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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/Rev.1, L.426 and Add.1, L.427 and Corr.1, L.428, L.429/Rev.2 and Add.1, L.430, L.431 and Add.1 and 2, L.432, L.433 and Corr.1, L.434/Rev.1, L.435, L.436, L.437)

1. The CHAIRMAN: Before calling on the first speaker inscribed in my list, I would wish to inform the Committee that Brazil has become a co-sponsor of draft resolution A/C.1/L.431 and Add.1 and 2, bringing the total number of co-sponsors of that draft resolution to thirty-three.

2. Since we are beginning to discuss the draft resolutions before the Committee, I think it would be useful to members if I reviewed the situation.

3. The Committee has before it the following draft resolutions and amendments:

The revised text of the fifty-five-Power draft resolution contained in document A/C.1/L.425/Rev.1. Amendments to that draft resolution—prior to its revision—have been submitted by Kuwait, Saudi Arabia and Venezuela in document A/C.1/L.426 and Add.1; by Afghanistan in document A/C.1/L.427 and Corr.1. In document A/C.1/L.428 a sub-amendment was submitted by Afghanistan to the amendments by Kuwait, Saudi Arabia and Venezuela, contained in document A/C.1/L.426 and Add.1. At the 1595th meeting, the representative of Kuwait, on behalf of the co-sponsors, accepted the sub-amendment proposed by Afghanistan.

A revised text of the twenty-one-Power draft resolution contained in document A/C.1/L.429/Rev.2 and Add.1.

A draft resolution sponsored by Mexico, contained in document A/C.1/L.430.

A thirty-three-Power draft resolution contained in document A/C.1/L.431 and Add.1 and 2. An amendment to this draft resolution has been submitted by Spain in document A/C.1/L.435.

A draft resolution sponsored by Cyprus, contained in document A/C.1/L.432.

A draft resolution sponsored by Malta, Mauritius and the United Republic of Tanzania, contained in document A/C.1/L.433 and Corr.1.

A revised draft resolution submitted by Liberia, contained in document A/C.1/L.434/Rev.1.

A draft resolution submitted by Argentina, Brazil, Chile, Ecuador, El Salvador, Libya, Peru and Spain, contained in document A/C.1/L.437.

4. The Committee has before it document A/C.1/L.436, which contains a statement by the Secretary-General on the financial implications of the revised draft resolution in document A/C.1/L.425/Rev.1.

5. Altogether there are thirteen of those documents before the Committee, of which twelve are draft resolutions or amendments to draft resolutions.

6. Mr. DENORME (Belgium) (*translated from French*): On 28 October [1588th meeting], I had the honour of introducing on behalf of the twenty-nine original sponsors, draft resolution A/C.1/L.425 on the establishment of a committee on the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction, and I then stated that the sponsors were prepared to consider favourably any constructive suggestions that might be made during the course of the discussion or in private consultations.

7. Since then, the group of sponsors has grown considerably, and they now number fifty-five [A/C.1/L.425/Rev.1]. This impressive total has not made us lose sight either of the goal we have been pursuing ever since we began to discuss this text over three months ago, or of the promise we made to this Committee last week.

8. Of course, our purpose was to gain wide support from the delegations which were not members of the *Ad Hoc* Committee, but primarily we wished to obtain the support and, if possible, the sponsorship of the thirty-five members of the *Ad Hoc* Committee itself. We felt that that goal was of decisive importance if we wanted to guarantee to the projected committee the firm and broad base which would hold out favourable results from its future activities.

9. Our promise, made on behalf of many of the sponsors, was to refrain from forcing this Assembly to accept a *ne varietur* text. I should like to recall what I stated in this connexion at the opening discussion of agenda item 26.

"I should like on behalf of all the sponsors, to stress that they will welcome any suggestion which will improve the wording of the draft or define its scope more clearly without departing from the principles upon which it is based or substantially modifying the terms of reference to be conferred on the proposed committee." [1588th meeting, para. 46].

10. It is in this spirit of understanding and conciliation that we have approached all who have put forward criticisms or amendments.

11. Following patient negotiations which were held in a spirit of compromise on all sides, I am today able to submit a revised text of draft resolution A/C.1/L.425. I should like to comment on its main aspects.

12. As you are aware, the first four preambular paragraphs attempt to establish continuity between the *Ad Hoc* Committee and the proposed committee. Nevertheless, it was suggested to lay even greater stress on this continuity by inserting in the fourth paragraph the words "keeping in mind the views expressed in the course of its work"—meaning the work of the *Ad Hoc* Committee.

13. In addition, the sponsors wanted to take note of the praise from all sides for the *Ad Hoc* Committee's report; they felt that the General Assembly would want to echo this appreciation by "taking note with appreciation" of this document.

14. In the same preambular paragraph, the idea of profiting from the experience gained over the past year was retained. In this connexion, the sponsors observed that although the *Ad Hoc* Committee has on all occasions complied with the rules of procedure of the General Assembly, it nevertheless managed to adopt its report unanimously. The standing committee would do well to take inspiration from this precedent, and its members should, in the same spirit, continue to do all they can to adopt their recommendations by unanimous consent as far as possible.

15. I now come to the general directives set forth in the following part of the preamble, directives which are intended to serve as a basis for the work with which the committee is to be entrusted. Two changes have been made in the seventh paragraph, one of which is rather precise in its terms, since it states that account will be taken of "the special interests and needs of the developing countries".

16. The other change attempts to fill an obvious gap in our draft which was brought to light by the amendment submitted by Afghanistan [A/C.1/L.427 and Corr.1]: our text contained no reference to the special status of land-locked countries. These countries, lacking any direct access to the sea, are nonetheless concerned with the peaceful use of the sea-bed beyond the limits of national jurisdiction. In the opinion of the sponsors, these countries are as entitled as the coastal countries to any benefits which might be derived from the exploitation of the resources of

the sea-bed and ocean floor. The amendment submitted by the delegation of Afghanistan rightly has drawn this Committee's attention to these "equal interests of the land-locked countries". The sponsors expressed the concern voiced in this amendment by including in the formula "for the benefit of mankind as a whole" the words "irrespective of the geographical location of States". They feel sure that this textual improvement will be welcomed by the Afghanistan delegation and by every delegation present here.

17. There is always a close connexion between the preambular and operative portions of a resolution: the preamble sets forth the considerations that account for the provisions which follow. In view of this connexion, the words "for this purpose" in the first operative paragraph were considered superfluous.

18. On the other hand, the last preambular paragraph was recast somewhat so as to give an even more precise picture of the terms of reference conferred on the committee in the order in which its duties were set forth in operative paragraph 2, namely, first, the elaboration of the measures necessary for international co-operation, in the light of the various present and future uses of this area; secondly, the co-ordination of the activities undertaken by international organizations in this area.

19. The wording of operative paragraph 2, which contains the terms of reference of the proposed committee, also underwent a number of changes which I should like to explain briefly.

20. Sub-paragraph (2) has caused some concern, which was expressed by Mr. Amerasinghe in his eloquent statement in this Committee on 28 October 1968 [1588th meeting]. The main point at issue was the mention of the legal principles which should govern the rights of prospecting and exploitation with regard to the resources of the area in question and the exclusive mention of the economic demands to be met by the régime set up in this area. The sponsors feel that the new version of this sub-paragraph will clear up any misunderstandings. The following is the new text of sub-paragraph (a):

"(a) To study the elaboration of the legal principles and norms which would promote international co-operation in the exploration and use of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction and ensure the exploitation of their resources for the benefit of mankind, and the economic and other requirements which such a régime should satisfy in order to meet the interests of humanity as a whole."

21. This wording has the additional advantage of avoiding the problems of interpretation which the representative of Malaysia drew to this Committee's attention. The term "rules" having been replaced by the words "legal principles and norms," there can no longer be any question of discussing the superstructure before the foundation has been made secure.

