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Chairman: Mr. Piero VINCI (Italy).

AGENDA ITEM 26

Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (*continued*) (A/7230, A/C.1/973, A/C.1/L.425 and Add.1-3, L.426)

1. Mr. HAMBRO (Norway): Mr. Chairman, in spite of the fact that this is the first time I have spoken in this Committee since you were elected its Chairman, I shall—in deference to your own wish—refrain from singing your praises. You have already been so smothered by compliments that I shall not add to that burden or bring more blushes to your cheek. Suffice it to congratulate our Committee on the excellent Bureau we have elected.

2. The report of the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction [A/7230] which is now before us is a remarkable document. It shows what even a fairly large Committee can achieve within a short period under a wise and able leadership, and I want to associate myself with the previous speakers who have praised Mr. Amerasinghe for the smooth and able way in which he has conducted the proceedings of the Committee. His nearly ruthless efficiency was tempered by a soothing sense of humour. It will also be noted and appreciated that he had been very ably assisted by the Rapporteur of the Committee, Mr. Gauci from Malta, and by the hardworking Chairmen of the two working groups, Mr. Benites of Ecuador and Mr. Denorme of Belgium.

3. The report has focused our attention on the extremely important and complex subject with which we are now

dealing. The useful work already done by the *Ad Hoc* Committee should be carried on by a standing committee.

4. I do want to thank the representative of Belgium in the *Ad Hoc* Committee for his untiring work in co-ordinating the efforts which have resulted in the very important draft resolution [A/C.1/L.425 and Add.1-3] now before us. This work of co-ordination and conciliation is still being vigorously pursued in order to obtain the widest possible support, which is of paramount importance if we shall be able to achieve positive results.

5. In the draft resolution there are already included some principles which provide a basis for the exploration and exploitation of the deep ocean floor beyond the limits of national jurisdiction. It is the view of the Norwegian delegation that it should be possible to reach an agreement on a set of principles which should include the principles that: (a) there is an area of the sea-bed and ocean floor and the subsoil thereof, underlying the high sea, which lies beyond the limits of national jurisdiction; (b) taking into account relevant dispositions of international law, there should be agreement on a more precise boundary for this area; (c) there should be agreement for the exploitation of resources of this area; (d) no State may claim or exercise sovereign rights over any part of this area, and no part of it is or should be subject to national appropriation by claim of sovereignty, by use or occupation, or any other means; (e) exploration and use of this area shall be carried on for the benefit and in the interests of all mankind, taking into account the special needs of the developing countries; (f) this area shall be reserved exclusively for peaceful purposes; and (g) activities in this area shall be conducted in accordance with international law, including the Charter of the United Nations, and, shall not infringe upon the freedom of the high seas.

6. I want to stress that the Norwegian Government regards it as a *sine qua non* for the effective and peaceful exploitation of the natural resources of the ocean floor in the interests of mankind that this area should not be used for military purposes and the acquisition of strategic positions. In this connexion the standing committee should work in close contact with and draw upon the valuable experience and work of the Eighteen-Nation Committee on Disarmament.

7. The question of the sea-bed and ocean floor originally raised in the United Nations by the representative of Malta, Mr. Pardo, may lead to a positive and fruitful co-operation between its Members and thereby strengthen our Organization. I should like in this connexion to pay a special tribute to Mr. Pardo, who has shown what an individual with vision can achieve and what a small country can contribute to the world community.

8. The Government of Norway and its people are greatly interested in the subject now before us. This is a natural result of Norway's extended coastline and maritime industries such as shipping and fishing and the increasing exploratory and exploitative activities for petroleum now being carried out on its continental shelf. My country has long played an active part in the exploration and study of the oceans. It would be a fitting continuation of the traditions of our sea-faring nation also to participate in constructive efforts to bring the ocean floor and sea-bed under the effective domination of man for the benefit of all humanity.

9. My delegation considers it of the greatest importance that the activities on the deep ocean floor should be carried out in such a way as to minimize the danger of pollution of the maritime environment, and in this connexion I wholeheartedly support what was said by the representative of Iceland in this Committee [1589th meeting] last Tuesday, 29 October. We must avoid the conflict which may arise in a possible collision of interests between the traditional maritime activities such as shipping and fishing on the one hand and the exploration and exploitation activities of the resources of the deep ocean floor on the other.

10. It has already been stated by the Norwegian delegation in the *Ad Hoc* Committee that the technological revolution of the twentieth century has to such an extent outpaced the legal developments, that we stand in urgent need to establish adequate principles of international law in this field. This is of the utmost importance if we are to avoid an exploitation race and an arms race which could constitute a very serious threat to world peace in the future. Within the context of international law coastal states should be prevented from claiming sovereignty over the deep ocean floor of the world oceans.

11. The issue before us is a great challenge. A whole new dimension is opened up for human endeavour. We stand at a cross-roads. Either these new riches can be the cause of competition and struggle which may be bitter and protracted or they can give us cause for closer co-operation and greater unity. The very concept of these riches as the common heritage of mankind is inspiring and points to a future of great promise. Without international co-operation we run the risk that the deep seas and the ocean floor will be spoiled by military installations and that the resources will be destroyed by ruthless exploitation resulting in pollution and erosion. Collaboration on the other hand may help us to take a long step towards abolishing poverty and ensuring a richer and fuller life for all mankind. The deep seas can be either the graveyard of disappointed hopes or the active workshop for common endeavour.

12. We all agree that there is an area of the sea-bed and ocean floor which lies beyond the limits of national jurisdiction. It seems logical that such an area must be delimited in one way or another. Otherwise it might be illogical to talk of such an area. Unfortunately, article 1 of the Convention on the Continental Shelf¹ of Geneva, 1958, does not establish a clear definition in this respect. The Norwegian Government feels that it is of paramount importance to draw up in a somewhat clearer way the limits

between the national continental shelves of coastal States and the deep ocean floors belonging to mankind as a whole. If we should not be able in the foreseeable future to reach an agreement on more precise boundaries than we have today, we could end up by having a complete set of rules relating to an area which did not exist any longer.

13. The Norwegian Government will not advocate a coastal State theory whereby the deep ocean floor of the world oceans would be divided between the coastal States. However, the assumption is that rules are agreed upon for these vast and highly important areas of the globe, reserving them for the use and benefit of mankind as a whole.

14. My Government is also reluctant to accept an occupation theory whereby the deep ocean floor would be considered as no man's land with the consequence that States—coastal States as well as land-locked States—under prevailing rules of international law could be allowed to occupy the deep ocean floor and its subsoil. The occupation theory is even more dangerous than the coastal State theory because it invites a free-for-all by States or private interests on the basis of first in time, first in right; and it also unreasonably favours the developed countries, especially the coastal ones, and again leads to the vicious circle of the rich getting richer and the poor, poorer. That leads me to the conclusion that the sea-bed and deep-ocean floor beyond the limits of national jurisdiction belong, and must belong, to mankind as a whole. These areas must be regarded as *res communis*, belonging to the community of men.

15. It is therefore essential to provide within the United Nations system a focal point for the co-ordination and harmonization of international activities in these areas. The questions pertaining to the sea-bed will no doubt be before the United Nations for a long time to come. It is imperative to reach agreement on some form of international arrangement for the exploration and exploitation of the riches of the deep ocean floor taking into account particularly the interests of the developing nations.

16. It is the conviction of my Government that all nations, large and small, landlocked or not, will benefit from international co-operation in this field. But, as already stated, this may take a considerable time. I wonder, therefore, whether it might not be an idea to take some preliminary steps—for instance, States Members of the United Nations might be requested to report on their activities on the sea-bed and ocean floor beyond the limits of national jurisdiction. That would enable the Secretary-General to register these activities—a procedure which might to some extent halt an occupation race on the deep ocean floor which could otherwise lead to serious international tensions.

