasinghe of Ceylon, Mr. Galindo Pohl of El Salvador and Mr. Denorme of Belgium—whom I should like to congratulate most warmly on his new assignment—as well as the Rapporteurs, for the constructive work done under their guidance.

139. It is a disturbing thought that it is becoming increasingly evident that the most useful mineral resources of the earth are continuously decreasing and are even being squandered because of the development of technology. The amounts of oil, coal and gas consumed since the beginning of this century are far in excess of the consumption of those fuels during the whole history of mankind to that

date. That is also true of several other minerals. With its recently acquired power and its perfected tools, modern technology shows us that the same resources and wealth which can be exploited to satisfy the urgent needs of mankind are to be found in abundance on the sea-bed and ocean floor. We also know that the technological problems which still make their exploration and exploitation difficult will be overcome sooner or later. No scientist has any doubt on that score.

140. It is because of that view, I think, that we took the initiative two years ago of studying the problems of the sea-bed and ocean floor, a study which led to the developments we know of, to the tasks which we entrusted to the Committee whose work is now under consideration.

141. The report of the Committee and especially the reports of the two Sub-Committees, which form Parts Two and Three of the whole report, clearly point to the importance and complexity of the various problems in that field.

142. Despite the fact that in principle we are in favour of leaving the Committee free, as it suggests, to expedite and work out solutions to these problems, my delegation none the less thinks it useful to state its views on some of the important problems.

143. First, I should like to mention the questions dealt with in the Legal Sub-Committee and especially those arising out of the preparation of a declaration on the principles which should pave the way to the establishment of a legal régime for the sea-bed and ocean floor. In this field the most important question is certainly that of legal status, which is one of the fundamental elements of these principles.

144. Together with most delegations, we are of the opinion that the sea-bed and ocean floor must be considered as the common heritage of mankind. Such a concept is not completely new, nor is it devoid of any legal content, for historical, political, economic and legal reasons.

145. Historically, the ocean floor has until recently remained closed to the probings of man and his technology. For this reason it has not been occupied or been the subject of any claims of sovereignty. Politically and economically, this concept represents our best hope for a peaceful world and, legally, it cannot easily be rejected by our concept of the evolution of law. Perhaps, since it is a relatively new concept, it may be slightly at variance with the traditional concepts to which we usually turn when confronted with new situations. In fact, law, as the most ancient and the richest of the social sciences, has always, through the course of history, been integrated into the natural stream of man's life. This fact, moreover, is what has given to law the extraordinary flexibility we see in it. I think we should be able, when working out principles and norms for a vast and unknown domain, to let our traditional concepts evolve so that we could confront new situations including the legal order we propose to establish for the sea-bed and ocean floor. It is furthermore undeniable that the prodigious development of modern technology is bound to create new legal problems among Governments and peoples, problems

which essentially are still unsolved and which, by their very nature, require that jurists and statesmen should readjust legal concepts that are no longer consonant with the needs of the times. For we must remember that man's existence on earth is no longer limited to two dimensions.

146. In view of all these considerations, my delegation considers the concept of a common heritage as the best and most appropriate for dealing with the problems of the special area of the sea-bed and ocean floor, provided that the implications of that concept and its essential consequences are identified with care and appropriately defined.

147. From this concept, we believe, will flow a certain number of important consequences that are the basis of the international legal régime we propose to create for this area. The concept implies more particularly that the area cannot be subjected to claims of sovereignty or to appropriation; that States will participate without discrimination in the regulation and management of all activities in the area; that those activities, including exploration, utilization and exploitation, will be carried on for the benefit of mankind and in conditions of equity, taking into account the special needs of the developing countries. The peaceful utilization of the area, the need for international control and the conservation of the marine environment are all part of these consequences which are, basically, the whole object of our discussions on the question of principle.

148. In this context, I should like to dwell for a few moments on some questions of particular interest to my delegation.

149. One of those questions is that of the limits of the continental shelf. We believe that that limit must be precisely defined. The Geneva Convention of 1958¹³ is not clear on this point. Several speakers have pointed to the difficulties that would result from any lack of precision in the matter of the limits of national jurisdiction. The question is, in fact, one of great importance. For this reason we think it would be useful if consultations were envisaged for the purpose of investigating the practical possibilities of convening, at an early date, a conference on the law of the sea for the purpose of examining problems relating to the continental shelf. On this point, we shall gladly support the draft resolution submitted by the delegation of Malta [A/C.1/L.473].

150. With regard to freedom of scientific research and exploration, we share the view of the delegations which consider that a distinction must be drawn between scientific research and exploration on the one hand, and commercial exploration on the other. It should be noted, furthermore, in this regard, that as far as scientific research in areas under national jurisdiction is concerned, the consent of the coastal State is required, in conformance with the Geneva Convention on the Continental Shelf. Here we share the view given in paragraph 64 of the report of the Legal Sub-Committee. With these reservations, the Turkish delegation is entirely in favour of the idea that scientific

research must remain free and without discrimination throughout the international area of the sea-bed.

151. As for the question of the reservation of the sea-bed and ocean floor for exclusively peaceful purposes, we shall set out our comments on that question when we examine the report of the Conference of the Disarmament Committee. However, I should like to emphasize that, by its very definition a region that is to be used for the benefit and welfare of mankind must, above all, remain open to peaceful activities.

152. All these questions, which I have tried to deal with briefly, make it necessary, in our view, to set up some intergovernmental machinery for the purpose of applying the international régime that is envisaged and achieving the objectives of that régime by regulating activities relating to the sea-bed, controlling in particular the exploitation of its resources and, later on, assisting also in the exploitation of those resources.