22. Turning to sub-paragraph (b), I should like once again to refer to the representative of Ceylon, who pointed out an omission in the earlier terms of reference proposed for

this committee. These terms of reference must in no way be narrower than those of the *Ad Hoc* Committee, which included mention of “practical means of promoting international co-operation in the exploration, conservation and use of the sea-bed and ocean floor”. The wording of this sub-paragraph has consequently been amended to provide that the committee should study “the ways and means of promoting the exploration and use of the resources of this area, and of international co-operation to that end”, the remainder of the sub-paragraph remaining unchanged.

23. With regard to sub-paragraph (c), which deals with the reservation of this area exclusively for peaceful purposes, I would point out that to the word “studies” has been added the expression “and international negotiations”, international negotiations being of great importance with regard to disarmament.

24. In sub-paragraph (d), an editorial change was made to clarify the meaning. The words “in order to intensify” could have been understood as relating to the functions of the proposed committee. In fact, this committee will confine itself to reviewing studies “aimed at intensifying international co-operation and stimulating the exchange ...”.

25. Lastly, explicit mention of the Intergovernmental Oceanographic Commission was made in operative paragraph 4 in order to stress the important contribution we expect this Commission to make.

26. I have already expressed, on behalf of the twenty-nine original sponsors of the draft, the hope that it will receive this Committee’s unanimous support. The fifty-five delegations now sponsoring this text are confident that the revised version I have just analysed will meet certain objections, dispel certain doubts, and effectively fill some gaps which were pointed out during the discussion.

27. I shall now turn to the amendment submitted by Saudi Arabia, Kuwait and Venezuela [*A/C.1/L.426 and Add.1*].

28. We have had discussions with the representatives of Kuwait and Venezuela. We told them that the sponsors fully understood the generous motives which inspired their initiative. However, we reminded them that in submitting their draft, the sponsors made a deliberate choice; they attempted to repeat the procedure which last year resulted in the submission of the draft resolution which was unanimously adopted by the General Assembly at its twenty-second session [*resolution 2340 (XXII)*]. They therefore chose a compromise formula which could meet with the approval of all the groups represented in this world assembly.

29. It might have been easier to submit a text which could be assured of a majority, notwithstanding the opposition of some geopolitical groups or certain Powers. But now that this text, after the revision it has just undergone, seems likely to gain the Committee’s unanimous approval, the adoption of the amendment would profoundly alter the compromise nature of the draft. The sponsors were pleased to take note of the explanations which were given in this connexion by the representative of Venezuela [*1593rd*

meeting], who stated that he “wholly approved” the main features of draft resolution A/C.1/L.425. Mr. Zuloaga added that he was ready to engage in talks with the sponsors in the hope of reaching an agreement.

30. Similarly, the representative of Kuwait welcomed the initiative taken by the sponsors of the draft resolution. In speaking of this draft, Mr. Khanachet said:

“We support (the draft resolution) and ... we have proposed, jointly with the delegations of Venezuela and Saudi Arabia, a few amendments [*A/C.1/L.426 and Add.1*] which elaborate and lay greater emphasis on some of its broad implications” [*1598th meeting, para. 121*].

31. Thus it seems clear that the three delegations I have just mentioned had no intention of altering the draft resolution in any substantial way, but of making some of its aspects more explicit.

32. I am in a position to state that many of the sponsors of the draft resolution share the views expressed in this amendment, which calls, among other things, for examining “the establishment of international machinery for the exploration and exploitation of the resources of this area ...”.

33. In this connexion, I think it might be useful to give some definition of the word “régime” which occurs in operative sub-paragraph 2 (a) of the draft I am introducing. This word clearly signifies the entire body of legal rules and principles the projected committee is entrusted with drawing up to promote international co-operation in this area and to guarantee that its resources will be used for the benefit of mankind. The concept of a régime also appears in sub-paragraph (b), which deals with “the ways and means of promoting the exploitation and use of the resources of this area, and of international co-operation to that end”.

34. Nevertheless, in the minds of many delegations, these expressions do not fully describe the meaning of the word “régime”, which they feel also implies the idea of the possible creation of some international machinery for the exploration and exploitation of the resources of this area or, at the least, does not preclude such a possibility.

35. At the present time, this Committee does not possess a detailed comparative study of the statutes and régimes which could be created and of the machinery which could be set up. The *Ad Hoc* Committee was not able to undertake a comparative study of the advantages and disadvantages of each of these statutes, régimes and types of machinery; for that matter, such a study would have exceeded its terms of reference.

36. In these circumstances, the sponsors of the draft felt that it would be premature to show preference for any one of the possible régimes, thereby prejudicing the outcome of the study with which the proposed committee is to be entrusted.

37. As the Cameroon representative very rightly said:

“... we are of the opinion that the idea of establishing international machinery for exploring and exploiting the resources of this area might at present be premature. Nevertheless, we feel it would be equally premature to

reject it *a priori*. Thus it might be desirable for the proposed standing committee to study it in detail bearing in mind our goals, and to work out possible alternative solutions to submit to the General Assembly" [1601st meeting, para. 195].

38. In the opinion of the sponsors, the committee's terms of reference, as indicated in sub-paragraphs 2 (a) and (b), include the study of "the economic and other requirements" which the régime to be set up "should satisfy in order to meet the interests of humanity as a whole". Far from excluding the examination of the advantages and disadvantages of the various possible statutes, régimes and types of machinery, the committee's terms of reference as set forth in sub-paragraphs (a) and (b) assume that such a study will be made in order to assist the international community to make its choice with a full awareness of the facts.

39. However, the sponsors have not only borne in mind the fact that to some of them the selection of one specific régime in preference to any other seems premature. They have, above all, felt that if the three-Power amendment [A/C.1/L.426 and Add.1] were to be adopted, that would deprive the resolution of the widely acceptable compromise character which gives it its strength.

40. On behalf of the sponsors of draft resolution A/C.1/L.425/Rev.1, therefore, I have been asked to make a public and urgent appeal to the sponsors of this amendment, requesting them not to press their proposal. I repeat that this appeal is not based on any judgement which the sponsors of the draft might wish to make on the substance of this proposal, nor on its chances of being adopted by this Committee. On the contrary, our appeal is based on the belief that its adoption would put an end to long months of patient effort and negotiations. Convinced as they are that this is not the intention of the sponsors of the amendment, the sponsors of the draft hope that they will heed our appeal and that the revised draft resolution will be unanimously adopted by the General Assembly.

41. The CHAIRMAN: Before I give the floor to the next speaker, I wish to inform the Committee that the United States and Romania have become co-sponsors of draft resolution A/C.1/L.425/Rev.1, bringing the number of co-sponsors to fifty-seven.

42. Mr. GHAUS (Afghanistan): The delegation of Afghanistan put forward a sub-amendment [A/C.1/L.428] to the second paragraph of the amendments submitted by Kuwait, Venezuela and Saudi Arabia in document A/C.1/L.426 and Add.1. That sub-amendment had the intention of replacing the word "including" by the word "and". We explained the purpose of that sub-amendment in our previous intervention and expressed the wish that that modification of the text be accepted by the authors of the amendments. We are extremely grateful to the representative of Kuwait, who accepted it a few days ago on behalf of the co-sponsors. We are happy that the purpose of that sub-amendment is clearly understood by the co-sponsors. Therefore our sub-amendment is incorporated in the text of the amendments.

43. As the Committee is aware, my delegation has also proposed an amendment in document A/C.1/L.427 and

Corr.1, which would add at the end of the seventh preambular paragraph of draft resolution A/C.1/L.425/Rev.1 the following words: "including the equal interests of the land-locked countries". This amendment, in stating an obvious fact, is intended to clarify further the purpose of the seventh preambular paragraph and render the draft resolution more in conformity with the realities of the situation.

