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COMMITTEE ON THE PEACEFUL USES OF THE
 SEA-BED AND THE OCEAN FLOOR BEYOND
 THE LIMITS OF NATIONAL JURISDICTION

PROPOSALS AND VIEWS RELATING TO THE ADOPTION OF PRINCIPLES

Working Paper prepared by the Secretariat^{1/}

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^{1/} Prepared in accordance with the request made by the Committee at its
 third meeting on 7 February 1969.

INTRODUCTION

1. During the discussions at the General Assembly's twenty-second session of the item proposed by Malta (A/6695),^{2/} several delegations favoured the enunciation by the General Assembly of certain basic principles either in the form of a declaration or of a resolution to apply to the use by States of the area envisaged in the title of the item. Such principles, it was stated, could guide whatever body the Assembly decided to establish to study the matter further. On the other hand, it was recognized that this question required careful study and some delegations felt that to adopt hastily a set of legal principles without having first considered all aspects of the question would only create further difficulties.

2. The Assembly in resolution 2340 (XXII), unanimously adopted on 18 December 1967, recognized in the preamble to the resolution "the common interest of mankind in the sea-bed and the ocean floor" and "that the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, as contemplated in the title of the item, should be conducted in accordance with the principles and purposes of the Charter of the United Nations, in the interest of maintaining international peace and security and for the benefit of mankind". It requested the Ad Hoc Committee which it established by that resolution to submit to it a study which would include, inter alia, "an indication regarding practical means to promote international co-operation in the exploration, conservation and use of the sea-bed and ocean floor, and the subsoil thereof, ... and of their resources ...".

3. The Ad Hoc Committee, in considering this part of its mandate, received proposals from various member States of the Committee for a draft declaration of principles (see below). In its report to the General Assembly at the twenty-third session, it set forth two sets of proposals which had received support in the Ad Hoc Committee: (a) Draft declaration of general principles proposed for submission to the General Assembly; and (b) Draft statement of agreed principles proposed for submission to the General Assembly (A/7230, para. 88). It was stated in the Committee's report that it had been emphasized "that the question of the elaboration of a set of principles needed further consideration and study and that

^{2/} The title of the item as discussed was as follows: "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction".

at the present time this would be premature". It was also stated that it was believed "that the progress so far achieved would be most useful in facilitating the attainment of final agreement on more positive action by the General Assembly at its twenty-third session" (A/7230, paras. 89 and 90).

4. During consideration of the Ad Hoc Committee's report by the General Assembly at its twenty-third session, various draft resolutions relating to the adoption of a declaration of principles were submitted to the General Assembly (see below). With the agreement of the sponsors of these draft resolutions, it was decided to transmit them for consideration to the standing committee which it was proposed to establish (A/7477, para. 16). It was stated in the First Committee by the representative of the United States (A/C.1/PV.1648) and in the plenary meeting by the representative of India (A/PV.1752) that it was understood that those proposals submitted to the Ad Hoc Committee would also be referred to the Standing Committee.

5. In the preamble to resolution 2467 A (XXIII), establishing the Standing Committee, the General Assembly, inter alia, reaffirmed the objectives of its resolution 2340 (XXII), recognized "that it is in the interest of mankind as a whole to favour the exploration and use of the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, for peaceful purposes", considered that "it is important to promote international co-operation for the exploration and exploitation of the resources of this area" and stated that it was convinced that "such exploitation should be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries".

II. PROPOSALS SUBMITTED IN RELATION TO PRINCIPLES

6. The texts of the proposals submitted in the Ad Hoc Committee and at the twenty-third session of the General Assembly in relation to principles for the use of the sea-bed and the ocean floor beyond the limits of national jurisdiction are annexed to the present paper, except that where the text of proposals are identical save for a few variations they are only reproduced once, with an indication of changes and with the relevant references under subsequent headings.

7. The following formal proposals were submitted (in chronological order):

(a) In the Ad Hoc Committee

(1) India: draft declaration of legal principles governing 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 uses of their resources in the interests of mankind (A/AC.135/21 of 20 June 1968).

(2) United States of America: draft resolution containing statement of principles concerning the deep ocean floor (A/AC.135/25 of 28 June 1968).

(3) Working paper on the draft declaration of general principles proposed by Argentina, Brazil, Ceylon, Chile, Ecuador, El Salvador, India, Kenya, Liberia, Libya, Pakistan, Peru, Thailand, United Arab Republic, and United Republic of Tanzania, concerning the item "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind" (A/AC.135/36 of 28 August 1968).

(4) Draft declaration of general principles proposed for submission to the General Assembly (incorporated in the Ad Hoc Committee's report to the General Assembly, A/7230, para. 88, generally referred to as "the A principles"). The text of this draft declaration is in substance identical with that of the working paper referred to under (3) above.^{3/}

(5) Draft statement of agreed principles proposed for submission to the General Assembly (incorporated in the Ad Hoc Committee's report to the General Assembly (A/7230, para. 88, generally referred to as "the B principles"))).

^{3/} For textual variations, see annex.

(b) In the First Committee at the General Assembly's twenty-third session

(6) Mexico: draft resolution (A/C.1/L.430 of 4 November 1968).

(7) Cyprus: draft resolution (A/C.1/L.432 of 5 November 1968), later revised and co-sponsored by Uruguay and subsequently by Liberia (A/C.1/L.432/Rev.1 and Add.1 of 7 and 8 November 1968).

(8) Malta, Mauritius and United Republic of Tanzania: draft resolution (A/C.1/L.433 and Corr.1 of 5 and 6 November 1968).

(9) Liberia: draft resolution (A/C.1/L.434 and Rev.1 of 6 November 1968). This was later withdrawn by Liberia, which became instead a co-sponsor of draft resolution A/C.1/L.432/Rev.1 (See (6)).

(10) Argentina, Brazil, Chile, Ecuador, El Salvador, Libya, Peru and Spain: draft resolution, subsequently co-sponsored by Costa Rica, Honduras, Nicaragua and Trinidad and Tobago and by Guatemala and Haiti (A/C.1/L.437 and Add.1 and 2 of 6, 7 and 8 November). The text of this draft resolution is almost identical to that referred to under (3) and (4) above.^{4/}

^{4/} For variations, see annex.

III. PRINCIPLES CONTAINED IN THE PROPOSALS TRANSMITTED TO THE STANDING COMMITTEE

8. The proposals transmitted to the Standing Committee contain various common concepts, certain variations of these concepts and certain different combinations and formulations of the concepts. Taking as a basis the two sets of principles incorporated in paragraph 88 of the report of the Ad Hoc Committee (which, for convenience, are referred to as the "A" principles and the "B" principles), an attempt is made here to group the common elements in all the proposals and to indicate differences in formulation. In order to do so, it has been necessary to take certain phrases out of their exact context and a certain amount of duplication has also proved inevitable. It should be emphasized, however, that delegations submitting proposals stressed the unity of their proposals. Reference should therefore also be made to the texts of the proposals, which are annexed to the present paper. It should be emphasized that the order in which the common elements have been grouped, and the headings employed for this purpose, are purely for the sake of convenience. Where references are made to the "A" principles, they should be taken as applying also to document A/AC.135/36 (submitted in the Ad Hoc Committee by Argentina, Brazil, Ceylon, Chile, Ecuador, El Salvador, India, Kenya, Liberia, Libya, Pakistan, Peru, Thailand, United Arab Republic and United Republic of Tanzania) and document A/C.1/L.437 and Add.1 and 2 (submitted in the First Committee by Argentina, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Libya, Nicaragua, Peru, Spain, and Trinidad and Tobago).
9. In addition to the differences in the formulation of various concepts, there are also differences in their mode of presentation. Thus, the "A" principles (and documents A/AC.135/36 and A/C.1/L.437), the "B" principles and the proposals submitted by India (A/AC.135/21) and Mexico (A/C.1/L.430) envisaged a declaration to be adopted by the General Assembly, whereas the proposals of the United States (A/AC.135/25) and of Malta, Mauritius and the United Republic of Tanzania (A/C.1/L.433) would have the Assembly "commend" the principles to States and the proposal of Cyprus, Liberia and Uruguay (A/C.1/L.432/Rev.1) was in the form of a draft resolution on certain specific aspects of the question.
10. The following points are taken from the various principles enunciated, no attempt being made to include preambular consideranda:

(1) Existence of the area

There is an area of the sea-bed and ocean floor and the subsoil thereof, underlying the high seas, which lies beyond the limits of national jurisdiction, hereafter described as "this area" ("B" principle 1).