153. The arguments in favour of the establishment of such intergovernmental or international machinery are set out at length in the excellent report submitted by the Secretary-General on this subject to the permanent Committee [A/7622 and Corr.1, annex II] and debated at length in that Committee. I shall not, therefore, at this stage, go into the details of the various considerations set forth in the Secretary-General's report and in the discussion in the Economic and Technical Sub-Committee. The idea of an international machinery for the purpose of ensuring that exploration, conservation, exploitation and utilization of the resources of the sea-bed and ocean floor should be carried on with the participation of all States, on a footing of equality in the management of that machinery, has already received widespread support in the Committee, which has asked the Secretariat to prepare an additional study on the status of the international machinery, its structure, the powers and terms of reference to be granted it and the activities and functions that are to be entrusted to it. My delegation supports that decision of the Committee.

154. Before concluding, I should like to dwell on another point which also seems to me very important and which is raised in the report of the Economic and Technical Sub-Committee. In paragraph 147 of its report, the Committee suggested "that preferential rights should be granted to the coastal State with regard to mineral deposits lying within a zone beyond its jurisdiction but adjacent to it". The Turkish delegation fully shares this view and considers that it would be completely justifiable and legitimate to grant to coastal States such preferential rights to the resources existing in the area immediately adjacent to that under their national jurisdiction. The opinion expressed in paragraph 148 of the same report, concerning the participation of coastal States in supervisory procedures in areas adjacent to the limits of their national jurisdiction, seems to us likewise worthy of consideration.

155. Despite the great number and the complexity of the problems that arise, it would not be wrong to say that, in the field under our consideration, our work has progressed to a fairly substantial degree of development. That result we owe, to a very large extent, to the sustained efforts of

¹³ Convention on the Continental Shelf: see United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

the two Committees we established to deal with the matter, namely the *Ad Hoc* Committee and the Committee on the Peaceful Uses of the Sea-Bed. The latter, which is entrusted with the task of continuing and completing, in the light of our discussions, the study of the questions assigned to it, has just addressed to us, with regard to the organization of its work for the coming year, a request to hold two four-week sessions. My delegation is in full accord with this request, which seems perfectly justified.

156. In conclusion, I should like to state that we are happy to observe that the Committee has succeeded, in the case of a number of important problems, in defining the common denominators that are indicated in paragraphs 83 to 98 of the report of its Legal Sub-Committee. We regard this result as a definite progress. My delegation therefore fervently hopes that it will be possible soon, through the Committee, to develop wider areas of agreement around these common denominators, so as to facilitate the formulation of the principles that will, in their turn, serve as the basis for a régime or for the international legal order we propose to establish for the vast areas lying under the deep waters of the oceans.

157. Mr. SHAW (Australia): I must begin my comments on the excellent report of the Sea-Bed Committee with a word of congratulation to the officers of the Committee and of its two standing Sub-Committees. Mr. Amerasinghe of Ceylon has given the Committee firm but courteous leadership. He has been patient and constructive and in his statement of 31 October [1673rd meeting] to this Committee he showed again his command of the subject and the depth of his concern for it.

158. The Chairman, and the Committee, have been fortunate in having as Rapporteur Mr. Gauci of Malta. If Mr. Pardo can claim to be the father of the Sea-Bed Committee, I am sure Mr. Gauci is also in a very special and close relationship to it. We express our appreciation also of the work done by the Chairmen of the two Sub-Committees, Mr. Galindo Pohl and Mr. Denorme, and by their Vice-Chairmen, Mr. Yankov and Mr. Arora, and by their hard-working and resourceful Rapporteurs, Mr. Badawi and Mr. Prohaska. We have been accustomed to working closely with all of these competent and energetic people. We regret very much that we will not have the benefit of Mr. Denorme's presence next year, although we congratulate him on his appointment to a higher position in the service of his Government.

159. I should also like to commend the Secretariat which, led by the Committee Secretary, Mr. David Hall, has produced some outstanding papers for consideration by the Committee. I refer in particular to the thoughtful study on international machinery. My delegation was amongst those which had doubts about the proposal for the study when it was put to the First Committee last year. However, at the concluding meeting of the Sea-Bed Committee in August, we were happy to support the suggestion by the representative of Kuwait that the study be annexed to the report of the Committee in order to bring it to the attention of all United Nations Members. Our attitude to the proposal for a further study in terms of Part One, paragraph 19, of the Committee's report is a positive one.

160. I should state, however, at this stage, that the Australian Government has not yet adopted definitive positions in regard to these important questions of an international régime and machinery. Some requirements are clear. For instance, as we emphasized in the Economic and Technical Sub-Committee on more than one occasion, any machinery which is established must be effective, credible and impartial. We do not think that a mere registry system, the minimum possibility mentioned in the Secretariat's study, would be adequate. On the other hand, any machinery established should not be of such a kind as to devour in administrative costs a disproportionate share of the resources produced by the area with which it is concerned. The possible options vary along a scale and they shade into each other. They do not stand in neat compartments separated from each other by clear-cut qualitative differences. In examining possible forms of machinery, we have to consider all the options in the light of practical as well as other considerations.

161. We are aware of the hopes of many delegations, particularly those from developing countries, that an eventual international régime for the ocean floor beyond national jurisdiction will be of value not only in itself, but also as a model of international co-operation based on considerations of equity and the common good. We share these hopes, but we know that we are still at the very outset of this enterprise, and at a stage of considering the most basic questions. We do not think that it is possible to arrive at quick decisions. Far-reaching discussions have to take place in order to arrive at the required international agreement and consensus if this lofty and potentially valuable project is to be realized.

162. We noted for example in the comprehensive statement by the representative of India on 31 October [ibid./] references to the nature of the machinery which it is hoped will be established. He stated for example that such machinery should "control all activities" to do with the area. We have to examine the implications of such an apparently definite and far-reaching concept, particularly since it would be applied to such a speculative and high risk field of enterprise as conducting mining, exploration and exploitation of the deep ocean floor.