44. My delegation is convinced that the countries without sea-coasts have no lesser interest in the resources of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction than the coastal States. After the presentation of our amendment, a series of consultations took place between us and the co-sponsors of the draft resolution. During these informal exchanges the co-sponsors of the draft resolution—in particular Mr. Denorme, the representative of Belgium, who was the original mover of the draft—expressed their full understanding of our views. The delegation of Afghanistan is extremely grateful to Mr. Denorme and other co-sponsors for their understanding. A few minutes ago, Mr. Denorme, in introducing the revised version of the draft resolution in document A/C.1/L.425/Rev.1, drew the attention of the Committee to the new wording of the seventh preambular paragraph and made a statement on behalf of the co-sponsors. I wish to quote the relevant paragraph [see para. 16 above] of that statement, if I may:

"These [land-locked] countries, lacking any direct access to the sea, are nonetheless concerned with the peaceful use of the sea-bed beyond the limits of national jurisdiction. In the opinion of the sponsors, these countries are as entitled as the coastal countries to any benefits which might be derived from the exploitation of the resources of the sea-bed and ocean floor¹

45. We are happy to state that after the aforementioned consultations and in the light of that statement the delegation of Afghanistan considers the new formula, "irrespective of geographical location of States", to be another version of its own proposal and therefore has no objection to the sponsors' new text at this initial stage. Consequently, we are not at present pressing our amendment in document A/C.1/L.427 and Corr.1 to a vote, it being understood that that amendment will remain part of the documentation and could be considered by an appropriate United Nations body at a later time. The delegation of Afghanistan reserves its right to resort to the principle involved in our amendment.

46. We again thank the co-sponsors of the draft resolution, whose acceptance of our basic idea makes it possible for us to vote for the draft resolution.

47. While I have the floor I wish to point out that a number of draft resolutions have been presented under this item. Some of those drafts in one way or another, either in their preambular paragraphs or in their operative parts, touch upon the concept of the exploitation of the resources of the sea-bed for the benefit of mankind and mention the interests and needs of the developing countries in that regard. We should be grateful to the co-sponsors of those drafts if they could adopt for this purpose the same

¹ Quoted in French by the speaker.

formulation as that at present accepted in the seventh preambular paragraph of the basic draft resolution on this matter, which is contained in document A/C.1/L.425/Rev.1. It is obvious that this kind of editing is necessary and will bring all the texts referring to this matter into conformity with one another.

48. The CHAIRMAN: Before giving the floor to the next speaker, I wish to inform the Committee that Bulgaria, Czechoslovakia and Poland have become co-sponsors of draft resolution A/C.1/L.425/Rev.1, bringing the number of co-sponsors to sixty.

49. Mr. SERRANO (Costa Rica) (*translated from Spanish*): First of all, my delegation would like to take this opportunity, since we have been unable to do so before, and even though it is contrary to the Chairman's wishes, to add a word of encouragement and sincere congratulation to the officers of this Committee on their well-deserved election. It is a source of special pride to us to find that a representative of Italy, a country with which we have had very friendly relations ever since the time of our independence, occupies the Chair in this Committee, and that a worthy representative of Central America, our greater homeland, is Vice-Chairman.

50. The Costa Rican delegation listened with great attention early on in the debate to the presentation of 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] and to the statements by the representatives who have preceded us; and having carefully considered the question and the various draft resolutions, we feel that the following points should be emphasized:

51. First, the resources of the sea-bed and the ocean floor should be used for the benefit of all the countries of the world, including land-locked countries and primarily the developing countries.

52. Second, thought should be given to the possibility of having such exploration internationally supervised for the benefit of all mankind.

53. Third, all coastal States should enjoy special competence in regard to the regulation and control of the manner of exploiting the resources of the sea-bed and ocean floor and their subsoil, so as to be able to protect their legitimate interests in the conservation of those resources and prevent improper and irrational exploitation.

54. On these three points, we consider that the amendments submitted by Venezuela, Kuwait and Saudi Arabia [A/C.1/L.426 and Add.1] concerning the participation of coastal States, neatly round off the proposal by Argentina and more than fifty co-sponsors [A/C.1/L.425/Rev.1], and we shall vote in favour, since the draft resolution together with the amendments would safeguard the utilization for peaceful purposes of the sea-bed and ocean floor beyond the limits of national jurisdiction. As regards the special competence of the coastal State, the draft amendments in question [A/C.1/L.426 and Add.1] actually refer to this in a roundabout way in stating that the *Ad Hoc* Committee should examine the studies undertaken in the field of

exploration and investigation of that area "with the effective participation as appropriate of the littoral State".

55. We are in agreement here, but we feel it is possible to go a little further. This might perhaps be the subject of a later resolution, but it might be worth mentioning at once the principle that the coastal State exercises effective control over the exploitation of the sea-bed and ocean floor and their subsoil in an area adjacent to the continental shelf, within limits which it would be desirable to fix, without claiming sovereignty over those waters or the adjacent sea-bed and subsoil. This directly benefits the coastal State and hence mankind as a whole, since the coastal State will not be exercising full and exclusive sovereignty in that area, but merely proper control.

56. To illustrate what I have just said, let me cite the case of my own country. In accordance with its Constitution and with current international treaties, Costa Rica exercises absolute sovereignty over its territorial sea and continental shelf. In 1949, by legislative decree, it declared a broader sea area washing its continental coasts as a State-protected zone so as to prevent improper exploitation of its natural resources from harming the economy of the nation and of the American continent. With that same end in mind, we acceded in 1955 to the Santiago Declaration of 1952 on maritime areas,² subsequently explaining that in doing so we were not pretending to claim a territorial sea as wide as that specified therein, but were merely establishing our right to special jurisdiction in respect of the waters adjacent to our coasts over that distance in order to protect our legitimate interests in the living resources of the sea and to prevent improper exploitation that could destroy them.

57. This view is in keeping with the opinion given by the Inter-American Juridical Committee at Rio de Janeiro in July 1965 on the breadth of the territorial sea. The following is an extract:

"... the foregoing provisions shall not in any way prejudice the breadth that may be fixed in each case for the adjacent zone of the high seas in which the coastal State has a special interest in maintaining the productivity of the living resources of the sea and a preferential right to utilize them, and it shall therefore be empowered to take the necessary measures to ensure the conservation of such resources."³

58. For the same reasons, we consider that the coastal State is empowered to exercise such control over the exploration and exploitation of the sea-bed and ocean floor and their subsoil and to control them properly in a zone adjacent to its territorial sea and continental shelf, since this is the only way of ensuring the protection and conservation of the natural resources of that zone, for the benefit of the State concerned and all other States, thereby ensuring the use of the sea-bed and ocean floor and their subsoil for the benefit of all mankind.

59. These are the ideas my delegation wished to put on record, and we consider them as complementing rather than

² See *Laws and Regulations on the Régime of the Territorial Sea* (ST/LEG/SER.B/6, United Nations publication, Sales No.: 1957. vol. 2), p. 723.

³ Organization of American States, *Opinion on the Breadth of the Territorial Sea*, OAS/SER.I/VI.2, IJC-80, p. 94.

contradicting draft resolution A/C.1/L.425/Rev.1 and the amendments [A/C.1/L.426 and Add.1]. We shall vote for both these texts.

60. Similarly, we consider that all the draft resolutions indicating that States cannot exercise any rights over the deep ocean threaten the security and economy of coastal States—the ones which would be the most directly affected—failing the establishment of the special competence I have referred to or the standardization or crystallization of the limits of national jurisdiction. For there has also been no definition of the term “national jurisdiction”, which at present varies in scope from country to country, at times running counter to the provisions of certain international treaties.

61. We consider worthy of support, and we shall vote in favour of, the draft resolutions aimed at protecting the resources of the sea for the benefit of mankind, in particular documents A/C.1/L.429/Rev.2 and Add.1, and A/C.1/L.431 and Add.1 and 2.

62. The CHAIRMAN: Before calling on the next speaker on my list, I wish to thank the representative of Costa Rica for the tribute he has paid to my country and for the congratulations he has extended to me and to the members of the Bureau.

63. I also wish to inform the Committee that Lebanon has now become a co-sponsor of draft resolution A/C.1/L.425/Rev.1. Therefore, the number of co-sponsors is now sixty-one.

64. Mr. PIÑERA (Chile) (*translated from Spanish*): I wish to thank the representative of Iceland for his kind gesture in allowing me to take his turn to speak.

65. The delegations of Africa, Asia and Latin America which are members of the *Ad Hoc* Committee set up under the General Assembly resolution so often mentioned [2340 (XXII)], submitted at Rio de Janeiro a draft Declaration of General Principles [A/7230, annex III] the operative part of which was incorporated in the report submitted by that Committee to the General Assembly [*ibid.*, para. 88]. At this stage several delegations, believing that in so doing they are reflecting the views of most of the developing countries, have decided to bring the draft up to date and have commissioned me to introduce this afternoon the document now in its definitive form under symbol A/C.1/L.437.