17. Let me conclude by stating that it is the hope of the Norwegian Government that a standing committee will carry on the work of the *Ad Hoc* Committee in the same spirit of co-operation and dedication shown by all members of that Committee in order to reach our common goal: the exploitation of the riches of the deep ocean floor for the benefit of mankind.

18. Fruitful international co-operation in the exploitation of the sea-bed has implications far greater than can be

¹ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

realized today. It may help to strengthen world solidarity and infuse new life into our Organization. The United Nations cannot live without support in the minds of men. Many people all over the world are getting impatient with the United Nations today because they think that the Organization is dealing too much with conflicts and not enough with peaceful collaboration. They feel perhaps that we deal too much with the past and not enough with the future. Our task is not only to liquidate conflicts but to construct the peaceful world of tomorrow. Here the vital question of harvesting the riches of the deep ocean floor may play an essential role. I wish to stress that this is not a visionary dream of a distant future; the future is with us today.

19. The CHAIRMAN: I think the representatives of Norway for having exercised such admirable restraint in his comments about the Chairman, thus favourably responding to the appeal which I made at our first meeting.

20. Before calling on the next speaker I wish to inform the Committee that the delegation of Barbados has decided to add its name to the list of co-sponsors of draft resolution A/C.1/L.425 and Add.1-3.

21. Mr. FARACE (Italy): Finding myself in the somewhat awkward position of being seated in the very chair which would normally be occupied by you, Sir, as head of the Italian delegation, I do not feel entitled, no matter how great the temptation, to ignore your pressing request that, for the sake of time, we should abstain from paying to you that tribute as an outstanding diplomat which you so much deserve. I hope, however, that you will allow me to confirm my personal and long-lasting friendship and esteem for you in the manner which you, I believe, would best appreciate: by delivering as short a statement as possible.

22. On the other hand, I feel free to fulfil, in the name of the Italian delegation, especially as this is the first time that I have spoken in this Committee, the very gratifying duty of addressing our warmest congratulations to Mr. Galindo Pohl and Mr. Zollner. Their wide and well-known qualifications have called them, by unanimous consent, to their very high functions in the Bureau.

23. For the sake of brevity I intend only to comment on some points which my delegation considers relevant at this particular stage, while reserving the right to intervene later in the course of our discussions should that appear to us to be necessary. I think, however, that I would be failing to reflect exactly the position of the Italian Government on the matters with which we are now dealing if I did not make a preliminary observation.

24. The proposal by the representative of Malta² was presented one year ago. Since then—and after three sessions of the *Ad Hoc* Committee—we have discussed the possible ways and means of advancing in concrete fashion towards the goals that we have in mind. While again congratulating the delegation of Malta—and in this connexion I should like, for my part, to recall, as did Mr. Pardo, the traditionally close links and relationship existing between our

countries—we believe that it is necessary for us to give due consideration to the fact that the United Nations has been wise enough in this field to engage, through a common and co-operative effort of all its Members, in an activity aimed at facing interests which we all have in common and at solving problems which are likely to arise in the very near future.

25. The United Nations, by taking up this item, seized an opportunity of looking decades ahead and making an attempt at influencing the realities of tomorrow in a new field of endeavour: the ocean floor and its subsoil. By so doing it has gained, in our view, new merit through an initiative which will certainly help to avoid the emergence of contrasts in a very delicate field, and in preventing the dire consequences that might arise from the clash of competitive national egotism, thus coming closer to building that world of co-operation and peace which we are striving for. Whatever progress we achieve—and we are optimistic on this score—we can already rejoice for the study and examination we have undertaken.

26. My delegation participated in the work of the *Ad Hoc* Committee—the report of which [A/7230] is now before us—with a keen interest and with the awareness that its informational, fact-finding tasks constituted a first, essential step towards the achievement of new objectives.

27. We knew, at the time of the adoption of resolution 2340 (XXII), that the item proposed by our colleague from Malta was bound to create one of those opportunities which seldom are afforded to mankind: I repeat, the possibility of foreseeing the future development of a burgeoning situation and of influencing those developments in a manner beneficial to mankind.

28. The *Ad Hoc* Committee has performed its task well. Its excellent report is definite evidence of the magnitude of the problems before us and of the correctness of the position of those delegations—and the Italian delegation was among them—who thought that we should proceed with an open mind and with courage and frankness, without abandoning, however, the necessary caution in our approach to the complex problems of these new environments.

29. I am happy to add my voice to those of so many other speakers in congratulating Mr. Amerasinghe for the excellent work he performed in presiding over the Committee and in bringing that work to a most useful and stimulating conclusion. The conduct of the work of the *Ad Hoc* Committee and the Committee's success in achieving unanimous agreement provide a useful precedent for any permanent committee to be set up. I should also wish to congratulate Mr. Gauci for the admirable way in which he succeeded in summing up, in his difficult task as Rapporteur, the work performed.

30. It is my delegation's opinion that the work of the *Ad Hoc* Committee has shown a considerable degree of agreement concerning certain factual elements and certain general conclusions to be drawn from those elements. Among these, we shall limit ourselves to recalling the convictions, widely shared in the Committee, that:

31. First, substantial resources exist on and beyond the continental shelf, but present knowledge of those resources

² Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 92, document A/6695.

is not altogether satisfactory. This does not mean that much work has not already been done to look into the secrets of the sea-bed in connexion with our present technological capability. It means rather that we must now encourage new initiatives and that the standing committee will be able to perform most useful work in this field.

32. Second, a great variety of situations exist in the marine and oceanic areas of the world and in the nature of their resources. Therefore it is important to take into account those differences. Along these lines, the report correctly points out [*ibid.*, para. 59]—as my delegation suggested at the 7th meeting of the *Ad Hoc* Committee—that the problems of internal and marginal seas should be considered in a separate context.

33. Third, there is an area of the ocean floor which lies beyond the limits of national jurisdiction.

34. And fourth, no State may claim or exercise sovereign rights over that area. On the basis of these factual elements, my delegation believes that one of the tasks of the international community in this field should be to define better the framework within which States should be invited to co-operate in creating, at least in the new environment, the conditions for a more livable world. To this end, as my delegation stated at the same meeting during the first session of the *Ad Hoc* Committee, we believe that an attempt at providing such a legal framework should be considered in due course.

35. In this connexion, I should like to draw the attention of this Committee to certain points of the report of the Economic and Technical Working Group [*ibid.*, annex I], points which have the full support of the Italian delegation. Among them, let me indicate the following: first, recognition of the fact that from the point of view of international co-operation, coastal States bordering on marginal and internal seas have many problems and objectives in common; and second, the fact that certain delegations have mentioned the possibility of increasing international co-operation by considering the concept of international enterprises.

36. In the same spirit, and as practical examples of the keen interest of my country in the sea-bed and the ocean floor, may I be permitted to recall the active participation by the Italian delegation in the discussions in this Committee as well as in the *Ad Hoc* Committee; the support given, since the beginning, to the proposal of the Government of Malta; the intervention that you, Mr. Chairman, as head of the Italian delegation made, I believe in this same hall, on 8 December of last year [*1544th meeting, para. 72*], when you very pertinently drew a parallel with the problem of outer space; and the documents submitted to the Technical and the Legal Working Group. May I add, at the same time, that in this last period the Italian national scientific activities concerning the seas and the oceans have been reorganized, taking into account the new requirements, and are being co-ordinated by the highest Italian scientific agency, namely the National Council for Research.