(2) International character of the area

The sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, are the common heritage of mankind ... ("A" principle 1; India, principle 2).

There shall be no discrimination in the availability of the deep ocean floor for exploration and use by all States and their nationals in accordance with international law (United States, A/AC.135/21, principle 1).

The international submarine zone belongs to all mankind (Mexico, A/C.1/L.430, principle 1).

(3) Question of clarifying the boundary of the area

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

Taking into account the Geneva Convention of 1958 on the Continental Shelf, there shall be established, as soon as practicable, an internationally agreed precise boundary for the deep ocean floor - the sea-bed and subsoil beyond that over which coastal States may exercise sovereign rights for the purpose of exploration and exploitation of its natural resources;

Exploitation of the natural resources of the ocean floor that occurs prior to establishment of the boundary shall be understood not to prejudice its location, regardless of whether the coastal State considers the exploitation to have occurred on its "continental shelf" (United States, A/AC.135/25, principle 3).

[The General Assembly ...]

Urges all States to give high priority to the question of clarifying the definition of the "continental shelf" in article 1 of the Convention on the Continental Shelf, in accordance with the relevant appropriate procedure (Cyprus, A/C.1/L.432/Rev.1, operative para. 1).

(4) Preservation of the international character of the area

No State may claim or exercise sovereignty over any part of the area mentioned in resolution 2340 (XXII) ("A" principle 1).

No State may claim or exercise sovereign rights over any part of this area, and no part of it is subject to national appropriation by claim of sovereignty, by use of occupation, or by any other means ("B" principle 4).

[As the common heritage of mankind, the area and its subsoil] are not subject to national appropriation (India, A/AC.135/21, principle 2).

No State may claim or exercise sovereignty or sovereign rights over any part of the deep ocean floor (United States, A/AC.135/25, principle 1).

[The international submarine zone belongs to all mankind and consequently] no State may lay claim to or exercise sovereignty over any part of it, nor shall it be subject to national appropriation in any form (Mexico, A/C.1/L.430, principle 1).

[The General Assembly ...]

Requests all States to refrain from claiming or exercising sovereign rights over any part of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, pending the said clarification of the Convention on the Continental Shelf and without prejudice to any existing claims concerning the limits of the territorial sea or the continental shelf;

Declares that no acts or activities of a State, or under its authority, in the sea-bed or the ocean floor, or the subsoil thereof, beyond the limits of national jurisdiction which take place pending the clarification of the Convention on the Continental Shelf shall be deemed to constitute a basis for asserting any claims to those areas (Cyprus, Liberia and Uruguay, A/C.1/L.432/Rev.1 and Add.1, operative paras. 2 and 3).

That no State may claim or exercise over any part of this area sovereignty, jurisdiction or any exclusive rights and that no part of this area is subject to national appropriation by any means whatsoever (Malta, Mauritius and United Republic of Tanzania, A/C.1/L.433, principle 1).

(5) Principle of peaceful use

The exploration, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, shall be carried on exclusively for peaceful purposes ("A" principle 2).

This area shall be reserved exclusively for peaceful purposes ("B" principle 6).

[As the common heritage of mankind, the area] shall be used exclusively for peaceful purposes (India, A/AC.135/21, principle 2).

The exploration, use and exploitation of the international submarine zone shall be carried out exclusively for peaceful purposes (Mexico, A/C.1/L.430, principle 2).

That this area shall be used exclusively for peaceful purposes (Malta, Mauritius and United Republic of Tanzania, A/C.1/L.433, principle 3).

(6) Use of the area for the benefit and in the interest of all mankind

The exploration, use and exploitation of this area, and the subsoil thereof, as referred to in the title of the item, shall be carried out for the benefit and in the interest of mankind ("A" principle 5).

Exploration and use of this area shall be carried on for the benefit and in the interests of all mankind ("B" principle 5; Malta, Mauritius and United Republic of Tanzania, A/C.1/L.433, principle 2).

The exploration and use of the sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction, shall be carried on for the benefit and in the interests of mankind (India, A/AC.135/21, principle 1).

[As the common heritage of mankind, the area shall be used for] the benefit of all countries (India, A/AC.135/21, principle 2).

The exploration, use and exploitation of the international submarine zone shall be carried out for the benefit of all mankind (Mexico, A/C.1/L.430, principle 3).

(7) Attention to the needs of developing countries

[The exploration and use of the area and its subsoil and the exploitation of their resources shall be carried on in accordance with an international régime to be established] with the purpose of contributing to ... the promotion of economic development, particularly that of developing countries whether coastal or landlocked ("A" principle 4).

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, as referred to in the title of the item, through a suitable international machinery, for the economic, social, scientific and technological progress of the developing countries ("A" principle 5).

Exploration and use of this area shall be carried on ... taking into account the special needs of the developing countries ("B" principles, No. 5; Malta, Mauritius and United Republic of Tanzania, A/C.1/L.433, principle 2).

[As the common heritage of mankind the area shall be used for the benefit of all countries] particularly the developing countries (India, A/AC.135/21, principle 2).

The exploration, use and exploitation of the international submarine zone shall be carried out ... taking into account the special needs and interests of the developing countries (Mexico, A/C.1/L.430, principle 3).

(8) Activities in accordance with the Charter and/or with international law

The exploration and use of the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, and the exploitation of their resources shall be carried on in accordance with the principles and purposes of the Charter of the United Nations ("A" principle 4).

Activities in this area shall be conducted in accordance with international law, including the Charter of the United Nations ("B" principle 7).

The activities of States in the exploration and use of the sea-bed and ocean floor shall be carried out in accordance with international law, including the Charter of the United Nations (India, A/AC.135/21, principle 3).

States and their nationals shall conduct their activities on the deep ocean floor in accordance with international law, including the Charter of the United Nations (United States, A/AC.135/25, principle 4).

That all activities in this area shall be conducted in accordance with international law, including the Charter of the United Nations (Malta, Mauritius and United Republic of Tanzania, A/C.1/L.433, principle 4).

(9) "International régime" or "internationally agreed arrangements"

The exploration and use of the sea-bed and ocean floor and the sub-soil thereof, as referred to in the title of the item, and the exploitation of their resources shall be carried on in accordance with an international régime to be established ... ("A" principle 4) (see also points 10 and 11 below).

There should be agreed, as soon as practicable, an international régime governing the exploitation of resources of this area ("B" principle 3).

There shall be established, as soon as practicable, internationally agreed arrangements governing the exploitation of resources of the deep ocean floor (United States, A/AC.135/25, principle 2) (see also point 11 below).