66. The Declaration of General Principles represents a sound and organic development of the letter and the spirit of General Assembly resolution 2340 (XXII) which gave life to the topic and opens up wide vistas for the entire human race. The developing countries have succeeded in formulating a body of principles which effectively ensures that the sea-bed and ocean floor and their subsoil lying outside national jurisdictions will be exploited for the benefit and in the interest of mankind.

67. The Declaration begins by affirming that the zone mentioned in General Assembly resolution 2340 (XXII) is the common heritage of mankind and that no State may claim or exercise sovereignty over any part of it. It then

goes on to say, in terms that leave no room for doubt, that “the exploration, use and exploitation of this area, as referred to in the title of the item, shall be carried out exclusively for the benefit and in the interest of mankind”. But the Declaration does not stop at these more or less romantic terms susceptible of several interpretations. It defines, lucidly in our opinion, the only possible way by which the resources mentioned can be effectively exploited for the benefit and in the interest of mankind, namely, by establishing a legal régime to that effect, since there is no law applicable to the region beyond anyone’s jurisdiction, and it has to be created.

68. After making this general declaration—it is known to all delegations but it may be useful to recall it so as to lay the foundations for the proposal—the draft we are submitting to the Committee goes on to refer to the interests of the developing countries, a subject my delegation raised yesterday in the general debate [1601st meeting].

69. I should like to explain as clearly as possible what precisely are those interests as set forth in the draft declaration before the Committee.

70. First of all, the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction must be exploited for the benefit of all mankind and especially of the developing countries.

71. This presupposes the establishment of an international régime that will make it feasible. The exploitation of the wealth of the vast ocean must be for the benefit of all men, with special reference to the neediest, the inhabitants of the developing countries, whether land-locked or not.

72. When, in contradiction of that idea, as it seems to us, people talk of absolute freedom of exploration and exploitation, or indirectly establish it, what they are in fact advocating, at least as we interpret it, is as it were an international guarantee that the technologically advanced countries possessing capital, or undertakings from these countries, will be able to exploit all that vast heritage for their own benefit.

73. Secondly, any exploration or exploitation must take due account of the interests of the developing countries.

74. There are two aspects to this: the first concerns all developing countries, and the second concerns coastal States.

75. The aspect of potential concern to all developing countries is that of possible competition between their present exploitation, especially of raw materials, and that which may be carried out in due course on the sea-bed and ocean floor. This could give rise to what the Brazilian delegation [1591st meeting] called “dumping”, by new industries set up in the sea, of commodities traditionally produced on land. Such competition could be disastrous for many countries which depend primarily on the exploitation of raw materials. But in this connexion I would like to make one point clear.

76. There is no question of our trying to put a brake on progress or to inhibit future exploitation. On the contrary,

we welcome progress and development and we shall always encourage them. But we consider that the international community should anticipate such situations in good time and ensure that the vested interests I mentioned are duly warned and that the appalling damage that could result for any given country is avoided. The economic history of the world can furnish instances of this.

77. Thirdly, the interests of coastal States must be respected, particularly those of the less developed nations.

78. The exploitation of the sea-bed beyond the limits of national jurisdiction can have a variety of adverse consequences for the wealth contained within that jurisdiction, as is clearly brought out in the report of the *Ad Hoc* Committee, and as regards the specific case of pollution, in the Icelandic draft resolution now under consideration [A/C.1/L.431 and Add.1 and 2].

79. The adverse effects for the coastal State could be felt on the resources of its fisheries or on its mineral wealth, and they may be considerable. The living resources may be affected by the use of explosives and chemical products; by radio-activity if atomic energy is used; by turbidity caused by dredging for the exploitation of sediments; or by oil slicks, etc., to mention only a few examples. As regards mineral resources, exploitation beyond the limits of national jurisdiction could obviously exhaust a vein situated inside national jurisdictional limits, and could do all manner of harm to the wealth of a coastal State. Chile is such a State.

80. I have dwelt at some length on the interests of the developing countries, land-locked or otherwise, because in my delegation's view consideration of these interests cannot be disregarded in any declaration of principles. Such a declaration simply cannot ignore the interests of the developing countries, and in particular it cannot exclude land-locked countries from any benefits arising out of future exploitation beyond national jurisdictions; nor can it bypass the interest of the developing countries that might be affected by future exploitation.

81. We are living through a period that some have called the era of international co-operation. People talk of the theory of participation, in reference to the inescapable need to redress the balance between the developing and the developed countries, between three-quarters of mankind and the small minority that has a decent standard of living. Governments of every philosophical tinge may welcome messages such as those from persons like Pope John XXIII; the United Nations may declare a Development Decade, which is ending on a note of meagre success, to put it mildly; and the United Nations itself may have conceived the splendid idea of the United Nations Conference on Trade and Development, but its recent session at New Delhi was, to say the least, disillusioning. There is a wide gap between statements of intention and hard facts, between words and the reality of everyday life.

82. Romantic notions may lead us, enveloped in the magic aura of words, to proclaim ideas apparently universal, but concealing vested interests that are certainly not those of the countries with the greatest needs. Let us be idealistic, by all means; it is practical to be idealistic. But let us first

work for mankind, without forgetting in the process the nations and peoples that make up mankind.

83. We who are sponsoring the draft Declaration of General Principles [A/C.1/L.437] are confident that it will command the support of this Committee and the General Assembly. Our entire purpose was to reproduce what has been proclaimed almost unanimously in statements and speeches. We consider that the document, drawn up by a number of developing countries, fully meets the aim of General Assembly resolution 2340 (XXII), namely to make the vast wealth contained in an area covering three-quarters of the planet available for the benefit of mankind, and especially of the developing countries.

84. The CHAIRMAN: Before calling on the next speaker, I wish to inform representatives that Honduras has become a co-sponsor of draft resolution A/C.1/L.437, so that the co-sponsors now number nine.

85. Mr. SHRAM (Iceland): Referring at the beginning of my brief intervention to the draft resolution on marine pollution [A/C.1/L.431 and Add.1 and 2] submitted by my delegation and co-sponsored by thirty-two other delegations, we should like to express our appreciation and gratitude for the widespread support the draft resolution has received from so many delegations during the general debate in the past few days.

86. At this stage I have only three comments to make on this matter. Firstly, the delegation of Spain has, in document A/C.1/L.435, submitted an amendment to the draft resolution, asking that the study and research in paragraph 2 should cover not only all aspects of the protection of living and other resources of the sea-bed and ocean floor and the superjacent waters but also the adjacent coasts. My delegation welcomes this amendment to the draft resolution and commends its adoption to other members of this Committee.

87. Secondly, it has been pointed out to my delegation that the wording of operative paragraph 4 might be slightly changed so that instead of requesting the Secretary-General to entrust the proposed study to the appropriate body or bodies, the paragraph would request:

"the Secretary-General, in co-operation with the appropriate and competent body, or bodies, presently undertaking co-ordinated work in the field of marine pollution control, to undertake the study referred to in paragraphs 2 and 3 above."

We understand that this would be a more appropriate wording of this passage of the resolution, and my delegation can accept this suggestion of rephrasing for the sake of greater precision. We hope that the co-sponsors can also go along with this small change, and shall take that to be the case unless we hear from them to the contrary.

88. Lastly, I should like to refer to the provision in operative paragraph 4 of the draft resolution that the report to be drawn up on marine pollution shall be submitted to the General Assembly and the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor. Some delegations have certain hesitations about this stipulation. Therefore my delegation would like to emphasize that our intent and

purpose with this formulation is that for the purpose of further consideration of the problem of the peaceful uses of the sea-bed, the requested report on pollution control should be submitted to the First Committee through the sea-bed committee that we are hoping to establish.

89. The CHAIRMAN: Before giving the floor to the next speaker on my list I have to inform you that Costa Rica is now amongst the co-sponsors of draft resolution A/C.1/L.437. The number of co-sponsors is now ten.