37. I shall now comment briefly on some draft resolutions and suggestions submitted to our attention.

38. In the first place, I wish to point out that my delegation has been able to co-sponsor the draft resolution

contained in document A/C.1/L.425 and Add.1-3. We believe that a standing committee, drawing upon the experience of the *Ad Hoc* Committee, is one useful tool in facing the new challenges and realities of the oceanic environment in a continuing effort at further fact-finding activities and, at the same time, in discussing and elaborating the main ideas and suggestions that have been put forward in this debate. We understand that, as the representative of Belgium, Mr. Denorme—to whom goes the main merit of having prepared this document—has emphasized [*1588th meeting, para. 46*], the document itself, formally, is open to those corrections and changes which might make it more reflective of the intentions of the sponsors and assure it of the unanimous consent of this Committee. We ourselves are ready to accept such modifications and have made some suggestions which, in the opinion of my delegation, are better fitted to reflect the views expressed by us on some points which we consider of paramount interest.

39. Secondly, we wish to commend the Icelandic delegation for having presented its draft resolution on the question of marine pollution [*see A/7230, annex III*]. My delegation, which raised this problem in its working paper contained in document A/AC.135/1/Add.2, covering also the problem of radio-active waste, fully supports that draft resolution.

40. Thirdly, as far as the problem of principles is concerned, we have taken note, with interest, of the proposals made by several delegations. We share the view that this is a question of extreme importance. However, taking this also into account, we think that the matter should receive further and deeper consideration, and we doubt that our Committee has now the time necessary for that endeavour. In the general interest of a satisfactory solution, it may perhaps be wise and practical to entrust this question to the standing committee, to take it up with the urgency and priority it deserves. Less ambitious aims and a spirit of greater realism may, in the long run, serve our interests better and more fruitfully.

41. Finally, I wish to recall that my delegation expressed its general support for the international decade of oceanic exploration in the draft resolution proposed by the United States delegation [*ibid.*] in the course of the *Ad Hoc* Committee's work. I should like now to reiterate this support and express the belief that the decade, together with the Expanded Programme suggested by the Secretary-General [*see E/4487 and Corr.1-6, Part III, paras. 246-283*], and with the new, enlarged role envisaged for the Intergovernmental Oceanographic Commission [*see A/C.1/973*], will greatly contribute to international efforts in the exploration of our marine environment.

42. We think that the standing committee should be able to carry out its tasks without duplicating or overlapping the work of the IOC or, for that matter, of any other body dealing with one or more aspects of the complex questions before us. If co-operation is the key word which will open the doors of the new world, co-operation must begin at home, so to speak, through joint efforts of all the bodies and organizations concerned.

43. As you, Mr. Chairman, stated in your intervention in the 7th meeting of the *Ad Hoc* Committee on 26 March

1968, the Italian delegation. "... is willing to participate in such a common endeavour and to offer its contribution, based on the experience and the tradition acquired out of a rich and rewarding relationship with the sea".

44. The CHAIRMAN: I thank the representative of Italy for the congratulations he extended to the members of the Bureau. Before giving the floor to the next speaker on my list, I wish to inform the Committee that Togo has become the forty-eighth co-sponsor of the draft resolution contained in document A/C.1/L.425 and Add.1-3.

45. Mr. PAZ AGUIRRE (Uruguay) (*translated from Spanish*): Mr. Chairman, this being my maiden speech in the First Committee, I would like, before I begin, to express the satisfaction felt by the delegation of Uruguay at your election. Your personal qualities surely warrant the honour, which simultaneously extends to Italy, a nation with which my country enjoys the friendliest of relations.

46. Our congratulations go out also to Mr. Reynaldo Galindo Pohl, the representative of the sister Latin American Republic of El Salvador, on his election as Vice-Chairman, and to Mr. Maxime Leopold Zollner as Rapporteur.

47. In accordance with the decisions of the Committee we have to consider, as we are doing, the item of the reservation for purely peaceful purposes of the sea-bed and the ocean floor beyond the limits of present national jurisdiction for the benefit of the international community.

48. The delegation of Uruguay attaches the utmost importance to this item and therefore wishes to refer to it with a view to analysing as succinctly as possible its full scope and consequences.

49. On 17 August 1967 the delegation of Malta to the United Nations proposed the inclusion of an additional item in the agenda of the twenty-second session of the General Assembly, on the exploitation of the sea-bed and the ocean floor by the international community.³

50. In consequence of that proposal, the General Assembly in resolution 2340 (XXII) endorsed the proposal of the First Committee, which had instructions to consider the question as of 1 November 1967. Thus an *Ad Hoc* Committee was set up consisting of representatives of thirty-five countries. It met first in New York and then in Brazil, setting up a Legal Working Group, and an Economic and Technical Working Group. It also produced a very important report [A/7230] which has been published as background material for the study on which we are now engaged.

51. My delegation considers that the initiative taken by the delegation of Malta raises certain queries of vast significance which have not so far been properly clarified.

52. The item is particularly significant in that its interpretation will determine the maintenance or otherwise of the legitimate rights and expectations of many countries for which the exploitation of the resources of the submarine

zones contiguous to their coasts is or ought to be a source of wealth capable of becoming a basic factor in their economic development. On the other hand, a decision limiting the rights beyond what is reasonable could create a legal structure calculated to restrict those possibilities, thus significantly reducing prospects vital to the progress of many developing nations.

53. The points I refer to are the following:

54. What is the present legal régime governing the sea-bed?

55. What at present are the extreme boundaries of the regions described as the sea-bed?

56. What type of organ should be made responsible for the administration of the sea-bed and the ocean floor in the event of the proposal submitted being finally adopted, and what powers should it have? Should it be world-wide or regional?

57. We feel that the whole discussion of the question should be closely related with the provisions of the Geneva Convention of 1958 on the Continental Shelf,⁴ article 1 of which states as follows:

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

58. Article 2, paragraph 3 stipulates that the exercise of the sovereign rights of the coastal State over these areas do not depend on effective occupation or on any express proclamation. This signifies full recognition of the jurisdiction of the coastal State over these areas, which are deemed to be an integral part of the national territory.

59. In other words, the Geneva Convention recognizes two criteria: the one fixed and invariable, based on the depth of the waters covering the sea-bed, and the other variable and elastic, based on future advances of submarine technology making it feasible gradually to extend the granting of national sovereignty to vaster regions as it becomes possible to gain access to them through the use and application of the latest engineering techniques to the mining of natural resources.

60. The Geneva Convention defined carefully the term "continental shelf" and above all, it established clear-cut criteria governing the rights of the coastal State over it.

61. The report of the *Ad Hoc* Committee proposes a distinction between the "continental shelf" and the "continental slope", based on the inclination of the slope, as defined in paragraph 5 (b) of annex I of the report of the Economic and Technical Working Group [*ibid.*]. Although it stipulated that the differentiation is related merely to the geological and topographical descriptions of the sea floor

³ *Ibid.*

⁴ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

and in no way prejudices any legal connotation which some of them may have in other contexts, it is evident that the acceptance of this criterion means setting limits on the field of application of the Geneva rules, which refer to national rights over the continental shelf. The application of the criterion, even in its strictly technical geographical sense, might in fact be a way of modifying the scope of the Geneva Convention, since the latter does not establish the same difference, merely making the exercise of sovereign rights conditional on the possibility of exploiting the submarine floor, without any limits being specified.

62. My delegation therefore shares the reservation made by the delegation of Argentina and considers that this fundamentally important item must be the subject of direct, prior analysis to indicate precisely what is to be the field of application of the proposed international jurisdiction, and what is to remain under the jurisdiction and sovereignty of coastal States.