(10) General objectives to govern activities

Exploration and use of the area and exploitation of its resources shall be carried out in accordance with an international régime to be established with the purpose of contributing to: the maintenance of international peace and security, the respect for the territorial integrity of States and the interests of the coastal States, and the promotion of economic development, particularly that of the developing countries, whether coastal or landlocked ("A" principle 4).

Activities of States in the exploration and use of the sea-bed and ocean floor shall be carried out ... in the interests of maintaining international peace and security and for promoting international co-operation and understanding (India, A/AC.135/21, principle 3).

States and their nationals shall conduct their activities on the deep ocean floor ... in the interest of maintaining international peace and security and promoting international co-operation, scientific knowledge, and economic development (United States, A/AC.135/25, principle 4).

(11) Matters to be covered by an "international régime" or "internationally agreed arrangements"

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, as referred to in the title of the item, through a suitable international machinery, for the economic, social, scientific and technological progress of the developing countries ("A" principle 5).

Internationally agreed arrangements ... shall include provision for:

(a) The orderly development of resources of the deep ocean floor in a manner reflecting the interest of the international community in the development of these resources;

(b) Conditions conducive to the making of investments necessary for the exploration and exploitation of resources of the deep ocean floor;

(c) Dedication as feasible and practicable of a portion of the value of the resources recovered from the deep ocean floor to international community purposes; and

(d) Accommodation among the commercial and other uses of the deep ocean floor and marine environment (United States, A/AC.135/21, principle 2).

(12) Safeguarding of other interests and activities

All activities in the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, shall conform to the following guidelines, aimed at protecting the rightful interests of other States:

(a) No impediment shall be created to navigation and fishing nor shall there be undue interference with the laying and the maintenance of submarine cables and pipelines;

(b) Coastal States closest to the area in which any activities occur shall be consulted lest their rightful interests be harmed;

(c) Any such activity must take into account the economic interests of the developing countries so as not to be detrimental, in particular, to the activities undertaken within the national jurisdiction of those countries;

(d) Appropriate safety measures shall be adopted in all activities of exploration, use and exploitation of the area and international co-operation for assistance in case of mishap shall be facilitated;

(e) Pollution of the waters of the marine environment, specially radioactive contamination, shall be avoided by means of international co-operation;

(f) No damage shall be caused to animal and plant life in the marine environment;

(g) Damages caused by any such activities entail liability ("A" principle 6).

... Activities in this area shall not infringe upon the freedoms of the high seas ("B" principle 7).

Internationally agreed arrangements shall include provision for ... accommodation among the commercial and other uses of the deep ocean floor and marine environment (United States, A/AC.135/25, principle 2 (d)).

In the exploration and use of the deep ocean floor States and their nationals:

(a) Shall have reasonable regard for the interests of other States and their nationals;

(b) Shall avoid unjustifiable interference with the exercise of the freedom of the high seas by other States and their nationals, or with the conservation of the living resources of the seas, and any interference with fundamental scientific research carried out with the intention of open publication;

(c) Shall adopt appropriate safeguards so as to minimize pollution of the seas and disturbance of the existing biological, chemical and physical processes and balances.

Each State shall provide timely announcement and any necessary amplifying information of any marine activity or experiment planned by it or its nationals that could harmfully interfere with the activities of any other State or its nationals in the exploration and use of the deep ocean floor. A State which has reason to believe that a marine activity or experiment planned by another State or its nationals could harmfully interfere with its activities or those

of its nationals in the exploration and use of the deep ocean floor may request consultation concerning the activity or experiment.

States and their nationals shall render all possible assistance to one another in the event of accident, distress or emergency arising out of activities on the deep ocean floor (United States, A/AC.135/25, principles 6 and 7).

That all activities in this area ... shall not cause any unjustifiable interference with the freedoms of the high seas (Malta, Mauritius and United Republic of Tanzania, A/C.1/L.433, principle 5).

(13) Freedom of and co-operation in scientific investigation

The sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, shall be open to scientific investigation, without discrimination, and States shall foster international co-operation in this investigation so as to enable all States to have access to it, disseminate its results and provide technical assistance to the developing countries ("A" principle 7).

In order to further international co-operation in the scientific investigation of the deep ocean floor, States shall:

(a) Disseminate, in a timely fashion, plans for and results of national scientific programmes concerning the deep ocean floor;

(b) Encourage their nationals to follow similar practices concerning dissemination of such information;

(c) Encourage co-operative scientific activities regarding the deep ocean floor by personnel of different States (United States, A/AC.135/25, principle 5).

(14) Function of the United Nations

The United Nations, in co-operation with the specialized agencies and IAEA, shall take adequate measures to ensure the observance of these general principles and guidelines and the implementation of the objectives set forth in this declaration with the aim of promoting international co-operation in this field ("A" principle 8).

Taking into account the work currently being performed by other bodies, the United Nations shall endeavour to provide direction and purpose to international and intergovernmental activities with regard to the sea-bed and ocean floor and the sub-soil thereof, beyond the limits of present national jurisdiction (India, A/AC.135/21, principle 4).

IV. VIEWS OF MEMBER GOVERNMENTS IN RELATION TO THE ADOPTION OF A STATEMENT
OF PRINCIPLES 5/

11. During the discussions in the Ad Hoc Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, a number of members stressed the desirability of the adoption of a statement of principles to apply to the peaceful use of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of present national jurisdiction (see report of the Ad Hoc Committee, A/7230, paras. 68-70 and annex II, paras. 43 and 44; see also A/AC.135/35); it was also emphasized that the question needed further consideration (A/7230, para. 89).

12. When the report of the Ad Hoc Committee was discussed in the First Committee at the Assembly's twenty-third session, a number of delegations expressed themselves in favour of the adoption by the General Assembly at that session of general principles relating to the area (Afghanistan, 1595th mtg.; Austria, 1591st mtg.; Belgium, 1596th mtg.; Cameroon, 1601st mtg.; Canada, 1599th mtg.; Ceylon, 1588th mtg.; China, (Taiwan), 1591st mtg.; Colombia, 1600th mtg.; Cyprus, 1599th mtg.; France, 1591st mtg.; Ghana, 1594th mtg.; India, 1591st mtg.; Iraq, 1599th mtg.; Jamaica, 1601st mtg.; Japan, 1592nd mtg.; Kenya, 1599th mtg.; Liberia, 1600th mtg.; Libya, 1597th mtg.; Malta, 1589th, 1601st mtgs.; Mexico, 1598th mtg.; Netherlands, 1595th mtg.; New Zealand, 1597th mtg.; Norway, 1593rd mtg.; Pakistan, 1601st mtg.; Rwanda, 1595th mtg.; Sierra Leone, 1600th mtg.; Sweden, 1596th mtg.; Turkey, 1596th mtg.; United Arab

5/ For a summary of views of Member Governments expressed at the twenty-second session of the General Assembly and at the first session of the Ad Hoc Committee and communicated to the Secretary-General in document A/AC.135/1 and Addenda, see document A/AC.135/12. The summary contained here relates to the relevant portions of the views expressed on the item during the twenty-third session of the General Assembly, the parenthetical references being to statements made at meetings of the First Committee.

In this brief summary made to assist the members of the Committee, an attempt has been made to give a general indication of the views expressed with regard to particular aspects of the question: it should not be taken, as an exhaustive statement of the principles involved or as proposing or endorsing any particular formulation of principles. So as to provide a balanced treatment, comments with regard to the various concepts involved have been included although they may not always have been directed to the question of principles as such. It has obviously been impossible to give an exhaustive treatment to the views of delegations or to indicate the exact context in which a view was expressed. Reference should therefore also be made to the verbatim records of the First Committee.