90. Mr. SATTAR (Maldives Islands): As this is the first intervention of the Maldivian delegation in the First Committee, allow me to congratulate you on your unanimous election as the Chairman of this Committee. I also extend my congratulations to the Vice-Chairman and Rapporteur. With such a distinguished Bureau, my delegation is fully confident that the deliberations of this Committee will prove to be fruitful.

91. The First Committee has concluded its general debate on 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. Although the Maldivian delegation did not take part in the general debate, we attached great importance to the difficult but highly successful work of the *Ad Hoc* Committee, which was established under General Assembly resolution 2340 (XXII), thanks to the far-sighted initiative taken by Mr. Pardo of Malta. We would, therefore, like to take this opportunity to congratulate the Committee, particularly its Chairman, Mr. Amerasinghe of Ceylon, the Chairmen of the Working Groups, Mr. Benites of Ecuador and Mr. Denorme of Belgium, and also the Rapporteur, Mr. Gauci of Malta.

92. Having said this, I turn to the draft resolution now before us. The draft resolution appearing in document A/C.1/L.425 and Add.1-7 has now been revised and presented to this Committee this afternoon by the representative of Belgium, and appears as document A/C.1/L.425/Rev.1. Maldives Islands is happy to be among its sixty-one co-sponsors. This draft resolution calls for the establishment of a standing committee. The preamble of the draft resolution explains the background against which the standing committee is to be established and its operative paragraph 2 is very clear about the terms of reference of the committee. We hope that this resolution will receive unanimous support. While I do not intend to speak at length on either the preamble or the operative paragraphs, my delegation notes in particular that the Committee on the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction would have among its terms of reference the examination of "proposed measures of co-operation to be adopted by the international community in order to prevent the marine pollution which may result from the exploration and exploitation of the resources of this area." [See A/C.1/L.425/Rev.1, operative para. 2 (e).]

93. This leads me to the draft resolution contained in document A/C.1/L.431 and Add.1 and 2 proposed by Iceland and now co-sponsored by thirty-two other delegations. Dependent as we are on living marine resources, all measures aimed at the protection of living and other resources of the sea, including those of the sea-bed and the

ocean floor, will have our full support. Similarly, we endorse any steps that are taken to prevent or control pollution of the sea. We therefore welcome the Iceland draft resolution and will be happy to cast an affirmative vote.

94. My delegation has also studied the United States draft resolution contained in document A/C.1/L.429/Rev.2 and Add.1, now co-sponsored by twenty-one delegations and the Maltese draft resolution, co-sponsored by two other delegations, in document A/C.1/L.433 and Corr.1. While the former welcomes the concept of an international decade of ocean exploration beginning in 1970, the latter commends a set of principles with regard to the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, and requests the standing committee about to be established "to study and recommend such additional principles and norms as may be desirable for the regulation of activities in this area." The Maldivian delegation finds itself able to support the former, while we are very much in agreement with laying down a set of principles on the lines proposed by the Maltese draft. We will, therefore, vote in favour of both these resolutions.

95. Before concluding, I should like to state that my delegation is not in a position at this stage to comment on the draft resolutions contained in documents A/C.1/L.430, A/C.1/L.432, A/C.1/L.434/Rev.1 and A/C.1/L.437, and would therefore like to reserve the right to intervene, if necessary, at a later stage.

96. The CHAIRMAN: I would like to thank the representative of the Maldives Islands for the congratulations he extended to the Chairman and to the members of the Bureau.

97. Mr. ZULOAGA (Venezuela) (*translated from Spanish*): I have to thank the representative of Yemen for kindly allowing me to take his turn to speak.

98. I have listened with close attention to the statement made by the representative of Belgium.

99. I am glad to say that both the Kuwait delegation and my own have had frequent conversations with Mr. Denorme and with representatives of the countries sponsoring resolution A/C.1/L.425/Rev.1. Changes have of course been made in the original draft resolution, but they do not altogether satisfy us.

100. However, we have been greatly struck by the Belgian representative's arguments, both those he read out this afternoon and those he was kind enough to communicate to us direct in the course of our conversations. As a result, the representative of Kuwait and I have made substantial changes in the text of our amendment [A/C.1/L.426/ which I shall take the liberty of reading out:

"(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."⁴

⁴ Subsequently circulated as document A/C.1/L.426/Rev.1.

101. I am authorized by the representative of Kuwait to add that we submit this amendment because we consider that there is a principle which it is vital to include in the terms of reference to be given to the proposed committee, though we do not present this text as amended by us *ne varietur*, and we are ready to continue the dialogue in the same friendly and constructive way as hitherto.

102. Mr. ALAINI (Yemen): As this is the first time I have spoken in the First Committee may I say, Mr. Chairman, that it is a great pleasure for me to congratulate you on your election as Chairman of this important Committee. The relations between Italy and Yemen have always been friendly and close and today they are stronger than ever. I join my colleagues who have expressed their confidence in the success of the Committee's work under your wise and able leadership.

103. I should like also to congratulate our Vice-Chairman, Mr. Galindo Pohl of El Salvador, and our Rapporteur, Mr. Zollner, of Dahomey.

104. My delegation did not have the opportunity of participating in the general debate on this item and with your permission, Sir, I should like to make a few comments on the subject.

105. The report of the *Ad Hoc* Committee is constructive and enlightening, thanks to its able Chairman, the representative of Ceylon, and to its Rapporteur and the members of the Committee. The area of the sea-bed and the ocean floor and the subsoil thereof which lies beyond the limits of national jurisdiction is not well known and must be precisely defined. That area should be reserved exclusively for peaceful purposes. The resources of the area should be used for the benefit of the whole of mankind, with special regard to the interests and needs of the developing countries. The exploration and exploitation of the area should not endanger the living resources of the sea. A standing committee will be able to follow and continue the successful work of the *Ad Hoc* Committee and report its findings and achievements to the General Assembly.

106. My delegation wishes to associate itself with many delegations in requesting to co-sponsor draft resolution A/C.1/L.425/Rev.1. My delegation will also support draft resolution A/C.1/L.429/Rev.2 and Add.1 and A/C.1/L.431 and Add.1 and 2.

107. The CHAIRMAN: I thank the representative of Yemen for the tribute he paid to the strong traditional ties of friendship existing between his country and my own and also for the congratulations extended to myself and the other members of the Bureau.

108. I wish to inform the Committee that Trinidad and Tobago and Nicaragua have joined in co-sponsoring draft resolution A/C.1/L.437. The number of co-sponsors of that draft resolution is therefore now twelve.

109. Mexico has decided to co-sponsor draft resolution A/C.1/L.431 and Add.1 and 2. The number of co-sponsors of that draft resolution is now thirty-four.

110. Finally, a revised text of the draft resolution proposed by Cyprus and co-sponsored by Uruguay has just been circulated in document A/C.1/L.432/Rev.1.

111. I now call upon the Secretary to give some information.

112. Mr. VELLODI (Secretary of the Committee): I have been informed by the delegation of Cyprus that there are some minor changes in the revision [A/C.1/L.432/Rev.1] which has now been circulated. I have been asked by the delegation of Cyprus to indicate those further changes.

113. The last preambular paragraph should include, after the phrase "various areas of the sea-bed" the words "beyond the limit of national jurisdiction". The paragraph would then read:

"Anxious to prevent a race to occupy various areas of the sea-bed beyond the limit of national jurisdiction pending the adoption of an international régime for these areas,".

114. In operative paragraph 1, in the third line, the last phrase should read: "in accordance with the relevant appropriate procedure;".

115. Lastly, Uruguay is also a co-sponsor of this revised draft resolution.

116. Mr. KIKHIA (Libya): I wish to limit myself at this stage to some comments on draft resolution A/C.1/L.429/Rev.2 and Add.1, concerning the international decade of ocean exploration. My delegation was among the first delegations to welcome the creditable initiative of the United States delegation in having proposed and international decade of ocean exploration and is happy to co-sponsor, with other delegations, the draft resolution circulated in document A/C.1/L.429/Rev.2 and Add.1. In so doing, my country is convinced of the urgent need to establish a broad and appropriate programme of international co-operation in the field of ocean exploration. Such a programme can be carried out only through a co-operative effort by all nations and will depend in large measure on the extent to which nations contribute and pool their capabilities and assume their appropriate role and responsibility in the field of scientific co-operation. We are gratified to note that other countries have joined in co-sponsoring the draft resolution, since we firmly believe that the participation of all groups of States, in particular, the participation of the advanced socialist and Western countries, in this effort is vital for its success.