63. We consider that the very ingenious proposal by the delegation of Malta with which we are now concerned should be duly rounded out, and that certain aspects which we consider essential should not be left ill defined, thus making any over-all declaration on the subject difficult.

64. Hence the problem does not arise in respect of the continental shelf, which would always come under the sovereign jurisdiction of the coastal State, both according to the Geneva Convention and in the definition of the continental shelf given in the report referred to. On the other hand, there would be an area, the continental slope, which some maintain could become a bone of contention inasmuch as it has so far not been properly determined what its juridical status should be.

65. On this point legal theory is divided, as indeed it is on the scope of the Geneva rules. There are those who hold that the definition contained in the Convention should be applied restrictively and that the term "continental shelf" should refer exclusively to the geological formation as generally described and accepted. In other words, beyond the line where the continental slope ends—at a depth of about 2,500 metres—the provisions of the Convention would not apply, so that an independent and different legal status governing it would be required. This area beyond the 2,500 metre line would be what could truly be called the ocean floor.

66. In this case it has to be established whether the submarine areas which start at the foot of the continental slope are *res nullius* or *res communis omnium*; and this justifies the concern felt by the delegation of Malta, and shared by the General Assembly, for safeguarding the interests of the international community and using and exploiting areas for peaceful purposes.

67. In contrast to these interpretations there are others which would broaden the applicability of the Geneva Convention and extend it to submarine areas lying beyond the 2,500 metre mark.

68. The argument adduced here is that the Convention, in admitting the elastic concept of the possibility of exploitation, does not fix any limit, the exercise of sovereignty by

the coastal State being conditioned exclusively by that eventuality.

69. The States in question thus have two types of clearly-defined rights: first, the right to exercise effective national sovereignty over the sea-bed and subsoil to a depth of 200 metres and second a "potential" sovereignty whose effectiveness is conditioned by such possibilities as may be opened up by the advances of science. But both are the same in essence; what differentiates them is a conditional and suspensive factor which, when it is forthcoming, determines the grant of powers as of right to the coastal State in question.

70. The foregoing is inspired by a constructive purpose, namely to clarify the issue so that there are no gaps in regard to the basic points.

71. The Geneva Convention has already been signed and ratified by a sufficient number of countries to make it a legal instrument applicable in respect of the parties which have ratified it. Thus anything which, directly or indirectly, implies an amendment to its basic concept must be the outcome of an international agreement with the power and authority to make it.

72. The representative of Ceylon, Mr. Amerasinghe, who was Chairman of the *Ad Hoc* Committee, where he demonstrated his acumen and profound knowledge of this subject, covered the point in the excellent speech he made in this Committee some days ago, when he said:

"The definition of the limits of this area is inextricably linked with an examination of the provisions of the Geneva Convention on the Continental Shelf. It cannot be separate from the review of that Convention. We are fully mindful of the special problems of certain countries in regard to this aspect of the question but any suggestion that we must address ourselves to the question does not in the least imply that we are indifferent to those problems.

"On the contrary, any review might well produce results that will prove even more beneficial to those countries than the present ambiguity and uncertainty that surround this matter. It is important that action be initiated without delay for the convening of a third conference on the law of the sea at the earliest and most appropriate date with the express purpose of reconciling any provisions of international law relating to the continental shelf with the objectives of the item before us." [1588th meeting, paras. 146 and 147.]

73. This seems to us to be the soundest approach towards attaining the end sought. Declarations of principle are all very well, revealing an attitude and a purpose compatible with the interests of the international community as a whole; but that approach might well be frustrated unless there is a clear-cut agreement beforehand at the international level to determine what is to be the precise extent of the application of the rules established.

74. Nor is it advisable to frame declarations which shy away from the crux of the whole problem, for at a given moment an accumulation of decisions might appear which cannot be put into effect for want of definitions covering

the essential points; or, what is even more serious, such an accumulation might indirectly divert the decisions of States in a direction other than that they would have chosen in the light of a prior study and a declaration on the limits of national and international jurisdictions.

75. This is a point of vital importance, and it has not as yet been clarified. The decision ultimately taken in the matter is of the utmost importance to many States, especially those which have sea and ocean coastlines with vast submarine zones that can be exploited.

76. The Maltese proposal and the report of the *Ad Hoc* Committee involve the establishment of a special international régime applicable to the sea-bed and the ocean floor, under the United Nations and with world-wide powers and competence.

77. The principle is endorsed by the Uruguayan delegation as a means of sharing the benefits of such a régime for the benefit of all mankind, especially the less-developed countries, and of ensuring that it is used for peaceful ends.

78. But we must not rule out the possibility, once the necessary agreements have been reached to determine the point beyond which the use of the sea-bed and ocean floor will be governed by international organs for the benefit of mankind in general, of giving priority in the application of the benefits to the development of continental areas that form regional complexes in need of strengthening their economies to improve the living conditions of their peoples by taking advantage of technology and progress.

79. Latin America, for example, is going through difficulties which stem from its inherent weaknesses and inadequate development, lack of investment and poor application of modern technology, but which subsequently have repercussions in the social field, causing poverty, illiteracy, inequality and misery. It becomes clearer every day to all of us in Latin America that we must take resolute steps in the direction of economic integration, combining our efforts hitherto subject to a kind of individual autarchy that has merely served to set up barriers perpetuating poverty and under-development.

80. The idea I am outlining here does not mean depriving the world as a whole of the benefits of new and incalculable sources of wealth; it simply means that the distribution of the wealth should begin with those who look out at it from the vantage-point of their coastlines but are hamstrung by the difficulties that beset them, as well as land-locked countries which have no access to the sea but have just as much right to a share of that wealth.

81. In other words, a goodly proportion of the resources derived from the exploitation of the reserved areas, or areas it may be decided to reserve and place under international jurisdiction, should be used to promote the social and cultural development of the peoples forming the regional bloc contiguous to those sources; and any system created should become a means enabling the peoples most closely linked geographically with that wealth, as far as their needs require, to achieve their goals and overcome their present under-development.

82. This is of course not a matter on which a decision can be taken at the present moment. But since the concept is

being established and it is generally accepted that international machinery should be set up for the exploitation of the resources of the sea-bed and the ocean floor beyond national jurisdictions, it would seem appropriate to put this view or suggestion forward here and now so that it can be taken into account when the time comes to define and specify the scope and the functions of the prospective régime and administration.

83. As I pointed out at the beginning, the analysis of this item is a matter of major concern.

84. The Second Committee has on its agenda the study of the exploitation of the living resources of the sea and has decided that its Chairman should contact the Chairman of the First Committee in order to co-ordinate two closely and inextricably connected items. This has already been done.

85. The representative of Ecuador, Mr. Benites, very pertinently pointed out in the Second Committee [1193rd meeting] that the problem of the exploitation of the natural resources of the sea-bed and the ocean floor could not validly be regarded as unconnected with that of the exploitation of the living resources of the sea, since there is an unquestionable interdependence between the two which has been aptly defined as the "unity of the biological complex". The form of exploitation of the natural resources of the sea-bed and ocean floor might conceivably upset the balance and ultimately jeopardize the species living on the food found in the sea if the food supply is destroyed or exploited in excess and without proper control. Thus it is essential to consider the two items in close relation one with the other in order to safeguard the continuity of the resources of the sea.

86. My delegation considers that the specific item before the Committee, as well as the harvesting and exploitation of the living resources of the sea, the rights of the coastal States, the régime of the high seas, and the legal definitions relating to the distribution of powers over submarine areas, must be analysed in the light of the theoretical and practical evolution which has been taking place in this field of international law from the Geneva Conference of 1958 on the Law of the Sea until today. The conventions resulting from that meeting make provision for the possibility of revising them and furnish the means of doing so.