Republic 1593rd mtg.; United Kingdom, 1594th mtg.; United States, 1590th mtg.; Yugoslavia, 1593rd mtg.).

13. Some delegations considered that agreement on a statement of principles need not be deferred until action to define the limits of the area was initiated (Ceylon, 1588th mtg.; Pakistan, 1601st mtg.; Yugoslavia, 1593rd mtg.). If it were necessary to delimit the area, the logical time to do so would be after principles relating to the activities of States in the area had been established (Chile, 1601st mtg.). Although the delimitation of the area would be necessary in the future, it was not a necessary condition for the formulation of a body of rules to promote international co-operation in the area (Sudan, 1598th mtg.). It might be possible to make progress on delimitation of the area after further progress on other aspects of the work and after the desirable arrangements had been clarified and agreed further (United Kingdom, 1594th mtg.). On the other hand, it was stated that while declarations of principle were appropriate their intention might be frustrated if there were not a prior, clear-cut agreement in the international community which differentiates between the precise fields of application of the standards to be established; nor would it be advisable to make declarations which skirted the crux of the matter because this might lead to decisions being taken which would no longer be applicable or which might not have been taken had there been a prior declaration on the precise limits of national and international jurisdiction (Uruguay, 1593rd mtg.).

14. The hope was expressed that it would be possible at least to adopt a minimum set of necessary principles which were less controversial, and which could serve as a basis for future action (Afghanistan, 1595th mtg.; China (Taiwan), 1591st mtg.; Cyprus, 1599th mtg.; Ghana, 1594th mtg.; Iceland, 1589th mtg.; India, 1591st mtg.; Japan, 1592nd mtg.; Libya, 1597th mtg.; Malta, 1601st mtg.; Mexico, 1598th mtg.; Netherlands, 1595th mtg.). As a first step in the need for establishing new legal principles, support was expressed for any acceptable declaration to the effect that the sea-bed and the ocean floor are the common heritage of mankind (Sudan, 1598th mtg.).

15. The importance of unanimity in the adoption by the General Assembly of a declaration of principles was stressed by a number of delegations (Argentina, 1594th mtg.; Australia, 1604th mtg.; Bulgaria, 1598th mtg.; Byelorussian SSR, 1602nd mtg.; France, 1591st mtg.; Ghana, 1594th mtg.; Hungary, 1599th mtg.;

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Pakistan, 1601st mtg.; Phillipines, 1597th mtg.; Ukrainian SSR, 1596th mtg.; USSR, 1603rd and 1604th mtgs.; United Kingdom, 1594th mtg.; United States, 1590th mtg.). The adoption by the General Assembly of principles or the proclaiming or declaring of these principles, it was stated, would have positive value only if it were unanimous. Principles should not be considered in order to cause a schism in the General Assembly or divide States into those which recognize and those which do not recognize principles governing activities on the sea-bed and ocean floor. This would compromise the entire idea and make the principles completely unrealistic and unapplicable. On the basis of unanimity, an over-all system of principles could be devised (USSR, 1604th mtg.). The search for a consensus was required as rules on the use of the deep ocean floor could be effective only if very wide agreement among interested States could be obtained (United States, 1590th mtg.). Unanimity on certain minimum principles, it was held, would guarantee respect for such principles and would therefore be preferable to a majority vote on more ambitious directives (France, 1591st mtg.; Pakistan, 1601st mtg.). A body of principles, it was stated, that was supported only by certain sectors would not be effective (Argentina, 1594th mtg.; Byelorussian SSR, 1602nd mtg.); it was indispensable at the initial stage to take account in the most exhaustive manner of all the different opinions (Ukrainian SSR, 1596th mtg.); the interests of socialist, developing and western countries must be taken into account (Byelorussian SSR, 1602nd mtg.). Support was expressed for the adoption of a statement of principles as soon as general agreement on such a statement could be obtained (New Zealand, 1597th mtg.).

16. At least, it was stated, a substantial majority of countries must agree on such a statement of principles (Argentina, 1594th mtg.; Phillipines, 1597th mtg.; Yugoslavia, 1593rd mtg.) and these should include particularly the great maritime Powers and those countries which possess specific maritime interests (Argentina, 1594th mtg.). The view was expressed that while unanimity was not necessarily always essential, it was desirable to proceed as far as possible in broad agreement (Malta, 1589th mtg.).

17. A number of delegations pointed out that a large measure of agreement in relation to principles had been reached in the Ad Hoc Committee. Further efforts, it was stated, should be made to reach a common text on the basis of the "A" and

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"B" proposals (Ceylon, 1588th mtg.; Cyprus, 1599th mtg.; France, 1591st mtg.; India, 1591st mtg.; Iraq, 1599th mtg.; Libya, 1597th mtg.; New Zealand, 1597th mtg.; Philippines, 1597th mtg.; Sierra Leone, 1600th mtg.; Sweden, 1596th mtg.; Turkey, 1596th mtg.). The attempts to reach agreement in the Ad Hoc Committee, it was stated, had been constructive and served to clarify positions and reveal areas of agreement and disagreement; there were common ideas and at the same time important differences between the "A" and the "B" principles; negotiations on these principles should be continued (Brazil, 1591st mtg.; Pakistan, 1601st mtg.). The principles incorporated in the Ad Hoc Committee's report, it was stated, could usefully serve as the basis for the elaboration of legal norms and regulations for the peaceful uses of the area (Argentina, 1594th mtg.).

18. A number of delegations in the course of the debate felt that it would be premature to adopt a declaration of principles at the twenty-third session of the General Assembly or that further study was needed in order to arrive at general agreement on a statement of principles (Australia, 1604th mtg.; Byelorussian SSR, 1602nd mtg.; Bulgaria, 1598th mtg.; Ireland 1595th mtg.; Italy, 1593rd mtg.; USSR., 1592nd, 1603rd mtgs.). There were serious divergencies and differences concerning the scope and content of a declaration (Byelorussian SSR, 1602nd mtg.; Ecuador, 1594th mtg.; USSR 1603rd mtg.). It was suggested that the study of principles should be entrusted to the standing committee (Bulgaria, 1598th mtg., Chile, 1588th mtg.; Czechoslovakia, 1598th mtg.; Ecuador, 1594th mtg.; Ireland, 1595th mtg.; Italy, 1593rd mtg.; Poland, 1597th mtg.; Spain, 1601st mtg.). It might be a good idea, it was suggested, to entrust to the standing committee a study of principles to serve as a basis for the elaboration of arrangements and agreements to preserve the resources of the area for the good of mankind; such a study could also be carried out by the International Law Commission or with its assistance (Bulgaria, 1598th mtg.). The time had come, it was stated, to undertake a systematization of the work to be done and a preparation of principles and rules to govern the exploration and exploitation of the sea-bed and the ocean floor; support was therefore expressed for the establishment of a standing committee (Spain, 1601st mtg.). The view was expressed that while some of the "A" principles and some of the "B" principles were acceptable, it would be more satisfactory if the standing committee elaborated a separate set of principles

which would command unanimous support if possible than if a few principles were adopted now and perhaps more later on. Also, certain Governments not members of the Ad Hoc Committee needed more time to digest the consequences of the principles proposed for adoption (Ireland, 1595th mtg.). A large area of common ground had been achieved in the definition of a body of principles, it was stated, that could serve as a guide, to the work of the standing committee (Chile, 1601st mtg.).