117. In the opinion of the delegation of Libya the proposed decade, beginning in 1970, will be the first step in a long-term programme for research and exploration of the ocean, under the aegis of the United Nations system. We hope that the system will be given the full opportunity to contribute, together with the small and developing countries, which should also play their due role and have an adequate share in the exploration of the ocean.

118. In this regard, my delegation would like to emphasize the reference to the interests of the developing countries in the second operative paragraph of the draft resolution. It is our hope that efforts will be made during the decade to

assist in strengthening the capabilities of the developing countries in exploration programmes, including manpower training, and that assistance to these countries will be envisaged in many areas—in particular the mapping of selected areas of the continental shelf contiguous to their coasts.

119. After the clear and informative presentation of the draft resolution by Mr. Wiggins, representative of the United States, I have nothing substantial to add. However, I should like to express my thanks to him for having referred to the suggestion that I made on Monday, 4 November, when I drew the attention of the Committee to the importance which Libya attaches to submarine archaeology and the need for international co-operation in the investigation of sunken cities and shipwrecks. I express the satisfaction of my delegation at hearing from the delegation of the United States that "That field of research would seem to be a most promising focus for some of the decade's projects." [1601st meeting, para. 134].

120. My delegation had the intention to table a draft resolution concerning this point, but at this stage we prefer finally to limit ourselves merely to suggesting that the attention of UNESCO and other organizations concerned should be drawn to the necessity of promoting international co-operation in the field of submarine archaeology, and that these activities should find due place within the framework of the proposed decade of ocean exploration.

121. As I said earlier, progress in this field will throw more light on the history of our planet and of ancient human civilizations. Modern techniques used in the survey of submerged cities can provide us with further information on sea-level changes some thousands of years ago which should help to close the gap between archaeological and geological evidence.

122. There are hundreds, and probably thousands, of submerged sites in many parts of the world to be explored, sites of extreme artistic architectural and historical importance, and probably many of them will lie forever underneath the mud on the bottom of the sea should a concerted international effort not be made. Many gaps in the story of classical shipping could be filled if some extensive excavations were undertaken. It is now known that with the new techniques of deep diving it is becoming possible to investigate a wreck 300 feet below. But, as Dr. N. C. Flemming suggests in his article "Sunken Cities and Forgotten Wrecks",

"... if, as is quite likely, these new methods are taken over by the military authorities and classified as secret, it will be many years before civilian diving reaps any benefits from them".

I think that this quotation is relevant to our deliberations.

123. In addition, I should mention the study of submerged caves, in respect to which the same Dr. Flemming says:

"The prospect of excavating submerged cave dwellings, and thereby linking the archaeological periods of the stone ages with the eustatic changes of sea-level, is one of the most exciting possibilities of the near future."

124. It is true that most of the activities in the many branches of submarine archaeology are now executed within the national jurisdiction of States. However, a great part is, and could be, accomplished in areas under international waters. Moreover, the promotion of international co-operation in this field could help States, particularly the developing countries, to profit from the progress in operations under their own jurisdiction. Therefore, this aspect merits all our attention, and I express hope that our Rapporteur will give it due place in the report of this Committee to the General Assembly.

125. My delegation reserves its right to comment on the other draft resolutions at a later stage, if need be.

126. Mr. GREKOV (Byelorussian Soviet Socialist Republic) (*translated from Russian*): Mr. Chairman, my delegation congratulates you, the Vice-Chairman and the Rapporteur on your election as officers of the First Committee and wishes you success in your work.

127. The military, political, legal, economic, scientific and technical aspects of the problem of the exploration and exploitation of the sea-bed and the ocean floor were examined during the general debate. Since the Committee is to adopt a number of resolutions on these various aspects, my delegation would like to state its views on them. I would begin by saying that if States Members of the United Nations are to make a useful contribution to the development of international collaboration in the matter, they must chart a correct course from the very outset. A great deal will depend on the decisions we are about to take, for they may determine the trend of activities relating to the study of the sea-bed and the ocean floor for years to come.

128. If the resolutions we adopt command wide agreement, they will indeed promote the development of international collaboration in the exploration and exploitation of the sea-bed and the ocean floor. But if they fail to take into account the interests of all States, they will, as others have said before me, do more harm than good. Consequently, we must treat the question before us with all due seriousness and responsibility and give careful thought to our decisions at this particular time for, in taking them, we shall be laying down the foundations for future work. Many delegations are well aware of this.

129. The work and the report of the *Ad Hoc* Committee and the wide-ranging and comprehensive discussion in the First Committee have revealed the existence of divergent views. At the same time, however—and this is most important—our discussion in this Committee has shown a healthy tendency to seek agreed decisions. That this is the proper approach to the problem has been argued convincingly by many representatives. My delegation believes that this spirit of co-operation will help us to attain positive results in our far from easy search for a solution.

130. In the course of the debate, some delegations urged that the General Assembly should even now, at this twenty-third session, draft and approve a declaration of general principles governing the activities of Member States, the United Nations itself, and the specialized agencies, in the utilization of the sea-bed and the ocean floor for peaceful purposes.

131. Since the elaboration of legal principles is a very complex matter, my delegation deems this proposal to be premature. There is as yet no agreement among States on which principles should be adopted and which not. As we know, the *Ad Hoc* Committee was unable to reach a consensus on this question. In these circumstances, hasty adoption of a declaration of principles which do not command general support would be of little value.

132. In this connexion, my delegation wishes to emphasize something that has already been pointed out by many speakers: that any decision taken on this important question must be reached by general agreement and take into account the interests of the socialist, the developing, and the Western countries. Consequently, for the good of the common cause, a further comprehensive study should be made of the legal principles governing the activities of States on the sea-bed and the ocean floor.

133. Moreover, in solving the legal problems relating to the sea-bed and the ocean floor, use must be made of the time-tested existing rules of international law which were a long time in the making and which are applicable to the activities of States with regard to the sea-bed and the ocean floor. I have in mind contemporary international law, the United Nations Charter, the Convention on the High Seas⁵ and the Convention on the Continental Shelf⁶.

134. Another extremely important question is, where to draw the lines delimiting what is termed "the sea-bed and the ocean floor beyond the limits of national jurisdiction". This is the second session at which the General Assembly is considering the problem of the sea-bed and the ocean floor, yet we still have no answer to this fundamental question. In my delegation's opinion, this question merits the most painstaking study and a clear-cut decision, regardless of its complexities.

135. The Byelorussian delegation attaches great importance to international collaboration in exploring and exploiting the sea-bed and the ocean floor for peaceful purposes. Unless such collaboration is developed on a broad scale, it will be exceedingly difficult for countries, and especially for developing countries, to cope with the enormous problems involved. Our knowledge of the ocean and its tremendous resources is still far from adequate. Oceanographic studies have been conducted for a long time, and with particular intensiveness in recent years, and yet there is still a beginning to be made in many areas. Our delegation therefore favours international oceanographic studies to be made over a period of many years under a long-term programme. In supporting the proposal to this effect, I would emphasize that the Intergovernmental Oceanographic Commission should play an important part in organizing and developing international collaboration in the study of the sea-bed and the ocean floor and their natural resources.

136. My delegation also supports the draft resolution submitted by Iceland [A/C.1/L.431 and Add.1 and 2] on studying ways of minimizing the danger of pollution of the marine environment which might result from exploration

and exploitation of the sea-bed and the ocean floor and the subsoil thereof.