87. My country feels that an item of such vast scope and importance should be studied in close connexion with the international rules in force, and with the participation of all countries became independent after 1958 and today are in a position to give their views and to contribute, with their ideas and their votes, to the adoption of international rules and principles on this question, above all for the organic purpose of standardizing principles and adapting ideas to the evolution of international legal thinking.

88. In conclusion, therefore, my delegation takes up and proclaims the idea that once the time-limits laid down at Geneva for a fresh discussion of this item have been reached, which will happen very soon, a new international conference on the law of the sea should be convened, its terms of reference being to study the items already analysed on that occasion, plus the new question we are considering today. Thus, much has been achieved through

the work of the *Ad Hoc* Committee which, it must be recognized, has acted effectively and responsibly in a very delicate question.

89. The background material provided for us, and reflecting the sagacity and the knowledge of the problem on the part of the participating delegations, will serve as an extremely valuable natural framework for such an event, and at the conference level it might eventually lead to acceptance by the participating States, crystallizing in the form of operative international rules of law and thus crowning the legislative process of the community of nations gathered together in this Organization.

90. In the light of the foregoing, the delegation of Uruguay wishes to state here and now that it will give its support to the draft resolution before the Committee [A/C.1/L.425 and Add.1-3]. We support its general tenor, reserving the right to propose any amendments we deem appropriate in the light of the debate as it proceeds.

91. On behalf of my delegation I wish to thank the members of the *Ad Hoc* Committee for accomplishing their difficult task so effectively. In particular, I congratulate Mr. Gauci, the representative of Malta and Rapporteur of the *Ad Hoc* Committee, on the excellent statement he made at the 1588th meeting on 28 October.

92. The CHAIRMAN: I thank the representative of Uruguay for the tribute he paid to my country and for the equally friendly words he used in extending his congratulations to all the members of the Bureau.

93. Mr. BARISIC (Yugoslavia) (*translated from French*): Mr. Chairman, I should like to begin by joining with preceding speakers in congratulating you on your election to the important post of Chairman of the First Committee. Your election is a tribute to you and to your country, our neighbour and friend.

94. A year has gone by since the delegation of Malta introduced the question of reserving the exploration and exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction exclusively for peaceful purposes in the interests of mankind. The *Ad Hoc* Committee set up pursuant to resolution 2340 (XXII) held three sessions and, in accordance with its terms of reference, undertook an important analysis of the various aspects of this question. The results of the *Ad Hoc* Committee's work are in document A/7230.

95. The report sets forth in detail the views of the members of the *Ad Hoc* Committee with regard to the economic, legal, scientific and technological aspects of the problem. There is no need to repeat what has already been said. We shall confine ourselves to mentioning a few thoughts which have occurred to us during our study of the *Ad Hoc* Committee's report and the discussions held among its members.

96. The *Ad Hoc* Committee's report is based on the fact that there is an area of the world called the sea-bed and ocean floor and the subsoil thereof, underlying the high seas beyond the limits of national jurisdiction, whose status has not been determined by international law.

97. The report notes that the sea-bed and ocean floor beyond the limits of national jurisdiction contain vast natural resources—various minerals, petroleum, natural gas—which are already being exploited or concessions for the exploration and exploitation of which have in many cases already been granted. The progress of science and technology is rapid enough to ensure the exploitation of deep-sea natural resources at ever-increasing depths, and at the same time to increase the economic viability of these operations, in the very near future.

98. Nevertheless, there are many other questions which have not been sufficiently elucidated and which require unremitting attention. I am referring to the lack of knowledge about the wealth of the sea-bed, the distribution of that wealth, the possibilities of exploiting it, techniques of utilization, the development of research methods, and other questions connected with the exploration and exploitation of the sea-bed and ocean floor. Precise answers should be found for all these and similar questions. We feel sure, however, that the search for definite answers to these questions should not hinder efforts aimed at legally guaranteeing and regulating, as soon as possible, the activity of States in the exploration and exploitation of the resources of the sea-bed and ocean floors both in the interests of mankind and in the interests of strengthening international peace, security and co-operation in equality.

99. States did not wait, in the conquest of outer space, for every question concerning it to be solved; they immediately took up the legal regulation of their relations in the field of the exploration and exploitation of outer space, mindful of the interests of mankind, of peace and security, and of the need for a large-scale international co-operation.

100. The gap which exists today between highly developed countries and developing countries prevents the latter from utilizing the under-sea resources on their continental shelf, not to mention at greater depths, without the assistance of the developing countries which have the necessary know-how, etc. Developing countries are fearful that this gap will continue to widen, because of the fact that the resources of the sea-bed and ocean floor and the subsoil thereof are accessible only to developed countries at the present time. Although some developed countries see this question as a problem of the profit inherent in the exploitation of the natural resources of the sea-bed and ocean floor and the subsoil thereof, we also know that an ever-increasing number of firms in these countries are turning to the exploitation of deposits lying at depths of 200 metres and even more. Some patents designed for technical operations at these depths are beginning to be assigned. Work is going forward on technological processes which will make it possible to extract various raw materials from the sea-bed and ocean floor and the subsoil thereof at even greater depths.

101. In addition, we know that in many parts of the ocean and the high seas where there are under-sea mountains, plateaux, banks and guyots, the depth is no more than 200 metres, and that there are areas where it is only a few dozen metres. This would allow for exploitation of the mineral resources which might be found in the sea-bed and ocean floor and the subsoil thereof.

102. The developing countries' interest in sharing, on a footing of equality, in the fruits of the exploitation of the sea-bed and ocean floor and the subsoil thereof, even in regions lying beyond their national jurisdiction, is thus completely justifiable. Today, there appears to be a clear trend towards avoiding anarchy in the exploitation of the vast natural resources of the ocean depths. We are witnessing a race in which the developing countries have no chance at all. We feel that one possible way to resolve these contradictions would be to establish some international control under the United Nations which would apply equally to all countries, which would take into account the interests of mankind as a whole, and which would ensure a more equitable participation for all countries, coastal and landlocked, developed and—above all—developing. Such a control, which would be based on regulation and security, would provide the conditions necessary for a more stable economic activity. The developed countries would also benefit from the establishment of an international control which would regulate, *inter alia*, the question of the exploration and exploitation of the sea-bed and the ocean floor and the subsoil thereof. Thus, study of this problem is very important, representing as it does one of the priority tasks of the projected standing committee. We hope that the interests of developed and developing countries can be reconciled in this connexion and that we can arrive at a solution which will hold out favourable prospects for both groups. The establishment of a special international control system under the United Nations would also have the political effect of strengthening the role and the prestige of the United Nations and, as a result, the role of all countries, which would thus have the opportunity of participating on an equal footing in the solution of this important problem.

103. In its analysis of the legal problem, the *Ad Hoc* Committee raised many questions. First of all, it made a detailed examination of the need to regulate the legal status of the sea-bed and the ocean floor and the subsoil thereof and the activities of States in connexion with those areas, owing to the importance of this part of the earth's surface and the growing interest many countries have in exploiting it for various purposes. The current development of international law provides a basis for the legal regulation of this area as well. The majority of countries quite rightly expect that the establishment of a legal status for the sea-bed and ocean floor and the subsoil thereof and the regulation of the activities of States will prevent the interests of the most highly developed countries from gaining the upper hand. The progress achieved until now in the legal regulation of outer space—the exploitation of which lies outside the grasp of the vast majority of mankind—holds out hope that the same will apply to the sea-bed and ocean floor and the subsoil thereof, which do lie within the reach of mankind and in which all the countries in the world are becoming increasingly interested. We are aware of the difficulties encountered in the legal regulation of the ocean depths of the unsolved problems concerning the continental shelf, the definition of the sea-bed and ocean floor lying outside national jurisdiction, the relationship between existing maritime law and the new legal regulations, etc. These problems also need to be solved. In this connexion, we must take into account the existing international instruments which regulate maritime

law, and in particular the Geneva Conventions of 1958.⁵ It may be desirable to convene another conference on maritime law at which we could attempt to solve these and other similar problems. At the present time, and without waiting for a final solution to these problems, we should lay down bases for preventing activities contrary to the interests of the international community and to international peace and security.