163. My delegation was most interested in the remarks on the nature of possible international arrangements which were contained in the thoughtful and constructive statements [1676th meeting] made in the Committee by the representatives of Norway and the United Kingdom. We do not propose to try at this stage to comment on them at the length they deserve. However, their thoughts raise one question. This is whether some of the conflicting positions revealed in the intensive discussions on legal principles held during the year in the Legal Sub-Committee might not be better capable of reconciliation, if our discussions next year focus more on the possible forms which international arrangements might take, rather than on legal formulations. It is apparent that it may be difficult to obtain a greater measure of agreement for some time on points of difference about legal principles.

164. The proposed study by the Economic and Technical Sub-Committee next year of a code regarding conditions of title arrangements and a system of operating and super-

visory procedures which are referred to in Part Three, para. 155, of the Committee's report might prove useful in this direction. The Australian delegation in the Economic and Technical Sub-Committee was able to play a part in the formulation of this recommendation.

165. This having been said, I hasten to add that the work which was done on a declaration of legal principles during the last year, both in the Legal Sub-Committee and in the informal inter-session group, served a purpose in clarifying the issues and the basis of thinking of different delegations. The synthesis contained in paragraphs 85 to 97 of the report of the Legal Sub-Committee is a valuable indicator of the amount of agreement existing in the Sea-Bed Committee, and perhaps it could be said in the international community, at this stage. Mr. Badawi, the Rapporteur, worked hard to help the Sub-Committee clarify the situation and the synthesis achieved something which, for the great part of the August session of the Committee, appeared to be quite out of reach.

166. In regard to principles, the Australian delegation has in the past favoured a concise declaration. We are still attracted to the possibility of a short formulation on the broad lines of principles "B"¹⁴ as they emerged from Rio de Janeiro in 1968. We are not wedded to that formulation, but we wonder if it is realistic to attempt to write into a declaration of principles matters of detail which might more properly find their place in an eventual treaty. In spite of this doubt, we are of course prepared to examine carefully possible formulations of a declaration of legal principles written in a more extended form such as were put forward by Mr. Amerasinghe on 31 October [1673rd meeting, paras. 44-55].

167. The third main field of concern to the Sea-Bed Committee is the question of the limits of national jurisdiction, and therefore the limits of the international area to which eventually agreed régimes and machineries might apply. We agree with the representative of Belgium that the study of the important questions before the Sea-Bed Committee could not be delayed on the grounds that one or another of them should be given priority over all the rest. But we also agree with him when he said that the main questions before the Committee are interlinked.

168. My delegation in meetings of the Sea-Bed Committee and its Sub-Committees has consistently expressed the view that study of all questions before the Committee can usefully proceed parallel with each other, but that it may prove to be the case that ultimate decisions on one aspect will be conditioned by developments towards consensus on the others. We continue to favour early action to seek agreement on the limits of the national and international areas, not least because undue delay in reaching such an agreement may lead to the eventual international area being reduced as States seek to ensure that their own claims to national jurisdiction are no less advantageous to them than the positions already maintained by some others.

169. I should add, however, that we have some doubts about the draft resolution [A/C.1/L.473] submitted by

Malta. We doubt whether the proposals contained in that draft resolution are the best way to launch a review of the Convention on the Continental Shelf, and we are uncertain whether the question of limits could be productively considered in isolation from other important questions.

170. We do not consider that technical and economic progress should or could be halted, and indeed this cannot be done by a resolution passed by majority vote in this Assembly. The status of General Assembly resolutions is well known. We consider rather that we should regard the steady development of technology as a spur to our work in the Sea-Bed Committee, with the aim of achieving the widest possible measure of agreement in the shortest possible time.

171. We are happy to commend the report of the Sea-Bed Committee which we have before us. We look forward to further useful work in the Committee next year. We will discuss arrangements for next year's work in the preliminary meeting of the Committee to be held next January.

172. Finally I believe that we may conclude that since this subject was raised by Mr. Pardo in his statement in 1967 [1515th and 1516th meetings], the United Nations has made considerable progress in considering an important new dimension both of man's activities and of the United Nations' field of interest. Two years ago, the international community was not well prepared for serious and constructive examination of this subject. Important and complex questions are involved, and the Australian Government for one has extended itself to examine them in the context of its other pressing problems of development and technological change.

173. Here in the United Nations, Members may properly conclude that so far we have made some progress. Slowly an international consensus is developing, at least on some aspects of the complicated and inter-linked group of problems given to the Sea-Bed Committee to study. It is too early to congratulate ourselves, but I think that we have made a modestly useful start.

174. The aim of the Australian delegation is to expedite and support the work of the Sea-Bed Committee. Australia is both a developed and a developing country. We have a technical capacity and we are producing resources from our continental shelf. We share the views of other members of the Sea-Bed Committee regarding the genuinely international nature of the area of the sea-bed beyond national jurisdiction.

175. My delegation will support the draft resolution [A/C.1/L.474 and Add.1] submitted by Belgium, which provides for the future functioning of the Committee. We reserve our right to speak later on other draft resolutions which may be put forward.

176. Mr. HOLDER (Liberia): I had asked to be allowed to speak tomorrow. However, Sir, in accordance with your appeal for additional speakers during this afternoon's meeting, and in the spirit of co-operation, my delegation wishes to take advantage of this opportunity to express its views on certain matters contained in the report of the Sea-Bed Committee which is the subject of discussion before us now.

¹⁴ See *Official Records of the General Assembly, Twenty-third Session*, document A/7230, para. 88.

177. At the very beginning, let me express the feeling of satisfaction of my delegation on the work and care which have gone into the preparation of the report itself. Evidently, the report covers a wide area of discussion on the sea-bed and includes information on related data collected by the Committee during its past sessions.

178. We are not surprised at the high quality which the report exemplifies, considering the calibre of those to whose care responsibility for the Committee's work had been entrusted. We regret to learn that the Chairman of the Economic and Technical Sub-Committee will not serve the Committee next year.

179. Two years ago, the twenty-second session of the General Assembly appointed an *Ad Hoc* Committee [*resolution 2340 (XXII)*] to study the question of the sea-bed and its peaceful uses. The report of the *Ad Hoc* Committee¹⁵ was evidently so interesting, revealing and encouraging that it stimulated the appointment by the twenty-third General Assembly of the Sea-Bed Committee.