137. As a result of the work of the *Ad Hoc* Committee and of the First Committee at this twenty-third session, it is now clear to everyone that solution of the problem of the sea-bed and the ocean floor will take a long time. Consequently, the proposal in draft resolution A/C.1/L.425/Rev.1 concerning the establishment of a standing committee of the United Nations to study the elaboration of the legal principles and norms which would promote international co-operation in the exploration and use of the sea-bed and ocean floor, a co-operation which es to cover the legal, economic, scientific, technical and other aspects of the matter, is in principle acceptable to my delegation.

138. In supporting the establishment of a standing committee, my delegation takes the view that the committee should make a thorough study of the legal aspects of the problem of the sea-bed and the ocean floor with a view to developing international co-operation in the exploration and use of the sea-bed and the ocean floor for peaceful purposes, and should also delve deeply into the technical and economic aspects of such co-operation. The standing committee must not usurp the functions of either the Eighteen-Nation Committee on Disarmament or UNESCO's Intergovernmental Oceanographic Commission, and it should proceed by consensus.

139. My delegation wishes to emphasize strongly that the sea-bed and the ocean floor beyond the limits of territorial waters must be reserved exclusively for peaceful purposes. It notes with satisfaction that not a single delegation has advocated military uses of the sea-bed and the ocean floor but that, on the contrary, all delegations have stressed reservation for peaceful purposes. It welcomes such statements; but words alone are not enough—they must be supported by deeds. The next step must be taken: the consensus that the sea-bed and the ocean floor should be used exclusively for peaceful purposes must be translated into specific measures prohibiting military uses of the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States. In my delegation's opinion, such measures should be worked out by the Eighteen-Nation Committee on Disarmament. The elaboration and adoption by that Committee of effective measures prohibiting the use for military purposes of the sea-bed and the ocean floor beyond the limits of territorial waters would be one more step towards a solution of the problem of disarmament. Like other disarmament measures, such measures would improve the international situation. It would then be easier to deal with other aspects of the problem of the sea-bed—political, economic, scientific, technical and legal. The Byelorussian delegation therefore expresses the hope that the Eighteen-Nation Committee will be able to formulate at an early date specific measures prohibiting the use of the sea-bed and the ocean floor for military purposes, as proposed in the Memorandum of the Government of the Union of Soviet Socialist Republics concerning urgent measures to stop the arms race and achieve disarmament⁷.

⁵ United Nations *Treaty Series*, vol. 450, 1963, No. 6465.

⁶ *Ibid.*, vol. 499, 1964, No. 7302.

⁷ *Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda items 27, 28, 29, 94 and 96, document A/7134.

140. In conclusion, my delegation wishes to stress that it finds the idea of instituting an international régime of common ownership for the sea-bed and the ocean floor, as advanced by some delegations, entirely unacceptable. It associates itself fully with the considerations and arguments in this regard put forward by the USSR representative on 31 October [1592nd meeting]. My delegation opposes the proposal in document A/C.1/L.426 and Add.1 to create international machinery for the exploration and exploitation of the sea-bed and the ocean floor.

141. One year has elapsed since the General Assembly first began to consider the question of peaceful uses of the sea-bed and the ocean floor. It was a year of strenuous work for the United Nations Secretariat, the members of the *Ad Hoc* Committee and several of the specialized agencies. We can say today that their work was not in vain. Nevertheless, a great deal remains to be done. My delegation is convinced that the problem of exploration and use of the sea-bed and the ocean floor for peaceful purposes with which the United Nations is now faced will, thanks to the joint efforts of States, be solved successfully in the common interest.

142. The CHAIRMAN: I thank the representative of the Byelorussian SSR for the congratulations he extended to the Chair and to all the members of the Bureau.

143. I should like to inform the Committee that Jamaica has become a co-sponsor of draft resolution A/C.1/L.429/Rev.2 and Add.1, so the co-sponsors of that draft resolution now number twenty-two. Belgium has become a co-sponsor of resolution A/C.1/L.431 and Add.1 and 2; that draft resolution now has thirty-five co-sponsors.

144. Mr. BOTHA (South Africa): Mr. Chairman, at the outset, may I extend to you, Sir, and to the Vice-Chairman and Rapporteur, my delegation's warm congratulations on your election to your respective offices. We associate ourselves with the many well-deserved tributes which have been paid to you, to Mr. Galindo Pohl, and Mr. Zollner by the representatives who spoke before me.

145. As I did not participate in the general debate in this item, permit me, Sir, before proceeding to the draft resolutions before us to add our tribute to the *Ad Hoc* Committee for the very considerable progress it made in so short a time in fulfilling the tasks assigned to it by the General Assembly last year. The nature and degree of the main problems confronting us have been largely identified and clarified and, in this regard, I must also record our appreciation to the Chairman of the *Ad Hoc* Committee, Mr. Amerasinghe, to the Rapporteur, Mr. Gauci, and other representatives on the *Ad Hoc* Committee, for their clear and concise observations on the work of the *Ad Hoc* Committee in the past ten months. For those of us who were not members of the *Ad Hoc* Committee, their statements were a useful and illuminating adjunct to the Committee's report in document A/7230.

146. It is clear from the *Ad Hoc* Committee's report and the statements made in the course of the debate that considerable further study remains to be undertaken on all aspects, particularly the legal aspects, of this item. We have thus far merely isolated the issues and in the course of so

doing have uncovered problems which are complex and impinge upon the national interests of all States, the developed no less than the developing nations. The eventual resolution of these problems will take time and it is correct and appropriate, therefore, that a standing committee should now be established to carry forward the studies which the *Ad Hoc* Committee began in consultation and co-operation with the numerous international organizations which are already actively involved in the various fields of study. It follows that my delegation is in sympathy and agreement with the draft resolution contained in document A/C.1/L.425/Rev.1 which Mr. Denorme of Belgium introduced with such perspicuity on behalf of the sponsors. We shall cast our vote in favour of this resolution.

147. It goes without saying, of course, that our support for the resolution implies no more than support for the principle that a committee be established in order to undertake preliminary studies of the issues and problems to which I have just referred. The resolution in any event does not imply the commitment of any State in advance to any principles or solutions which the Committee may eventually recommend. We share the understanding of the representative of Belgium that, to use his words, "any conclusions the standing committee might reach will therefore be subject to approval" [1588th meeting, para. 94]. Moreover, we fully associate ourselves with his remarks to the effect that the wording of the resolution is not intended to convey any "supranational implications" [ibid., para. 98].

148. There is a further issue to which I wish to refer in the context of explaining South Africa's attitude towards the draft resolution. In the light of the imprecision which exists in the definition in geographical terms of the area of the sea-bed and the ocean floor which falls under national jurisdiction in terms of existing international law, particularly the Convention on the Continental Shelf⁸ of Geneva, 1958, the view has been expressed that the precise boundaries of this area must in due course be agreed upon.

149. We have noted the differences of opinion in the First Committee on the extent to which the new standing committee should involve itself in the resolution of this issue. I do not wish to go into the merits or demerits of the arguments which have been advanced for or against the Committee concerning itself with this aspect, other than to observe that in our view it is not appropriate for the standing committee, especially at this early stage of our examination of this item, to enter into any substantive consideration of this aspect. Such consideration now would be premature and our affirmative vote for the draft resolution before us is cast on this understanding.

150. Furthermore, until such time as a new definition of the area of the sea-bed and ocean floor which falls within the limits of national jurisdiction has been considered and accepted by States, it is the understanding of my Government that this area extends at least as far as it is presently determined by international law, including the Geneva Convention of 1958 on the Continental Shelf, to which South Africa is a party. As many delegations have recalled, the definition of "continental shelf" in this

⁸ United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

Convention includes the area beyond the 200-metre limit "to where the depth of the superjacent waters admits of the exploitation of the natural resources" of the area in question.

151. In recording this understanding we associate ourselves with the many representatives who have expressed similar understandings in the course of the debate on this item. We associate ourselves also with the observation of the representative of Iceland who said that until the delimitation of the area under discussion has been resolved, "every State has the right to claim sovereignty for exploration and exploitation of the resources of the continental shelf adjacent to its coast, out to a distance such as that stipulated by the Convention on the Continental Shelf, of Geneva, 1958, and confirmed by States in principle" [1589th meeting, para. 64]. It follows, of course, that any claims to sovereignty that have been or may be established in this way cannot, without the consent of the countries concerned, be prejudiced by any future boundary delimitation.