104. I might mention that at the General Assembly's last session, and particularly during the meetings of the *Ad Hoc* Committee, the majority of members expressed the hope of seeing the adoption without delay of a statement of general principles on which to base both the international legal status of the sea-bed and the ocean floor and the subsoil thereof and the legal system which would regulate the activities of States with regard to the sea-bed and the ocean floor beyond the limits of national jurisdiction. This statement would also serve as a legal basis from which we could pursue our efforts to settle this entire question as completely as possible. Some very useful drafts of legal regulations were submitted to the *Ad Hoc* Committee by a group of developing countries and by the United States of America [see A/7230, annex III]. These documents, especially the draft submitted by Asian, African and Latin American countries, constitute a solid basis for drawing up a general declaration. We consider that it is feasible and indispensable to adopt at this very session a declaration of general principles on which the great majority of States are in agreement, namely:

(a) In exploring, using and exploiting the sea-bed and the ocean floor beyond the limits of national jurisdiction, States must take into account the interests of mankind as a whole, especially the interests and needs of developing countries;

(b) The sea-bed and the ocean floor and the subsoil thereof are the common heritage of mankind and, as such, they should not be subject to any national appropriation;

(c) The exploration, use and exploitation of the sea-bed and ocean floor must be carried out exclusively for peaceful purposes;

(d) The activities of States in the exploration, use and exploitation of the sea-bed and ocean floor and the subsoil thereof must be carried out in accordance with international law, the United Nations Charter, in the interests of peace, security and the furthering of international co-operation;

(e) The exploration of the sea-bed and the ocean floor and the subsoil thereof shall be free and open to all countries without any discrimination whatsoever, it being understood that it must be undertaken on the basis of and in accordance with the principles outlined above, and that the results of such exploration must be made available to all countries on an equal footing.

⁵ Convention on the Territorial Sea and the Contiguous Zone (United Nations, *Treaty Series*, vol. 516, 1964, No. 7477); Convention on the High Seas (*ibid.*, vol. 450, 1963, No. 6465); Convention on Fishing and Conservation of the Living Resources of the High Seas (*ibid.*, vol. 559, 1966, No. 8164); Convention on the Continental Shelf (*ibid.*, vol. 499, 1964, No. 7362).

105. We are convinced that efforts which have already been undertaken through informal consultation among various countries will result in an agreement on further principles, some of which are set forth in the drafts before the *Ad Hoc* Committee.

106. It will be necessary at a later stage of our work to enlarge upon these principles, since each one of them can provide the basis for the adoption of declarations and other special international instruments. This should be one of the priority tasks of the projected standing committee.

107. The activity evidenced so far has given rise to some specific proposals. We refer to the draft resolution submitted by Iceland [*ibid.*] concerning a study of means for minimizing the danger of pollution of the marine environment which might arise from the exploration and exploitation of the sea-bed and ocean floor and the subsoil thereof. This valuable initiative deserves our full attention and support.

108. The Committee has attached special importance to problems of exploration, use and exploitation of the sea-bed and ocean floor and the subsoil thereof exclusively for peaceful purposes, notwithstanding the limits imposed upon it by the very nature of the problem. This is one of the most important aspects of this problem, and an area in which, with goodwill on everyone's part, we could achieve results before it is too late. We must not allow the arms race to be extended to this area of the earth's surface. For that reason, we consider it absolutely necessary to formulate this principle clearly in the general statement we shall submit to the General Assembly. Yugoslavia is in principle in favour of the total ban on the militarization of the sea-bed and ocean floor beyond the limits of national jurisdiction, and especially in favour of a total ban on the placing of nuclear and other weapons of mass destruction on the sea-bed and ocean floor. In this connexion, we would recall that the continental shelf does not fall under national jurisdiction with regard to the military use of the sea-bed and ocean floor, since the Convention on the Continental Shelf of 1958 grants the coastal State "sovereign rights" only for the purposes of exploration and exploitation of natural resources.

109. Disarmament is but one of the problems arising in connexion with the use of the sea-bed exclusively for peaceful purposes; it is an important area for the future work of the standing committee. Thus, we see no reason why there should be any conflict of competence between the future standing committee, existing bodies and the existing machinery dealing with the disarmament problem, if we consider them as being organs which complement each other both in their work and in their aims.

110. The termination of the *Ad Hoc* Committee's mandate coincides with the conclusion of the phase of our work when certain questions were eliminated and others defined, while the problem as a whole remained to be solved. Some concrete documents were also submitted which, although not within the purview of the *Ad Hoc* Committee, deserve to be mentioned. These dealt, *inter alia*, with the international decade of ocean exploration [*ibid.*], and the draft submitted by the Secretary-General of the United Nations inviting the Inter-governmental Oceanographic Commission

to develop an expanded programme of international co-operation for maritime prospecting [*see E/4487 and Corr.1 to 3 and 5 and 6, chapter III*].

111. During the course of the *Ad Hoc* Committee's work, the need made itself felt to establish conditions allowing for a continuation of efforts to settle the problems arising in connexion with the achievement of basic objectives; in this connexion, the question of regulating the legal status of the sea-bed and the ocean floor and the subsoil thereof and the activities of States in this area was raised. In view of the complex nature of the problem, the long-term questions, and the need for co-ordinating the co-operation and activities of various international bodies and organizations, it has been generally felt that the best solution would be to set up a standing committee.

112. I do not want to go into detailed explanations of draft resolution A/C.1/L.425, which the Yugoslav delegation sponsored together with twenty-eight other countries members of the *Ad Hoc* Committee. This had already been done here most ably by the representatives of Belgium and Ceylon, who introduced the draft on behalf of the other sponsors [*1588th meeting*].

113. We are of the opinion that the draft resolution meets the wishes of many countries as regards the need for continuity of work to settle this problem. The proposed committee will not only have the mandate to study the economic, legal, political and other aspects of the problem, but also to submit the necessary solutions to the General Assembly, co-operate with other international organizations and bodies dealing with the question and contribute to creating the conditions for greater international co-operation. It should also be noted that the resolution directs the activity of the standing committee towards matters of general interest, in other words, towards the exploitation of the sea-bed and ocean floor for peaceful purposes and in the interests of mankind.

114. We are hopeful that through their joint efforts all States Members of the United Nations will assist in setting up a standing committee on the sea-bed and ocean floor and in adopting a declaration on general principles. This would represent an important achievement of the current session of the General Assembly and would provide greater opportunities for settling the problem as a whole in the interest of all, which is the maintenance of peace and security and the development of fruitful international co-operation.

115. The CHAIRMAN (*translated from French*): I thank the representative of Yugoslavia for the tribute he so kindly paid my country and for the friendly words he addressed to the Chair.

116. Mr. ABDEL-HAMID (United Arab Republic): The *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has submitted to the General Assembly the report contained in document A/7230. As we are aware, the *Ad Hoc* Committee was instituted by General Assembly resolution 2340 (XXII) to explore the scope and various aspects of the item under consideration and to prepare for the twenty-third session of the General Assem-

bly a study which would include, *inter alia*, an account of the scientific, technical, economic, legal and other aspects of the item, as well as an indication regarding practical means of promoting international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor.