19. The need for careful study or for further study of certain aspects was recognized by delegations supporting the statement of principles by the Assembly at its current session. While it would be desirable to reach agreement on the principles at the current session, it was stated, they required thorough, deliberate and mature consideration in view of their far-reaching importance (Philippines, 1597th mtg.). The view was expressed that the formulation of legal and technical principles governing the exploration and exploitation of the ocean floor and the demilitarization of the areas in question should be pursued further (Iceland, 1589th mtg.), and that the standing committee would be able to carry forward the work undertaken by the Ad Hoc Committee to develop the rules and norms for the conduct of activities in this area (India, 1591st mtg.). Efforts through informal consultations would result in agreement on other than the minimum principles it had suggested, one delegation stated. At a later stage these would have to be expanded upon because at a later stage all of these could serve as a basis for declarations or other international instruments; this must be one of the prior tasks of the standing committee (Yugoslavia, 1593rd mtg.). The work of the standing committee would be helped, it was urged, if the General Assembly officially recorded agreement on principles; this would not preclude the standing committee from proclaiming in due course a full set of principles and norms (Malta, 1601st mtg.). Different interpretations of various principles might be made, e.g. of "peaceful purposes", it was pointed out; the standing committee should try to find acceptable solutions which in due course would allow a more detailed definition of the contents on the principles (Mexico, 1598th mtg.).

20. Various general views were expressed regarding the objectives of a statement of principles. A declaration of principles adopted by the General Assembly might, it was stated, some day serve as the basis for an international instrument

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and further progress in the codification of international law on the subject (Belgium, 1596th mtg.; Libya, 1597th mtg.; Netherlands, 1595th mtg.; Sweden, 1596th mtg.), and serve as guidelines until internationally agreed arrangements are concluded (United States, 1590th mtg.). Conventional rules of a precise nature, grouped in one or more conventions open to signature for States should be considered for the future, but in the meantime certain principles should be defined which would not only form a basis but would serve to prevent the appropriation of submarine regions by any Power and preserve the area for purely peaceful purposes (Belgium, 1596th mtg.). The principles, it was stated, should be designed to prevent development that may be detrimental to the interests of mankind or be prejudicial to international co-operation (Ceylon, 1588th mtg.). The view was expressed that the establishment of detailed guidelines for activities might not be of too great importance; in the past such guidelines had been frequently ignored; if detailed guidelines, as distinct from a limited number of legal principles formulated in such a way as to form a basis for future internationally binding agreements, were necessary they should be carefully studied (Malta, 1589th mtg.). They should conform to certain basic criteria, including consistency and a realistic appreciation of present and probable future criteria with regard to the undefined area involved (Malta, 1589th mtg.; Netherlands, 1595th mtg.). The aim, it was stated, should be to work out legal principles that will foster the development of international co-operation, on an equal footing, in the exploration and exploitation of the sea-bed in the interest of all peoples, while ensuring the legitimate rights and interests of all States and taking duly into account the needs of the developing countries. Such principles must guarantee that the resources of the sea-bed are used exclusively for peaceful purposes (USSR, 1592nd mtg.). General principles must be predicated upon a feeling of human solidarity, a desire for international co-operation and the legitimate aspirations of the developing countries to share in the benefits from the progress of modern science and technology (Cameroon, 1601st mtg.). General principles for peaceful co-operation and international scientific research for the benefit of mankind needed to be set down and mutually agreed upon (Indonesia, 1601st mtg.). International co-operation in the utilization of the area could only be based on principles that would ensure access by all States, in a spirit of equality, to its

resources (Romania, 1596th mtg.). Consideration should be given to striking a balance between the general principles affecting the welfare of mankind as a whole and those principles which more specifically related to the increasing needs of the developing countries and the land-locked nations (Peru, 1597th mtg.). A declaration of principles cannot overlook the interests of the developing countries, and particularly it cannot bar from the benefits of future exploitation beyond the national jurisdictions those countries that do not possess coastlines; nor can the interests of developing countries that might be affected by future exploitation be overlooked (Chile, 1602nd mtg.). Principles should be based on realism and an over-all view and legalisms should be confined to essential guarantees of legitimate rights, particularly of under-developed countries (Algeria, 1599th mtg.). Agreement must be sought on broad principles and guidelines to govern activity in the area, but such principles must be treated as legal rules not as mere political exhortations and must serve as a foundation for a process of authoritative decision; procedures for their implementation were also necessary (Iran, 1597th mtg.).

21. Some delegations drew attention to existing international law, including the Geneva Conventions, which, they said, could serve as a basis for future legal work relating to the sea-bed (Argentina, 1594th mtg.; Australia, 1589th mtg.; Byelorussian SSR, 1602nd mtg.; Canada, 1599th mtg.; Honduras, 1600th mtg.; Ireland, 1595th mtg.; Portugal, 1597th mtg.; Romania, 1596th mtg.; USSR, 1592nd mtg.; United States, 1590th mtg.; Uruguay, 1593rd mtg.). Principles to be worked out, it was stated, should not ignore legal principles applying to the area but should rather supplement them (USSR, 1592nd mtg.). As long as knowledge of the subject provided no realistic basis for a thorough regulation, any further activity should be based on the unanimously accepted rules of international law, especially the provisions of the Charter (Hungary, 1599th mtg.). Other delegations emphasized that existing international law did not answer the questions that would have to be considered in relation to the area (Belgium, 1596th mtg.; Brazil, 1591st mtg.; Chile, 1601st mtg.; Ecuador, 1594th mtg.; Iraq, 1599th mtg.; Malaysia, 1600th mtg.; Sudan, 1598th mtg.). Some delegations also cited the precedents and experience gained in the adoption of the Antarctica Treaty (Argentina, 1594th mtg.; Ireland, 1595th mtg.; Sierra Leone, 1600th mtg.; Sweden, 1596th mtg.) and the Treaty on the Peaceful Uses of Outer Space (Argentina, 1594th mtg.; Canada, 1599th mtg.; China (Taiwan), 1591st mtg.; Ireland, 1595th mtg.; Sierra Leone, 1600th mtg.; Sweden, 1596th mtg.).

22. Certain general reservations to a declaration of principles were also expressed. It was difficult to believe, it was stated, that the legal problems could be solved by a mere declaration; certain principles were very difficult to define (Honduras, 1600th mtg.). As a consequence of limited knowledge of the area, a declaration of internationally binding principles would create the danger of imposing certain rules upon fictitious or imaginary situations. Moreover, any resolution or declaration of general principles must be prepared in such a way as to enable all States to take part in its formulation, to accept and support it. The effectiveness of all decisions in this field would be greatly enhanced if the principle of universality of the United Nations could prevail (Hungary, 1599th mtg.). No declaration adopted or principle proclaimed by the General Assembly, it was stated, should be taken as constituting acknowledgement of a diminution of the limits of national jurisdiction in the sea world (Iran, 1597th mtg.).