180. As we examine the work of the Sea-Bed Committee and its predecessor, the inevitable question arises as to the progress and usefulness of the study so far. The Committee itself expresses a wish in its report [*A/7622 and Corr.1, Part One, para. 19*] to extend the last two of its sessions in 1970 to a period of four weeks each. This request undoubtedly emphasizes the volume of work with which the Committee has to contend as well as the size of the study in relation to the original time allotted for that work.

181. While my delegation welcomes the Committee's proposal for an extension of its session time, the view is taken that the volume of work and even the complexity of the subject matter cannot alone serve as the basis on which to judge the progress of the work of the Committee. Perhaps it is fair to say that greater progress could have been achieved in an atmosphere free from suspicion among States members of the Committee.

182. One of the barriers to greater progress—the question of the peaceful uses of the sea-bed—has reportedly been broken. It is the ardent hope of my delegation that such willingness to co-operate will not only serve as a beginning for complete and satisfactory agreement on most issues with which we are concerned, but will also pervade the entire deliberation of the Sea-Bed Committee during its forthcoming sessions.

183. A most important area in which it is hoped that the Committee will exhibit a greater degree of co-operation concerns the formulation of a universally agreed and acceptable set of principles to regulate activities on the sea-bed and ocean floor and in the subsoil thereof beyond the limits of national jurisdiction. There seem to be several vital considerations to justify the urgency of the need to provide the set of principles to which I have referred.

184. First of all, by questioning ourselves on the purpose of the study for which the General Assembly has appointed the Committee and which it has authorized it to undertake,

we bring into clear perspective the unsatisfactory state of affairs existing in regard to the sea-bed and subsoil beyond the limits of national jurisdiction. On this basis, the question of whether existing rules of international law do or do not at present apply to the area immediately loses considerable significance. The appointment of this special Committee would seem to indicate that even if some existing rules of international law do apply to the area, their exclusive application was undesirable. Something more, or better, seemed to be desired by the international community.

185. In the Committee's work two major considerations, it would appear, deserve our close attention: first, the need duly to preserve (a) existing sovereign rights in the high seas—the superjacent waters covering the area in question—and (b) existing sovereign rights in the sea-bed and subsoil beyond national jurisdiction; second, the need to bar any sovereign rights of acquisition in the area of the sea-bed beyond national jurisdiction. Those considerations, I submit, seem to dominate our attitude in the discussions on this item. Indeed, they should.

186. On the other hand, let me admit readily that such broad and general statements sometimes tend to oversimplify otherwise extremely complex issues. My delegation is also willing to concede that such broad statements are less likely to encompass every detailed aspect of an issue as involved as is, admittedly, the case of the sea-bed and subsoil beyond the limits of national jurisdiction. Nevertheless, a general statement might at times provide a broad understanding which could not only serve as a reasonable starting point, but perhaps could also facilitate a logical focusing of the main issues at once. On the basis of this approach my delegation will refer very briefly to a few issues which came up before the Committee and on which unfortunately there was no general agreement.

187. The first is the proposal that the sea-bed, subsoil and ocean floor beyond the limits of national jurisdiction—hereafter referred to as the sea-bed—should be regarded as “the heritage of mankind”, or any variation in expression of that concept. Let me say at once that my delegation has consistently supported the proposal that the sea-bed is, or henceforth shall be, regarded as the heritage of mankind, and it continues to recommend that view. I shall not go into the arguments pro and con, which are amply recorded in the report, but would say that this approach seems to lead to the most satisfactory conclusion to be drawn if it is intended to exclude individual—and I mean here State—sovereign rights over the area in question, or any portion of it.

188. On the other hand, we are not unaware of the possibility of an approach which would prohibit sovereign acquisition and establish a régime to regulate activities in the area without the use of the words “the common heritage of mankind”.

189. My next reference is to the issue regarding the establishment of a régime to govern activities in the sea-bed. The report states that while there appears to be widespread support for an early statement of basic principles, no consensus on the content of the principles could be reached.

¹⁵ *Ibid.*, document A/7230.

190. The question of principles seems to be the most fundamental, and it therefore involves other closely inter-related issues that I propose to mention, such as the establishment of an international machinery and the delimitation of the area of the sea-bed, the ocean floor and the subsoil which lies beyond the limits of national jurisdiction.

191. My delegation is in favour of the establishment of an international machinery, preferably within the family of the United Nations. The construction of the rules establishing such a machinery need not precede or even exactly coincide in time with the formulation of the set of principles to which I have referred, but it is essential that the concept of an international machinery should influence the formulation of the principles relating to activities in the sea-bed. The question of the delimitation of the boundaries of the sea-bed comes up against the questions both of the formulation of a set of principles and of the establishment of an international machinery.

192. We all recognize the difficulty in assigning priority to the question of the boundaries of the sea-bed. If I recall correctly, it was the representative of Sweden who, in his recent statement in this Committee, aptly compared this issue to the question of the chicken and the egg. But the apparently insoluble nature of the question before us may be so compared only if, under the terms of the Geneva Convention on the Continental Shelf,¹⁶ States were suddenly capable of exploiting the sea-bed at any depth. In such a circumstance it would be completely useless to discuss the question of international régime, machinery, and so on, without first agreeing on the area to which the rules would apply. At present we can assume, however, that even under the admittedly unsatisfactory provision of the continental shelf Convention, as well as the existing state of the scientific and technological capability, there is a substantial area of the sea-bed which lies beyond the limits of national jurisdiction.

193. Nevertheless, my delegation is inclined to support the view that, owing to the lack of rules of international law to impose regularity in State practices in this connexion, and because of the giant steps and leaps which are, happily, being taken in science and technology in some highly developed States as compared to States still lagging behind, there seems to be an urgent need to cordon off in the fast approaching future the area of the sea-bed which lies beyond the limits of national jurisdiction.