152. I wish to touch very briefly on one further aspect of the resolution in document A/C.1/L.425/Rev.1. The representative of Belgium, in introducing this draft resolution and in outlining its objectives [1588th meeting], went to great lengths to explain that the new committee was not in any way intended to compete with or to rival or to infringe the primary responsibilities of existing bodies which are active in the fields under study, or to duplicate their activities. Indeed, paragraph 2 (f) of the resolution requires the new committee to work in close co-operation with these bodies precisely in order to avoid duplication or overlapping of activities. Without in any way wishing to detract from the value of this injunction—its inclusion in the draft resolution is in fact crucial—or to cast any reflections on the determination of the members of the new committee to give effect to this injunction, I would submit that what is really important is not so much the injunction itself as the way in which it is implemented, and on this both the resolution and the co-sponsors have been silent. May I therefore suggest, as a means of ensuring that there is no duplication or overlapping of effort and that the new committee is effective and efficient in performing its co-ordinating functions, as we all desire, that it consider extending formal invitations to the specialized agencies, the International Atomic Energy Agency and intergovernmental bodies dealing with the problems referred to in the resolution, to nominate representatives to attend all meetings of the committee, not merely as observers, but as specialist participants with full rights to participate—without the vote, of course—in the proceedings whenever their particular field of knowledge and experience and responsibility has a bearing on the subject-matter under discussion. It does seem desirable to my delegation, at the least, to formalize their participation in committee meetings and not to leave it to the committee to decide on a purely *ad hoc* and discretionary basis whom to invite and for which meetings.

153. With regard to the draft resolution contained in document A/C.1/L.429/Rev.2 and Add.1, introduced by the representative of the United States [1601st meeting], on an international decade of ocean exploration, may I record my Government's warm support for this initiative.

The programmes of research and exploration which the draft resolution envisages are realistic and practical and may be expected to produce tangible benefits for all mankind. I am authorized to state that South Africa, with its already well-developed system of marine research, will co-operate and participate fully in the programmes in question.

154. We also welcome the initiative of the representative of Iceland [1598th meeting] in bringing very pertinently to our attention the pollution and other hazards and harmful effects which might result from the exploration and exploitation of the sea-beds and ocean floors. The draft resolution [A/C.1/L.431 and Add.1 and 2], which he has introduced on behalf of a number of co-sponsors to deal with this threat is both necessary and timely and we shall support it also.

155. In conclusion, as regards the other draft resolutions before us, my delegation is giving attention to their contents and I must therefore at this stage reserve our position on them.

156. The CHAIRMAN: I thank the representative of South Africa for the congratulations he extended to me and to my colleagues in the Bureau.

157. Before adjourning the meeting I should like first of all to inform members that the Ivory Coast has become a co-sponsor of draft resolution A/C.1/L.431 and Add.1 and 2, bringing the number of co-sponsors of that draft resolution to thirty-six.

158. Yemen has become a co-sponsor of draft resolution A/C.1/L.425/Rev.1, bringing the number of co-sponsors of that resolution to sixty-two.

159. Mr. ROSSIDES (Cyprus): We have before us eight draft resolutions, apart from the draft resolution regarding the setting up of the standing committee, namely, draft resolution A/C.1/L.425/Rev.1, the draft resolution on the oceanographic decade [A/C.1/L.429/Rev.2 and Add.1] as well as the draft resolution on marine pollution [A/C.1/L.431 and Add.1 and 2]. Apart from these three draft resolutions, which are concerned mainly, if not entirely, with studies, there are five other draft resolutions which deal with principles to be adopted by the General Assembly, that is, with a certain action by the General Assembly in regard to those principles, including clarification of certain matters.

160. I believe that the time left to us is so short that it is not possible at this stage to study those draft resolutions—some of them were submitted yesterday, others were submitted today—and be able to deal with them fairly and justly in order to consider all the aspects that have been presented. In this sense, my delegation suggests that after we vote on the first three draft resolutions on the studies, the other draft resolutions that are concerned with principles may be considered by a working group, composed of those interested in the draft resolutions, and other members, in an effort to discuss them more leisurely and in the hope of finding agreement on a common draft or two—so that we do not have so many drafts before us and so that there will be time for consideration. Therefore, a lot of work that would take up the time of the Committee,

could be taken up by this working group. The Committee would then be presented, we hope, with a common agreement on a common draft.

161. In this sense, I submit this suggestion for consideration by the Chairman and by the Committee. I hope it will receive favourable consideration.

162. The CHAIRMAN: Before replying to the representative of Cyprus, I should like to inform the Committee what my plans are more or less for the order of our work. It is still my intention that we should try to proceed tomorrow to the vote on the draft resolutions on this item. We are already slightly behind the schedule which I had set mentally for my own personal use in order to try to dispose of all our items in time before the end of our session. Naturally, I have to rely very much and I depend very much upon all members of the Committee for the spirit of co-operation and understanding that they have shown until now and that they certainly will show throughout our session, especially, of course, the co-operation and understanding of the co-sponsors of the different resolutions. We still have some time before tomorrow, and I would sincerely hope that in those few hours before tomorrow some efforts would be made so that we can try to proceed to the vote and dispose of this item by tomorrow.

163. There is a suggestion put forward by the representative of Cyprus. I am sure that members will want to consider and meditate upon that suggestion. If there is no one who wishes to make comments this evening, perhaps we can take it up tomorrow morning, after we exhaust the list of speakers. We have only a few speakers for tomorrow, and as I said before, we might be able—and I hope we will be able—to proceed to the vote. This will make it unnecessary to schedule special meetings. We avoided one special meeting the other day and I am sure that with the co-operation of all members, and especially the co-sponsors of the different draft resolutions, we will be able to avoid having special meetings.

164. MR. ARORA (India): We have heard with great interest the suggestion made by the representative of Cyprus. We see his point. There are a large number of draft resolutions on the question of principles, which have to be voted upon tomorrow, according to the schedule which the Chairman has laid down for us. Perhaps some of them have been with us for a few days and they have been considered. But one or two of them came to us yesterday and today. It has not been possible for all the delegations to give due consideration to all the proposals that have come before us. Therefore, I think there is great merit in the suggestion

made by the representative of Cyprus when he said that while we might vote tomorrow on the draft resolutions regarding the setting up of a standing committee, the question of an international decade and the question of pollution, we might perhaps postpone to a later date, the consideration of the draft resolutions on the question of principles, giving delegations time to consult with others and to see whether it is possible to arrive at some compromise on those draft resolutions.

165. Therefore we should like to support the proposal of the delegation of Cyprus.

166. Mr. GARCIA ROBLES (Mexico) (*translated from Spanish*): As the representative of Cyprus referred to the draft resolutions on principles and kindred matters, and as my delegation is sponsoring one of them, I would like to say that, as far as we are concerned, not only would we have no objection to following the procedure he suggests, but in fact we feel it would be constructive and would help the Committee to gain time rather than lose it.

167. Naturally, as has been rightly said, that would not prevent us from voting on the other three draft resolutions tomorrow. As I understand it, the suggestion by the representative of Cyprus is that we should interrupt our present discussion—the length of the interruption to be left to the discretion of the Chair—just as we did with the question of the Korean invitations. Then, once the period fixed by the Chair had elapsed, at a later meeting such as occur frequently in our discussions where there are no speakers scheduled, the report of the working group might be considered. I repeat, then, that my delegation would have no difficulty in supporting the suggestion made by the representative of Cyprus.

168. Mr. PAVIĆEVIĆ (Yugoslavia): My delegation would simply add its support to the proposal of the representative of Cyprus that there should be a postponement of the voting on the draft resolutions concerning principles.

169. The CHAIRMAN: As I stated before, representatives have heard the suggestion of the representative of Cyprus, which was supported by other delegations. Before adjourning, I would only remind members that there are still other questions to be settled before we can proceed to the vote tomorrow; and I would hope that in the intensive consultations which have been taking place and which will certainly go on this evening and early tomorrow morning, those questions will also be taken into account and settled.

The meeting rose at 5.55 p.m.