23. In regard to the content of a statement of principles, some delegations expressed support for the "A" or the "B" principles as providing a sound basis. Those explicitly expressing support for the "A" set of principles included Argentina, 1594th mtg.; Chile, 1601st mtg.; Cyprus, 1599th mtg.; Ghana, 1594th mtg.; Peru, 1597th mtg.; and Yugoslavia, 1593rd mtg.; those explicitly expressing support for the "B" principles included Australia, 1589th mtg.; Canada, 1599th mtg.; New Zealand, 1597th mtg.; United Kingdom, 1594th mtg. and United States, 1590th mtg. Agreement, it was stated, would be facilitated if what was attempted was a succinct statement of essentials and therefore the "B" principles could form a useful starting point if they were not acceptable as they stood (New Zealand, 1597th mtg.; United Kingdom, 1594th mtg.). One delegation said that while it had supported the "B" set of principles in the Ad Hoc Committee, it shared the view that this represented a minimum and that it would be desirable to find a broader ground of common agreement since efforts in further organizing international co-operation would remain fragmentary if a comprehensive body of principles was not adopted (Austria, 1591st mtg.). Another delegation stated that while the "A" set of principles was comprehensive, it had become apparent in the Ad Hoc Committee that to secure agreement it was necessary to make the statement as concise as possible, emphasizing only the most fundamental principles; given time, it considered there was every possibility of finding acceptable solutions (India, 1591st mtg.). Certain

delegations expressed support for parts of both sets of principles. Most of the points it had put forward, one delegation stated, were included in the "B" principles; some were also in the "A" principles (France, 1591st mtg.). One delegation expressed support for principles 1, 2 and 4 of the "A" principles and 4, 5 and 6 of the "B" principles (Tunisia, 1601st mtg.).

24. Support was also expressed for the other proposals. One delegation stated that it could agree with almost all the principles and criteria in the draft resolutions appearing in the report of the Ad Hoc Committee and its annexes and except in a few rare instances would have no difficulty in supporting them immediately (Mexico, 1598th mtg.). One delegation considered that the draft principles submitted by India and the "A" principles embodied most of the principles that must be reconciled with other viewpoints which were divergent even if not contradictory (Cameroon, 1601st mtg.). Support was also expressed for the proposal of Malta, Mauritius and the United Republic of Tanzania (Maldives Islands, 1602nd mtg.; Rwanda, 1603rd mtg.), and for the Mexican proposal (Tunisia, 1601st mtg.). The sponsors of these two proposals in introducing them stated that their drafts were the minimum which might be generally acceptable at that stage (Malta, 1601st mtg.; Mexico, 1598th mtg.). Many delegations endorsed individual principles which were included in the various proposals (see below, para. 26).

25. Some general criticisms were expressed of the proposals. It was stated that the various proposals presented to the Ad Hoc Committee had some merit and that none was entirely satisfactory; none dealt with the important point of the need to restrain in some way claims of exclusive jurisdiction beyond the present limits of national jurisdiction until a clear and generally acceptable definition of the continental shelf was formulated (Malta, 1589th mtg.). The draft declaration of general principles ("A" principles), it was stated, was too general to permit of its applicability to particular cases and the draft statement of agreed principles ("B" principles) was neither agreed nor capable of practical agreement (Malaysia, 1600th mtg.). Many of the proposals for declarations by the General Assembly, it was said, were expressed in formulæ which were too wide to be effective and too flexible to escape the possibility of ambiguity and conflict (Trinidad and Tobago, 1601st mtg.).

26. A number of delegations suggested or endorsed particular principles for inclusion in a statement of principles, either as commanding general acceptance or as being of special importance, or expressed agreement or disagreement with particular concepts. Certain delegations concerned with the drafting of the "B" set of principles in the Ad Hoc Committee reaffirmed and commented upon these seven principles (Australia, 1589th mtg.; Canada, 1599th mtg.; Norway, 1593rd mtg.; United Kingdom, 1594th mtg.). Those members which had submitted proposals also stated and commented upon the principles contained in those proposals (Chile, on behalf of the sponsors of A/C.1/L.437, 1602nd mtg.; India, 1591st mtg.; Malta, on behalf of the sponsors of A/C.1/L.433, 1601st mtg.; Mexico, 1598th mtg.; United States, 1590th mtg.). The following were the principles most frequently suggested or commented upon:

(1) That there does exist an area of submerged land underlying the high seas beyond the limits of national jurisdiction (Argentina, 1594th mtg.; Australia, 1589th mtg.; Canada, 1599th mtg.; Ceylon, 1588th mtg.; Finland, 1597th mtg.; France, 1591st mtg.; Italy, 1593rd mtg.; Libya, 1597th mtg.; Malta, 1589th mtg.; New Zealand, 1597th mtg.; Norway, 1593rd mtg.; Peru, 1597th mtg.; Portugal, 1597th mtg.; Romania, 1596th mtg.; Sweden, 1596th mtg.; Turkey, 1596th mtg.; United Kingdom, 1594th mtg.; United States, 1590th mtg.). This, it was stated was a basic concept, recognized by all (Ceylon, 1588th mtg.; France, 1591st mtg.; United Kingdom, 1594th mtg.).

(2) That the area was a common heritage of mankind or common patrimony (Afghanistan, 1595th mtg.; Argentina, 1594th mtg.; Bolivia, 1600th mtg.; Brazil, 1591st mtg.; Cameroon, 1601st mtg.; Ceylon, 1588th mtg.; Chile, 1602nd mtg.; China (Taiwan), 1591st mtg.; Cyprus, 1599th mtg.; Finland, 1597th mtg.; Indonesia, 1601st mtg.; Jamaica, 1601st mtg.; Malta, 1589th mtg.; Mexico, 1598th mtg.; Norway, 1593rd mtg.; Philippines, 1597th mtg.; Rwanda, 1595th mtg.; Sudan, 1598th mtg.; Sweden, 1596th mtg.; Trinidad and Tobago, 1601st mtg.; Tunisia, 1601st mtg.; Turkey, 1596th mtg.; Yugoslavia, 1593rd mtg.); the right of all States to the exploration and the exploitation of the sea-bed (France, 1591st mtg.); there should be no discrimination in the availability of the deep ocean floor for exploration and use by all States and their nationals in accordance with international law (United States, 1590th mtg.). The basic importance of the common

heritage concept as a new legal principle was stressed: this concept implied the principle of peaceful use, freedom of access; regulation of use to conserve the heritage and avoid infringement of the rights of others and equitable distribution of the benefits of exploitation (Malta, 1589th mtg.). On the other hand, opposition was expressed to the concept of a "common heritage" or common ownership of the resources of the area and to an international or supranational régime of common ownership based on this concept (Byelorussian SSR, 1602nd mtg.; Poland, 1597th mtg.; Ukrainian SSR, 1596th mtg.; USSR, 1592nd, 1603rd mtgs.; (see also under (8) below)). This concept, it was stated, was utopian and disregarded the existence of States with differing social systems and differing systems for the ownership of property; the establishment of some sort of common ownership would merely become a new source of neo-colonialist profits and exploitation. Instead, the aim should be to work out legal principles which would foster the development of international co-operation, on an equal footing, in exploration and exploitation of the area in the interests of all peoples (USSR, 1593rd mtg.).