194. Finally, my delegation, having participated in the work of the Sea-Bed Committee, appreciates and acknowledges the immensity and variety of the considerations involved in the work of that Committee. My delegation is one which does not advocate the sacrificing of quality for speed. Equally, however, it cannot support the view that complexity of subject matter is necessarily an obstruction to progress. Accordingly, my delegation wishes to express its feeling for the urgent need for a declaration of principles regarding the sea-bed, the ocean floor and the subsoil thereof beyond the limits of national jurisdiction.

195. The view is taken that at this stage a formulation of principles is possible despite gaps in our knowledge about

the entire area in question and in spite of the complexity of the issues. Of course, such a formulation is bound to be unduly delayed by the suggestion that there is insufficient knowledge of the subject matter, by the unsatisfactory definition of the continental shelf as provided for in the Geneva Convention, and by an unwillingness of States to co-operate on account of their technological advantage and the resulting economic expectations. My delegation would repeat that there is an urgent need for a declaration of principles regarding the sea-bed.

196. The CHAIRMAN: I wish to thank the representative of Liberia for speaking this afternoon instead of tomorrow. It was my intention to advert to the legal issue raised by the representative of Malaysia at one of our earlier meetings, but as the representative of Thailand has asked to speak, and as he will be making only a short statement, I shall give him the floor.

197. Mr. PANYARACHUN (Thailand): I have asked to speak this evening because I thought that the time of the Committee should be more profitably spent, inasmuch as I understand that there are many speakers tomorrow.

198. In recent days fate has taken away from our midst two of our colleagues, Ambassador Ismail of Malaysia and Ambassador Danieli of the United Republic of Tanzania. Among those of us who had the privilege and pleasure of knowing them, there is a common feeling that their personal qualities and the manner in which they discharged their responsibilities here have endeared them to us all. We had come to respect their sterling characters and admire their personal charm. We mourn their deaths and, on behalf of the delegation of Thailand, I should like to express through you, Mr. Chairman, to the delegations of Malaysia and the United Republic of Tanzania our profound sense of sorrow.

199. The delegation of Thailand would like also to associate itself with the other delegations which spoke before us in paying a tribute to the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. Thailand had the good fortune of being elected to the Sea-Bed Committee, and the privilege and pleasure of working under the energetic and forward-looking leadership of Mr. Amerasinghe of Ceylon and his Bureau have strengthened my delegation's faith and confidence in the United Nations, its activities and, last but not least, its future. Beyond the normal protocol, to which we in the United Nations have become accustomed, my delegation also wishes to express its warmest appreciation to Mr. Galindo Pohl, the Chairman of the Legal Sub-Committee, and Mr. Roger Denorme, the Chairman of the Economic and Technical Sub-Committee, and their respective Bureaux, for the manner in which they prodded us along the difficult and arduous tracts on the sea-bed and ocean floor.

200. My delegation would also like to express our thanks to the Rapporteur of the Sea-Bed Committee, Mr. Gauci of Malta, for his lucid presentation of the Committee's report.

201. In considering the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond

¹⁶ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

the Limits of National Jurisdiction my delegation notes that some progress has been achieved despite the fact that no specific recommendations on substantive matters have yet been made and presented to the General Assembly at this session. The very useful and detailed reports of the two Sub-Committees clearly demonstrate that intensive consideration and discussions took place during the deliberations of the Legal Sub-Committee as well as of the Economic and Technical Sub-Committee. If the Sea-Bed Committee could not at the present stage show better results for the tasks entrusted to it by resolution 2467 (XXIII) of the General Assembly, it was due largely to the novelty and complexity of the problems. However, it should be stressed that to formulate legal principles which will serve as rules of conduct for the international community is no easy task and we should intensify our efforts to reach agreement on fundamental principles. My delegation is nevertheless gratified to see that the Legal Sub-Committee was able to narrow down certain divergent opinions and hence was in a position to find some common denominators by way of synthesis, as appears at the end of its report [*ibid.*, *Part Two*, *paras. 83-97*].

202. The report of the Economic and Technical Sub-Committee contains a wealth of technical and scientific information. Considerable progress in several directions has been achieved in the exploration and exploitation of the sea-bed resources. Some observations have been made to the effect that exploitation of marine mineral resources is only at a very early stage, which would provide a good opportunity to draw up, in good time, an international régime for operations on and under the sea-bed.

203. My delegation has listened with great interest to the general debate on this sea-bed item and shares the concern of many delegations regarding the urgent need for the international community to regulate the peaceful uses of the sea-bed and ocean floor beyond the limits of national jurisdiction. As my delegation understands it, three main steps must be taken: first, formulation of legal principles concerning this area; second, establishment of an international régime; and third, creation of an international machinery.

204. The first immediate step is the formulation of legal principles which will include, among other things, the legal status of the sea-bed and ocean floor beyond the limits of national jurisdiction. Then the Committee might work on the establishment of an international régime which would be in accordance with the agreed legal principles. The third main step is the creation of a international machinery which would have jurisdiction over and govern and regulate all activities in this area.

205. May I explore further these three main steps which my delegation considers essential for the whole problem. As to the question of formulating legal principles and norms, the fundamental concept on which the whole set of legal principles should be based is that the sea-bed and the ocean floor beyond the limits of national jurisdiction are the common heritage of mankind. My delegation strongly supports this legal-theory concept, and considers it a basis for all principles to be formulated. My delegation is one of those which attach the greatest importance to this concept. The only criticism against this term we have heard so far is

that the expression is novel and that it does not exist in the current legal lexicon. While we do not deny the validity of such an argument, we can hardly accept the criticism as a valid contention for not accepting the notion or the reasons behind it.

206. The sea-bed and the ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction is a relatively new field in international law. The proceedings of the Sea-Bed Committee in past sessions have confirmed this fact and have constantly drawn our attention to the fragmentary nature and inadequacy of the existing international law on the subject.