117. The Technical Working Group of the Whole, established by the *Ad Hoc* Committee to explore the technical and economic aspects of the question under consideration, has dealt with such issues as the following: the assessment of the extent of the mineral resources of the ocean floor and their geographical distribution; the present stage and foreseeable development of technology in the field of exploration, evaluation and exploitation of the mineral resources of the ocean floor; the possibility of exploiting mineral resources from the standpoint of technological progress and the profitability and soundness of investments; possible economic implications of the exploitation of marine mineral resources on world markets; and possible repercussions of the exploitation of marine resources on other uses of the sea.

118. A very important conclusion was agreed upon, namely, that:

“Breakthroughs in technology are possible and new experiments are already under way. Certainly, considerable financial and human resources will be required to this end. A balanced view suggested that a cautious optimism is appropriate as to the technical achievements that may be expected.” [A/7230, annex I, para. 17(c).]

119. In view of that conclusion we deem it appropriate to start forthwith our endeavours to safeguard the beneficial effects of such breakthroughs. The discussions of the Technical Working Group included other generally agreed upon conclusions which the delegation of the United Arab Republic believes should be pondered upon by this Assembly. The urgency emphasized by various delegations in dealing with these and other similar aspects should not be undermined. Our delegation participated in the deliberations of the Technical Working Group and is fully aware of the complexity of the issues it dealt with. Indeed the great help provided by the Secretariat in the various and valuable reports and studies was basic to the fruitful deliberations on the technical questions.

120. It should be stressed that the Technical Working Group was not expected to come to concrete and indisputable findings; neither could it provide answers and solutions to every question raised. However, we must acknowledge, to say the least, that the concise study it undertook and the often sound conclusions reached in its report are significant.

121. This brings me to the legal aspects of the item under consideration. The Legal Working Group of the *Ad Hoc* Committee, under the able leadership of Mr. Benites of Ecuador, undertook a study of the questions referred to it. Here again the complexity and sensitive nature of the legal aspects were further explored. The most important question was not only, as the discussions revealed, the insufficiency of existing international arrangements, but also the promotion of suitable and adequate arrangements widely acceptable to meet potential future needs. It is my

delegation's view that, as other delegations have stated, international legal arrangements should not lose sight of the accelerated progress in science. Potential scientific progress makes it incumbent upon us to explore future legal arrangements without delay.

122. The problem is not purely scientific or economic. It is inherent in the discovery of wealth that the pertinent question is raised whether existing international law is adequate to provide an answer to the intricate issues expected to be raised. The Legal Working Group of the *Ad Hoc* Committee with timely vision explored issues such as: the legal status of the sea-bed and the ocean floor and the subsoil thereof; reservation of the sea-bed and ocean floor and the subsoil thereof for peaceful purposes; the use of the resources of the sea-bed and ocean floor in the interest of mankind; freedom of scientific research and exploration; the question of reasonable regard for the interests of other States; and the question of pollution and other hazards.

123. Attention was also devoted to the problem of delineating the surface of that area of the sea-bed and ocean floor which should be the subject of an international enterprise. Owing to the limited time at its disposal and the complexity of the problems before it, the Legal Working Group was not in a position to complete its programme of work. Members of the *Ad Hoc* Committee considered, however, that a valuable exchange of views had taken place and that the Committee's preliminary exploration of problems might provide the basis for further consideration of the issue involved.

124. Another aspect of the problem of the sea-bed and ocean floor is its exclusive reservation for peaceful purposes. The General Assembly pronounced itself on this point in principle last year. Modalities have to be worked out for rendering the question of the peaceful use meaningful. This aspect should be given the priority it deserves, for it is one of the most urgent points of the complex issues involved. This Committee has before it the paper prepared by the Secretariat on the military uses of the sea-bed and ocean floor beyond the limits of present national jurisdiction [A/AC.135/28]. My delegation notes with gratification the initiative of the Soviet delegation in emphasizing the importance of this question, as indicated in the Soviet letter and memorandum⁶ which will be discussed later in this Committee.

125. The peaceful use of the marine environment should as a starting point outlaw all military uses of that environment, foremost of which is the emplacement of weapons of mass destruction in that environment. It is my delegation's conviction that in dealing with this question the denuclearization of the sea-bed and ocean floor should be taken up without any further delay; the inherent dangers justify this recommendation. My delegation will not be found lacking in supporting all endeavours in the appropriate forums that tend to enhance the demilitarization of the sea-bed and the ocean floor.

126. The *Ad Hoc* Committee also dwelt upon the question of international co-operation as prescribed in para-

⁶ See *Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda items 27-28-29-94-96, document A/7134.

graph 2 (c) of resolution 2340 (XXII). In paragraph 60 of the report of the *Ad Hoc* Committee we read:

“Members were in agreement that international co-operation in this field on a world-wide level should be promoted and that the fostering of regional arrangements would appear to be the best means at the local level.”

127. That should be taken together with the view expressed in paragraph 59, “It was . . . emphasized that the views of the countries directly concerned were of great importance for establishing successful and workable regional arrangements”. A similar view was expressed in paragraph 76 of the report of the Economic and Technical Working Group, annex I of the Committee’s report.

128. There is great urgency to pursue the work of the *Ad Hoc* Committee. Therefore, and in this spirit, the delegation of the United Arab Republic has co-sponsored the draft resolution contained in document A/C.1/L.425 and Add.1-3 which was introduced at the beginning of the discussion of item 26 by the representative of Belgium and supported by the representative of Ceylon, a co-sponsor. In this regard we fully agree with the following observation made by the representative of Ceylon:

“The co-sponsors would be willing to consider any modifications which would enlist wider support for the draft resolution, provided that in the process we do not sacrifice any point of substance or impair the essence of the draft”. [1588th meeting, para. 141.]

129. Furthermore, I do not want to let this opportunity pass without acknowledging the Icelandic draft resolution on the hazards of pollution [see A/7230, annex III]. We appreciate that delegation’s efforts and in due course we certainly hope to respond positively; we shall be in contact with the delegation of Iceland and shall convey to it our first reactions. The delegation of the United Arab Republic has repeatedly emphasized the inevitability of promoting international co-operation in the exploration, use and exploitation of the sea-bed and the ocean floor and their resources. And that is the basic idea behind our co-sponsorship of the draft resolution in document A/C.1/L.425 and Add.1-3.

130. Whatever committee or machinery we, together with the other members of the *Ad Hoc* Committee, have been advocating, the element of supranationality has never occurred to us. It is our conviction that the establishment of a permanent committee on the peaceful uses of the sea-bed and the ocean floor, and also the adoption by this Assembly of a declaration of basic principles governing activities in the marine environment, will be a remarkable start for future work. I need not reiterate our belief that the establishment of such a committee, together with the approval of a declaration of general principles, will lay solid ground for a productive framework that takes into account the common interest of all mankind, and in particular the needs and interests of the developing countries.

131. It is to be noted that while the Committee is expected, as envisaged in the draft resolution contained in document A/C.1/L.425 and Add.1-3, to deal with a wide range of issues pertaining to item 26, we are aware of the fact that other United Nations bodies and specialized

agencies are already working on some aspects of these issues. It should further be noted that we do not advocate any duplication. On the contrary, that is exactly what we should avoid. Co-operation among the Committee and the other interested bodies in harmonizing their efforts is essential.