(3) That the limits of this area should be defined (Australia, 1589th mtg.; Belgium, 1596th mtg.; Byelorussian SSR, 1602nd mtg.; Canada, 1599th mtg.; Ceylon, 1588th mtg.; China (Taiwan), 1591st mtg.; Cyprus, 1599th mtg.; Czechoslovakia, 1598th mtg.; Finland, 1597th mtg.; France, 1591st mtg.; Iceland, 1589th mtg.; Indonesia, 1601st mtg.; Iraq, 1599th mtg.; Jamaica, 1601st mtg.; Japan, 1592nd mtg.; Kenya, 1599th mtg.; Libya, 1597th mtg.; Malaysia, 1600th mtg.; Malta, 1589th mtg.; Netherlands, 1595th mtg.; New Zealand, 1597th mtg.; Norway, 1593rd mtg.; Pakistan, 1601st mtg.; Portugal, 1597th mtg.; Romania, 1596th mtg.; Rwanda, 1603rd mtg.; Sierra Leone, 1600th mtg.; Sweden, 1596th mtg.; Trinidad and Tobago, 1601st mtg.; Turkey, 1596th mtg.; Ukrainian SSR, 1596th mtg.; USSR, 1592nd mtg.; United Kingdom, 1594th mtg.; United States, 1590th mtg.; Yemen, 1602nd mtg.); that, pending such a definition countries should not extend their claims (China (Taiwan), 1591st mtg.; Cyprus, 1599th mtg.; Jamaica, 1601st mtg.; Malta, 1589th mtg.; Sweden, 1596th mtg.; Trinidad and Tobago, 1601st mtg.); and that exploitation which had occurred prior to the location of the boundaries should not prejudice the location of the boundaries (Ceylon, 1588th mtg.; United States, 1590th mtg.). A set of principles, it was stated, should derive from recognition of the fact that there does exist this area and the need for a precise definition of its limits (Ceylon, 1588th mtg.; France, 1591st mtg.). The view was expressed

that it should not prove too difficult to reach unanimous agreement on the minimum extent of the area beyond present national jurisdiction (Malta, 1589th mtg.). The area, it was stated, could never achieve geographical reality until an effective attempt was made to cordon off the territorial sea within an internationally uniform width (Malaysia, 1600th mtg.). Doubt was expressed whether it was necessary to delimit the area as General Assembly resolution 2340 (XXII) had obviously referred to the zone beyond the jurisdiction of each State (Chile, 1601st mtg.). A sufficiently defined limit of the jurisdiction of the coastal State, it was stated, might be obtained by applying the two concepts of superjacency and exploitation, contained in the Geneva Convention on the Continental Shelf (Argentina, 1594th mtg.). The view was expressed that the limits of the jurisdiction of coastal States had been decided by the Geneva Convention and by contemporary international law (Honduras, 1600th mtg.). One delegation stated that it could not accept any delimiting criteria and that it was not possible to establish limits at this time; all it could accept was the existence of the zone and the need for further studies on the question (Ecuador, 1594th mtg.). Consideration now of the delimitation of the area would, it was stated, be premature and it was not appropriate for the standing committee to enter into substantive consideration of this aspect (South Africa, 1602nd mtg.). On the other hand, it was suggested that the standing committee, in the light of all the concepts adduced, should examine the delimitation of the region (Peru, 1597th mtg.). Although this question raised juridical difficulties, it was stated, they were not insurmountable (Colombia, 1600th mtg.). The matter however, it was noted, required careful study (Canada, 1599th mtg.; China (Taiwan), 1591st mtg.; Colombia, 1600th mtg.; Peru, 1597th mtg.; Ukrainian SSR, 1596th mtg., USSR, 1592nd mtg., United Kingdom, 1594th mtg.).

(4) That no State might claim or exercise sovereignty over the area (Afghanistan, 1595th mtg.; Argentina, 1594th mtg.; Australia, 1589th mtg.; Cameroon, 1601st mtg.; Canada, 1599th mtg.; Ceylon, 1588th mtg.; Chile, 1602nd mtg.; China (Taiwan), 1591st mtg.; Cyprus, 1599th mtg.; Finland, 1597th mtg.; Italy, 1593rd mtg.; Japan, 1592nd mtg.; Liberia, 1600th mtg.; Mexico, 1598th mtg.; Norway, 1593rd mtg.; Rwanda, 1595th mtg.; Turkey, 1596th mtg.; United Kingdom, 1594th mtg.; United States, 1590th mtg.); or even jurisdiction (Canada, 1599th mtg.); and that the area was not subject to national appropriation by any means

(Australia, 1589th mtg.; Canada, 1599th mtg.; Ceylon, 1588th mtg.; China (Taiwan), 1591st mt.; France, 1591st mtg.; India, 1591st mt.; Libya, 1597th mtg.; Mexico, 1598th mtg.; New Zealand, 1597th mtg.; Norway, 1593rd mtg.; Romania, 1596th mtg.; United Kingdom, 1594th mtg.; Yugoslavia, 1593rd mtg.). In the absence of any legal structure, no claims of ownership to the resources of the area resulting from any status quo, it was stated, could be considered valid (Tunisia, 1601st mtg.). Until the area had been delimited, it was stated on the other hand, every State had the right to claim sovereignty for exploration and exploitation of the resources of the continental shelf adjacent to its coast to a distance such as that stipulated by the Geneva Convention (Iceland, 1589th mtg.; Philippines, 1589th mtg.; South Africa, 1602nd mtg.). It followed that any claim to sovereignty thus established could not without the consent of the countries concerned be prejudiced by any future boundary delimitation (South Africa, 1602nd mtg.). A number of delegations emphasized that the existing sovereignty and jurisdiction of coastal States over the continental shelf and/or the territorial sea was not involved in consideration of the item (Argentina, 1594th mtg.; Chile, 1601st mtg.; Costa Rica, 1602nd mtg.; Ecuador, 1594th.; Honduras, 1600th mtg.; Peru, 1597th mtg.).

(5) That the exploration, use and exploitation of the area should be carried on exclusively for peaceful purposes.^{6/} (Afghanistan, 1595th mtg.; Algeria, 1599th mtg.; Argentina, 1594th mtg.; Australia, 1589th mtg.; Austria, 1597th mtg.; Belgium, 1596th mtg.; Bulgaria, 1593th mtg.; Byelorussian SSR, 1602nd mtg.; Cameroon, 1601st mtg.; Canada, 1599th mtg.; Ceylon, 1588th mtg.; Chile, 1588th, 1601st mtgs.; China (Taiwan), 1591st mtg.; Colombia, 1600th mtg.; Cyprus, 1599th mtg.; Czechoslovakia, 1598th mtg.; Finland, 1597th mtg.; France, 1591st mtg.;

^{6/} In discussing the report of the Ad Hoc Committee, the First Committee had before it proposals made in the following resolutions and amendments submitted to the Ad Hoc Committee: USSR draft resolution on the prohibition of the use of the sea-bed and the ocean floor beyond the limits of territorial waters for military purposes (A/AC.135/20); United States - draft resolution on preventing the emplacement of weapons of mass destruction on the sea-bed and ocean floor (A/AC.135/24); United Republic of Tanzania - amendments to the USSR draft resolution (A/AC.135/26) and amendments to the United States draft resolution (A/AC.135/27). These documents were not specifically referred to the Standing Committee, but certain expression of view in regard to their proposals are summarized here in so far as they relate to the principle of peaceful use and its application.