207. It stands to reason, therefore, that in our exploration of the new field of international law we should uncover some new concepts and ideas. The criterion for testing the acceptability of these new concepts should not be whether these ideas or concepts are already accepted principles or norms, but rather whether they are in accord with the principles of justice and international co-operation and whether they should be exploited for the benefit of mankind as a whole.

208. In my delegation's view, the concept of the common heritage of mankind successfully meets this test and further enhances the progressive development of international law. We therefore deem it essential that such a concept be introduced and embodied in the future statement of legal principles.

209. Regarding the legal status of this area, the concept that the sea-bed and ocean floor shall not be subject to national appropriation by any means and that no State shall exercise or claim sovereignty or sovereign rights over any part of it has been accepted by all without difficulty. Furthermore, as a consequence of the concept of the common heritage of mankind, it should be mentioned that all States shall participate in the administration and regulation of the activities in this area as well as in the benefits obtained from the exploration, use and exploitation of the resources of the said area.

210. In our opinion there is no question that the area of the sea-bed and ocean floor beyond the limits of national jurisdiction should be considered separately from the superjacent waters of the high seas. These two separate areas, the sea-bed and ocean floor on the one hand and the superjacent waters of the high seas on the other, are two separate entities having a different legal status.

211. In other words, clearly defined principles and internationally agreed provisions of present international law fully apply to the high seas, but few of them deal with the sea-bed and the ocean floor. Since the existing international law concerning the area of the sea-bed and ocean floor is fragmentary and inadequate, the notion of "freedom of the high seas" does not mean and cannot be interpreted to mean that it could apply to the exploration, use and exploitation of the resources in the area. In view of this situation it is therefore necessary for the world community to have some new legal principles formulated as part of the process of the progressive development of international law.

212. On the question of the reservation of the sea-bed and the ocean floor for exclusively peaceful purposes, my delegation notes with interest the initiative undertaken by the Soviet Union and the United States in submitting a joint draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed to the Conference of the Committee on Disarmament, the report of which will be presented to the General Assembly as a part of the item on the disarmament question. My delegation recognizes the importance of the progress so far achieved in the field of disarmament, but it is our considered view that no attempt, however well-intentioned, should be made to by-pass the Sea-Bed Committee which is specifically entrusted with a mandate

“... to study further, within the context of the title of the item, and taking into account the studies and international negotiations being undertaken in the field of disarmament, the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor without prejudice to the limits which may be agreed upon in this respect” [*resolution 2467 A (XXIII), para. 3*].

213. On this basis it appears logical and mandatory that unless the Sea-Bed Committee has ample opportunity to study in depth the text of the draft treaty and members of the Committee are given sufficient time to consult with their respective Governments so as to enable the Committee to submit its report to the General Assembly, the First Committee should not be forced, as in the recent past, to rubber-stamp its approval of the treaty at the present session. This, however, does not mean that the debate on this question should not take place when the item comes under the consideration of the First Committee. Preliminary discussion would be most useful, but my delegation does not believe that this discussion can be brought to a conclusion which will be satisfactory to all concerned.

214. Regarding the need for the establishment of an international régime for the purpose of exploration and use of the area and the orderly exploitation of its resources, my delegation wishes to emphasize that the objectives of such a régime would be for the benefit of mankind as a whole, irrespective of the geographical location of States, and for the promotion of economic development, taking into account the special interests and needs of the developing countries. The international régime, when set up, would serve the international community and ensure that there exist guidelines for the peaceful use of the sea-bed in the interests of all mankind.

215. As a corollary to the international régime, and as a part of it, there should be international machinery. As may be recalled, the question of international machinery as introduced last year in a draft resolution by Kuwait, Venezuela and others¹⁷ raised a hue and cry among many representatives of developed countries, particularly of the two super-Powers. In order to put to rest the unjustified fear and apprehension of those delegations, a procedural resolution was devised as a compromise and approved by an overwhelming majority.

216. Hence, the Sea-Bed Committee at its August session was able to take advantage of the study on international

machinery prepared by the Secretary-General [*A/7622 and Corr.1, annex II*] and had a preliminary discussion on this important aspect of the item. My delegation was gratified to note the timely shift of the basic position of one of the super-Powers on this matter, and we were enabled to have more meaningful deliberations on the subject than we would otherwise have had. In this connexion, my delegation would like to express its hope that more rapid progress on this question may be made by the Sea-Bed Committee at its future sessions. This can only be achieved if both super-Powers will allow themselves to place the interests of the international community, particularly of the developing nations, above their own narrow national interests.

217. As a consequence to the concept of the common heritage of mankind, all States will participate in the administration and regulation of the activities in this area. This would imply that the said participation would be done through an international machinery which would be vested with the power to regulate and manage the area. This international machinery, in our view, should have, among other things, jurisdiction over the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. It should also have the power to regulate, co-ordinate, supervise and control all activities relating to the exploration and exploitation of the resources in the area. My delegation is gratified that the Sea-Bed Committee has expressed its view that the Secretary-General should be requested to prepare a complementary study covering in depth the status, structure, functions and powers of the proposed machinery [*ibid., A/7622 and Corr.1, Part One, para. 19*].

218. In conclusion, my delegation finds certain merit in the suggestion put forward by the representative of Malaysia in the Legal Sub-Committee at the August session, and referred to again here in this Committee, that we might perhaps try to consider whether there exists any possibility at present, and pending the creation of an international machinery for this particular purpose, that the entire area in question be vested in the United Nations which is already a legal person. A legal opinion from the Legal Counsel, as requested by the representative of Malaysia, might be helpful in this matter.

219. The CHAIRMAN: I thank Mr. Panyarachun for speaking this afternoon instead of tomorrow. The list of speakers for this afternoon is exhausted.