132. In conclusion, I should like to pay a tribute with admiration to Mr. Amerasinghe of Ceylon for his constructive leadership and for his very helpful efforts, and also to pay a tribute to the representative of Ecuador and Chairman of the Legal Working Group, Mr. Benites; and to the energetic representative of Belgium and Chairman of the Economic and Technical Working Group, Mr. Denorme, and all the other distinguished members of the Bureau of the *Ad Hoc* Committee, in particular my colleague and friend Mr. Victor Gauci of Malta, who succeeded in preparing for this session a valuable report. I also am obliged for the most stimulating work done by the members of the Secretariat, including—to name only a few—Under-Secretary Kutakov, Mr. Vellodi and Mr. Chai.

133. I should like to express on behalf of my delegation our gratitude for the kind invitation of the Government of Brazil to hold the third session of the *Ad Hoc* Committee in Rio de Janeiro. This invitation provided us with a unique opportunity to reconcile many of the difficulties and to return to the Assembly with determined vigour to achieve creative co-operation. I am sure the representative of Brazil will convey to his Government our thanks and appreciation for the generous hospitality and warm welcome extended to us in his country.

134. Mr. ZULOAGA (Venezuela) (*translated from Spanish*): Despite your plea, Mr. Chairman, I cannot help but express my delegation’s satisfaction at your unanimous election to the Chairmanship of this Committee. Your great abilities and your skill in diplomacy are well known, and they have already been demonstrated once again as we began our work. We are linked to your country by very special ties. Tens of thousands of Italians have settled in Venezuela, bringing us the admirable qualities of robust Italian stock. And we must remember that if Amerigo Vespucci gave his name to the whole of the New World, he also chose ours. The indigenous lake-dwellers of Lake Maracaibo reminded him of his native Venice, and he called our land “little Venice” or Venezuela.

135. My delegation’s sincere congratulations also go out to Mr. Reynaldo Galindo Pohl of the sister Republic of El Salvador, and to Mr. Maxime Leopold Zollner of Dahomey, the other officers, and we offer them our whole-hearted assistance in their important tasks.

136. I would also like to congratulate the *Ad Hoc* Committee on its work and on the excellent report which serves as a basis for our work.

137. Finally, I should like to thank Mr. Pardo, the representative of Malta, who was undoubtedly the instigator of this entire operation in the United Nations.

138. Venezuela’s interest in the possibilities of the sea as a potential source of wealth, and the significance of this for us, is easy to understand, since our country has witnessed

the development of modern technology beneath its home waters and the sea areas under our national jurisdiction, leading first to the exploration and then to the exploitation of valuable natural resources.

139. For more than thirty years my country has been drilling for oil off the coast, and we have been able to watch the rapid progress of the petroleum industry—not only prospecting as such, but the advances made in types of drilling, whether for prospecting, development or exploitation. This whole new technology has led to a considerable reduction in cost, enabling deposits to be exploited which a few years ago were considered to be merely marginal.

140. Our experience has not all been on the bright side. We have also faced very serious problems such as the pollution of our waters. We have endeavoured to solve these problems, and we are ready to share our experience with others just as we would be interested in reaping the benefit of the latest research on the subject.

141. This matter is bound up with the Swedish delegation's initiative in regard to the human environment.⁷ This seeks *inter alia* to prevent the steady deterioration of the environment, with danger to human life, since man, after all, depends on the renewable resources of the earth.

142. The recognition of an area beyond the limits of national jurisdiction must be linked with international machinery designed to ensure or facilitate the exploitation of that area for the benefit of mankind, and particularly of the developing countries, including land-locked countries.

143. This international machinery, whose establishment it is the task of the Committee to examine, might initially take the form of a restricted service which would gradually be strengthened as experience and needs dictated, and would operate on the basis of a series of procedures highly flexible and practical in their application.

144. Like previous speakers, I do not believe we need to wait until the feasibility of exploiting the resources of the sea becomes a reality before closing the gap between the developing countries and the industrialized nations. The riches of the marine subsoil are surely sufficiently tempting to warrant taking all the necessary measures at once to ensure their prompt exploitation for the benefit of all countries and particularly the developing countries. This is not simply a problem for the developing countries but one that concerns us all, and together with disarmament this is the item that calls for the greatest attention in this Committee. It demands that we put forward our best efforts for its gradual solution.

145. During the forty-fifth session of the Economic and Social Council at Geneva, the delegation of Venezuela had occasion to propose an amendment⁸ to a draft resolution submitted by three of the great Powers. The idea was to introduce into the operative part of the document a paragraph inviting the General Assembly to endorse the concept of a co-ordinated, long-term programme of oceano-

graphic research with a view to the future exploitation of the resources of the ocean floor and subsoil for the benefit of all peoples, and particularly the developing countries. This idea was in part accepted and was referred to in Economic and Social Council resolution 1381 (XLV).

146. We also recall with satisfaction that the *Ad Hoc* Committee likewise embodied it in the Working Paper [A/7230, annex III] submitted by the developing countries. The fourth preambular paragraph states that "the exploration and use of the sea-bed and ocean floor and the subsoil thereof . . . shall be carried on . . . with the purpose of contributing to . . . the promotion of economic development, particularly that of the developing countries, whether coastal or land-locked." Similarly, paragraph 5 of these general principles states that "the international régime to be established shall also consider the way for the most appropriate and equitable application of benefits obtained from the exploration, use and exploitation of the sea-bed and ocean floor and the subsoil thereof . . . through a suitable international machinery, for the economic, social, scientific and technological progress of the developing countries".

147. In view of the above, clearly the delegations of Kuwait and Venezuela are reaffirming their position; hence the amendments we are submitting to the Committee [A/C.1/L.426].

148. Before reading out our amendments I should like to congratulate the representative of Belgium on his excellent, lucid presentation of draft resolution A/C.1/L.425, now sponsored by more than forty-five countries, the general lines of which my delegation entirely approves.

149. Point 1 of our amendments reads:

"In sub-paragraph (b), delete the words . . ." Actually no deletion is involved, since the words in question will be found under point 2, which reads:

"Add a new sub-paragraph (c) as follows:

(c) To examine the establishment of international machinery for the exploration and exploitation of the resources of this area, in accordance with the principles mentioned in the previous two sub-paragraphs, and the use of these resources in the interests of mankind, and especially those of developing countries, including the land-locked countries;."

150. Point 3 calls for the insertion in the present sub-paragraph (d), after the word "area", of the words: "with the effective participation as appropriate of the littoral State". The Spanish text reads "*correspondiente*", but the expression "*según el caso*" seems to me preferable as being closer to the English expression "as appropriate". In other words it would read: "*con la participación efectiva, según el caso, del Estado ribereño.*"

151. Finally, the amendments call for the renumbering of the sub-paragraphs in the light of the new one added.

152. I felt it only right to recall what had happened in the Economic and Social Council. In my view it is now for the General Assembly, in which all the countries are represented, to give its blessing to these principles. We trust that this amendment will have the same broad support as that

⁷ Official Records of the Economic and Social Council, Forty-fifth Session, Annexes, agenda item 12 (E/4466/Add.1).

⁸ E/AC.24/L.347, mimeographed.

we submitted in the Economic and Social Council. We are prepared to discuss the matter with the sponsors of draft resolution A/C.1/L.425 and Add.1-3, as in fact we have already been doing in a preliminary way, with a view to trying to find the best way of embodying these ideas in the draft resolution.

153. The CHAIRMAN: I thank the representative of Venezuela for the tribute he has paid to my country, to a famous son of the Italian people, and to the less famous sons of my people who followed his track across the ocean.

I thank him also for the friendly expressions he used in extending his congratulations to the Chairman and all members of the Bureau.

154. This ends our list of speakers for today. We have six speakers for tomorrow morning, and I should like therefore to be able to count on the co-operation of all members in starting at more or less the exact time so that we may be able to hear all six before adjourning the morning meeting.

The meeting rose at 5.25 p.m.