220. Members will recall that at the 1676th meeting on 4 November, the representative of Malaysia formally proposed that the Committee seek from the Legal Counsel of the United Nations a formal legal opinion concerning vesting in the United Nations the jurisdiction over the sea-bed and the ocean floor beyond the limits of national jurisdiction.

221. Following that statement, and in view of its importance, I requested the representative of Malaysia to formulate his proposal in precise terms. The formulation he has now given to me is as follows:

“Having regard to the exposition of the legal status of the area of the sea-bed and the ocean floor beyond the limits of national jurisdiction, hereinafter referred to as

¹⁷ *Official Records of the General Assembly, Twenty-third Session, Annexes, agenda item 26, document A/7477, para. 7 (b).*

the said area, and the elaboration of the elements that that legal status should include and comprehend as set out in the report of the Legal Sub-Committee, being Part II of the report of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor (A/7622 and Corr.1), is it permissible and/or desirable in law to vest the said area in the United Nations so as to render the implementation of the terms of the Assembly resolution 2467 (XXIII) of 21 December 1968 comprehensive and effective?"

222. That is the formulation of the representative of Malaysia, Mr. Ramani. I should now like to consult the Committee on whether there is any objection to the Legal Counsel's being asked to provide a formal legal opinion as proposed by the representative of Malaysia.

223. Mr. HAMBRO (Norway): I listened to the speech by the representative of Malaysia the other day and I re-read it a couple of times so as to grasp the thought that he had in mind. I am very glad that he raised this important legal question because we as international lawyers are always interested in favouring and furthering the rule of law.

224. Sometimes in the life of an international organization it is wise and useful to ask legal advice before action is taken. Sometimes one asks the International Court of Justice; sometimes one asks a committee; sometimes one asks the legal adviser—the Legal Counsel in this case.

225. But I would venture to suggest that a question to be put to the Legal Counsel must be an actual question, a well-defined question and a question covering only legal points, and possibly legal points that are not too wide. I feel that the question we are seeking to ask the Legal Counsel is a very vast question, a question that really goes to the very root of the character of the United Nations. It is a question of: Do we accept a restrictive or a dynamic interpretation of the Charter? I venture to say that that is a question of such profound political significance that it would not be very helpful for the Committee at this time to ask the Legal Counsel to give us an opinion on it.

226. I also think that the question at present is rather hypothetical. First of all, we really want to know whether the Sea-Bed Committee would like to recommend the step proposed here by the representative of Malaysia. Before we know whether it is politically advisable or desirable to go to the extent suggested by the representative of Malaysia, I think it would not be very helpful to ask for legal advice. I think it is too hypothetical and too vast a problem.

227. The Sea-Bed Committee has a Legal Sub-Committee. I would suggest, with due respect, that it would be wiser to let the Legal Sub-Committee discuss the legal sides of this issue at considerable length before we distil a question of so precise a nature that it might be wise to ask the Legal Counsel to help us.

228. If I may venture to do so, I should like to suggest that we do not decide on this question tonight. We have not seen the question in writing. Mr. Chairman, you have just read it out to us. I believe that it would be helpful to us to be able to think about it a little bit more and to vote on it at a later date. However, after having heard the proposal as

you read it out, I am rather strengthened in my original feeling that it is a bit too early to ask the Legal Counsel to give us his advice on this matter.

229. Mr. ROSSIDES (Cyprus): I have listened to the proposal of the representative of Malaysia and also to the very well thought out statement of the representative of Norway. I join in the suggestion that we be given time to consider that proposal. I do not think we could possibly take a decision on it tonight. May I take this opportunity of proposing an adjournment of the meeting and asking that we be given the possibility of discussing this question tomorrow, if that is convenient, or at any other time.

230. Mr. ENGO (Cameroon): There are times when the authority of a jurist should not too readily be challenged by those who are comparatively young. I think that rather than to express a definite view with regard to the proposal that has been made by the representative of Malaysia or with regard to the contrary opinion or advice that has been given by the representative of Norway, my delegation would like to pose a question which I hope, when answered, will enable it more fruitfully to consider the proposal.

231. Words like "desirable" or "advisable" sometimes might lead to opinions which in themselves might be undesirable, considering the source from which they emerge. I should like to ask the representative of Malaysia what the substance of his question is. Is he actually asking for advice, in the light of discussions here, on whether or not the United Nations as such has the capacity to assume certain responsibilities in respect of the sea-bed? If that is all that is being asked, my delegation will probably have one point of view. But if the question is framed in such a way that it asks the Legal Counsel whether—if the United Nations has the capacity to assume responsibility in the juridical sense—it would be desirable or advisable in the light of consequences, then my delegation may have other views.

232. Therefore, I would like to pose this question to the representative of Malaysia for clarification in order to help me in the interim period to consider what attitude our delegation will take on that point.

233. Mr. HASHIM (Malaysia): It is the intention of my delegation to make a full statement later, either tomorrow or whenever our name appears on the list of speakers. However, my delegation has taken note, Mr. Chairman, of your reference to our request to seek a legal opinion on the permissibility and/or desirability in law of vesting in the United Nations the area of the sea-bed and ocean floor beyond the limits of national jurisdiction for purposes of exploration and exploitation of its resources for the benefit of mankind as a whole.

234. My delegation will, of course, study closely the statements which have just been made by the representatives of Norway, Cyprus and Cameroon and, in the light of that examination, we shall decide in what manner or in what forum to pursue the matter further.

235. As regards the clarification sought by the representative of Cameroon, we should like to get from the

Legal Counsel a reply as to whether such vesting is permissible in law and desirable, because of our concern that the resources of the sea-bed and ocean floor should be reserved for the benefit of mankind as a whole.

236. Mr. BEESLEY (Canada): We had no intention of speaking on this very substantive question at such short notice, but the debate thus far already shows the difficulties which this question poses. I must say that I associate myself with the earlier remarks of the representative of Norway and the comments made by the representative of Cameroon on the possible difficulties which we are raising here. The question of desirability is obviously a highly political one, and to our mind it would be inappropriate and unfair to pose such a question to the Secretary-General or to a member of his staff. We fully recognize the very constructive purposes behind this initiative, but it is obviously one of such serious magnitude and with such far-reaching implications that we owe it to the United Nations, as well as to one another and to the States we represent, to give some very serious thought to how we should proceed on this matter. For this reason we would second the proposal of the representative of Cyprus that we do not attempt to have a serious substantive discussion on this question at this time, but postpone it to an appropriate occasion.

237. Mr. CHAMMAS (Lebanon): Very briefly, I think there is a question of principle involved. After I had heard the representative of Malaysia I checked whether he was proposing to seek legal advice on behalf of the Committee. My understanding is that as a representative of his delegation he wanted to put a question to and to seek legal advice from the representative of the Secretary-General, the Legal Counsel. As a matter of principle it is his prerogative to put such a question, and the fact that the question entails problems for certain Members is another matter. I think the First Committee must bear in mind that it is the right of any delegation to raise any particular point and seek advice from the Legal Counsel, and it is for the Legal Counsel to say whether he can publicly give that statement or not. I am making these remarks in order to remind my colleagues that, possibly, we can avoid a discussion of a substantive nature or of a procedural character. If the representative of Malaysia wishes to ascertain what the views are, he might contact the Representative of the Secretary-General personally and in private; but if his request is to have the Committee seek legal advice, then it becomes a matter which should concern the First Committee as such. I thought these remarks might clarify the situation.

238. The CHAIRMAN: In view of the lateness of the hour, I wonder whether representatives will bear with me if I try to sum up the situation and proceed to make certain announcements and to adjourn the meeting. Considering the lack of time for further consideration of this matter, and in view of the interventions of several representatives, it does not appear to the Chair to be either permissible or desirable to proceed to take a decision on this important question now. We shall revert to it at an appropriate time and it may be useful to hear what the representative of Malaysia will have to say in his statement. Possibly he will be able to clarify the question further, in which case perhaps the debate could take a more meaningful and, I would hope, a constructive turn.

Organization of work

239. The CHAIRMAN: I shall now proceed to provide some information to the members of this Committee in regard to the organization of our work. At my request the Office of Conference Services has supplied me with information concerning the actual starting time of meetings of the First Committee thus far this session. On the average the Committee has commenced its meetings about 24 minutes after the scheduled time. Thus, during the period from 10 October when the Committee began its work until Wednesday, 5 November, the Committee lost a total of 11 hours, or the equivalent of about five and half full meetings. In terms of labour and services this represents a cost to the United Nations of approximately \$8,250. It will be recognized that this loss will in addition necessitate the holding of night meetings and Saturday meetings in order to complete the consideration of the items allocated to the Committee. May I also inform the Committee that we have lost a total of nine and a half hours, or an average of 20 minutes per meeting, on account of early ending of meetings for want of speakers.

240. I am sure that members will agree with me that the Committee should be concerned to see that its work is carried out with the minimum of waste both of time and of money. I also hope that members of the Committee will assist me in achieving this aim and will therefore make every effort to attend meetings at the scheduled time.

241. Now, in regard to the progress of the work of the Committee: I have 30 speakers remaining on my list. Therefore there will be two meetings tomorrow. It is my intention to commence our meetings at 10.30 a.m. and 3 p.m. sharp in order that we may hear as many speakers as possible.

242. The following draft resolutions have already been presented and circulated. First, there is the draft resolution in document A/C.1/L.473 submitted by Malta. There are amendments to that draft resolution in documents A/C.1/L.475 and A/C.1/L.476, submitted by Jamaica and Trinidad and Tobago and by Cyprus respectively. The second draft resolution before us is in document A/C.1/L.474 and Add.1 in the name of Belgium and other delegations. If other delegations are intending to submit draft resolutions or amendments, may I request them to do so as soon as possible. May I express the hope that the Committee will be able to complete the general debate, as well as to vote on the draft resolutions on the present item, by Monday, 10 November, on which day two meetings will be scheduled. We can then take up for consideration on Tuesday, 11 November, item 4 on our agenda, namely, the substantive aspects of the question of Korea. In this connexion I would appeal to all those delegations who may wish to inscribe their names on item 4 to do so as much in advance of the commencement of the debate as possible, so that no time may be lost for want of speakers. I would also appeal to the members of this Committee to permit the Chairman to propose a very early closure of the list of speakers for the next item. I thank you for your patience.

243. Mr. OULD DADDAH (Mauritania) (*translated from French*): I apologize for speaking at such a late hour, but I merely wanted some clarification concerning the announce-

ments you have just made. You said that you still have 30 speakers on the list and that you are planning on two meetings for tomorrow, Friday. My question is: if delegations on the list were to find it difficult to speak tomorrow, would you allow them to speak in the general debate on Monday, or have you already decided to close this debate tomorrow?

244. The CHAIRMAN: With reference to what the representative of Mauritania has stated, it does not lie within the power of the Chairman to deny any representative the right to speak once he has inscribed his name. I should say that since we still have 30 speakers and we were able to hear about nine speakers this afternoon, in a little more than three hours, it is my hope that we will be able to hear some 20 to 24 speakers tomorrow morning and afternoon, leaving three or four speakers for Monday morning, after

which we could proceed to take up the draft resolutions and vote on them. Therefore, if the representative of Mauritania feels that he may not be in a position to speak tomorrow, I do think that he will have a chance to speak on Monday. He is inscribed as twenty-third on my list, and his turn may come right at the end of tomorrow afternoon's meeting, which I hope, in view of the weekend, to adjourn by 6 p.m. If his turn does not come by then, he is welcome to speak on Monday morning.

245. Mr. IMAN (Kuwait): I merely wish to inform you, Mr. Chairman, that we now have 17 co-sponsors for a draft resolution requesting a further study on the question of international machinery and that we shall submit that draft resolution tomorrow morning.

The meeting rose at 6.45 p.m.