Ghana, 1594th mtg.; Honduras, 1600th mtg.; Hungary, 1599th mtg.; Iceland, 1589th mtg.; India, 1591st mtg.; Indonesia, 1601st mtg.; Iraq, 1599th mtg.; Ireland, 1595th mtg.; Jamaica, 1601st mtg.; Japan, 1592nd mtg.; Kenya, 1599th mtg.; Kuwait, 1593th mtg.; Liberia, 1600th mtg.; Libya, 1597th mtg.; Malta, 1589th mtg.; Mexico, 1598th mtg.; New Zealand, 1597th mtg.; Norway, 1593rd mtg.; Pakistan, 1601st mtg.; Philippines, 1597th mtg.; Poland, 1597th mtg.; Romania, 1596th mtg.; Rwanda, 1595th mtg.; Sudan, 1598th mtg.; Sweden, 1596th mtg.; Trinidad and Tobago, 1601st mtg.; Tunisia, 1601st mtg.; Turkey, 1596th mtg.; Ukrainian SSR, 1596th mtg.; United Arab Republic, 1593rd mtg.; USSR, 1592nd, 1603rd and 1605th mtgs.; United Kingdom, 1594th mtg.; United States, 1590th mtg.; Yemen, 1602nd mtg.; Yugoslavia, 1593rd mtg.). Some delegations, while endorsing the principle of exclusively peaceful use of the area, stated differing interpretations of this principle. A number of delegations considered that military activity must be excluded entirely (Bulgaria, 1598th mtg.; Byelorussian SSR, 1602nd mtg.; Cameroon, 1601st mtg.; Chile, 1601st mtg.; Czechoslovakia, 1598th mtg.; Honduras, 1600th mtg.; Hungary, 1599th mtg.; India, 1591st mtg.; Iraq, 1599th mtg.; Ireland, 1595th mtg.; Jamaica, 1601st mtg.; Libya, 1597th mtg.; Norway, 1593rd mtg.; Poland, 1597th mtg.; Romania, 1596th mtg.; Rwanda, 1595th mtg.; Sweden, 1596th mtg.; Tunisia, 1601st mtg.; USSR, 1592nd, 1603rd and 1605th mtgs.; United Arab Republic, 1593rd mtg.; Yugoslavia, 1593rd mtg.). In particular, a number of delegations emphasized, weapons of mass destruction should not be installed in the area (Bulgaria, 1598th mtg.; Colombia, 1600th mtg.; India, 1591st mtg.; Iraq, 1599th mtg.; Mexico, 1598th mtg.; New Zealand, 1597th mtg.; Philippines, 1597th mtg.; United Arab Republic, 1593rd mtg.; United States, 1590th mtg.; Yugoslavia, 1593rd mtg.). It was essential, it was stated, to prohibit all military activities, or at least to recommend that military activities carried out on the high seas were kept at their present level or, if possible, reduced (Rwanda, 1595th mtg.). As a first step, any further extension of military uses of the area should be arrested (Ceylon, 1588th mtg.; Netherlands, 1595th mtg.). Some delegations expressed the view that the principle of peaceful use would not limit the rights of States to secure their own defence in accordance with international law and the Charter (Australia, 1589th mtg.; Canada, 1599th mtg.; United Kingdom, 1594th mtg.); it should not be taken, it was said, to imply a blanket prohibition on all military activity without

regard to the object of that activity (New Zealand, 1597th mtg.); certain military uses should perhaps be allowed in order to advance scientific research (Philippines, 1597th mtg.); military activities not precluded by an arms control agreement would continue to be conducted in accordance with the principle of the freedom of the seas and exclusively for peaceful purposes (United States, 1590th mtg.). The two approaches, it was stated, must be reconciled (Ceylon, 1588th mtg.).

Application of the principle of peaceful use, it was stated, must depend upon the progress achieved in other fields of disarmament (France, 1591st mtg.), and was closely related to other fields of arms control (United Kingdom, 1594th mtg.); it would be necessary, it was stated, to take concrete measures to prevent the use of the area for military purposes (China (Taiwan), 1591st mtg.). The big Powers, it was suggested, might be asked to proceed with all due dispatch to the negotiating of a treaty whose object would be to establish and maintain a régime of non-militarization on the deep ocean floor (Trinidad and Tobago, 1601st mtg.).

As to the area of prohibition, some delegations consider that there must be a prohibition of the military uses of the sea-bed beyond the limits of the territorial waters of coastal States (Bulgaria, 1598th mtg.; Byelorussian SSR, 1602nd mtg.; Czechoslovakia, 1598th mtg.; Hungary, 1599th mtg.; Poland, 1597th mtg.; Ukrainian SSR, 1596th mtg.; USSR, 1592nd, 1603rd, and 1605th mtgs.).

As far as military uses of the sea-bed were concerned, it was stated, the continental shelf did not come within national jurisdiction, since the 1958 Continental Shelf Convention granted to coastal States sovereign rights only for the exploration and exploitation of natural resources (Yugoslavia, 1593rd mtg.). The aim, it was urged, should be to reserve as wide an area as possible for exclusively peaceful purposes (Ceylon, 1588th mtg.; Poland, 1597th mtg.; Sweden, 1596th mtg.); the prohibition of all military installations beyond the limits of the territorial waters of coastal States should be aimed at; since a common position had not been arrived at as to what should constitute the outer limit of the territorial waters of a coastal State, it might be possible to

provide for demilitarization on a line at a fixed distance from the coastal base lines (Sweden, 1596th mtg.). There must, it was emphasized however, in connexion with the principle of peaceful use, be firm guarantees of the territorial integrity of States (Argentina, 1594th mtg.). Agreement on the principle of the reservation of the area exclusively for non-military purposes was not possible, it was stated, in the absence of complete understanding among the major Powers (Jamaica, 1601st mtg.). The Standing Committee might, it was suggested, try to find acceptable solutions which would allow a more detailed definition (Mexico, 1598th mtg.).

(6) That the exploration, use and exploitation of the area must be carried out for the benefit and in the interests of all mankind (Afghanistan, 1595th mtg.; Argentina, 1594th mtg.; Australia, 1589th mtg.; Bolivia, 1600th mtg.; Canada, 1599th mtg.; Ceylon, 1588th mtg.; Chile, 1588th, 1601st and 1602nd mtgs.; China (Taiwan), 1591st mtg.; Costa Rica, 1602nd mtg.; Cyprus, 1599th mtg.; Czechoslovakia, 1598th mtg.; France, 1591st mtg.; Ghana, 1594th mtg.; Iceland, 1589th mtg.; India, 1591st mtg.; Indonesia, 1601st mtg.; Iraq, 1599th mtg.; Jamaica, 1601st mtg.; Kenya, 1599th mtg.; Kuwait, 1598th mtg.; Liberia, 1600th mtg.; Libya, 1597th mtg.; Malta, 1589th mtg.; Mexico, 1598th mtg.; Norway, 1593rd mtg.; Pakistan, 1601st mtg.; Philippines, 1597th mtg.; Romania, 1596th mtg.; Rwanda, 1595th mtg.; Sierra Leone, 1600th mtg.; Spain, 1601st mtg.; Sweden, 1596th mtg.; Turkey, 1596th mtg.; United Arab Republic, 1593rd mtg.; United Kingdom, 1594th mtg.; Venezuela, 1593rd mtg.; Yemen, 1602nd mtg.; Yugoslavia, 1593rd mtg.); and particularly for the benefit of developing countries (Argentina, 1594th mtg.; Bolivia, 1600th mtg.; Chile, 1588th and 1601st mtgs.; Costa Rica, 1602nd mtg.; Cyprus, 1599th; Iceland, 1589th mtg.; Iraq, 1599th mtg.; Norway, 1593rd mtg.; Pakistan, 1601st mtg.; Rwanda, 1595th mtg.; Sweden, 1596th mtg.; United Arab Republic, 1593rd mtg.; Venezuela, 1593rd mtg.; Yemen, 1602nd mtg.; Yugoslavia, 1596th mtg.) or taking the special interests and needs of these countries into account (Australia, 1589th mtg.; Canada, 1599th mtg.; Ceylon, 1588th mtg.; France, 1591st mtg.; India, 1591st mtg.; Kenya, 1599th mtg.; Mexico, 1598th mtg.; Romania, 1596th mtg.; United Kingdom, 1594th mtg.); that the mineral resources of the area should be utilized for the benefit of mankind, taking into account the special needs of

developing countries (Japan, 1592nd mtg.); that in exploring, using and exploiting the sea-bed and ocean floor beyond the limits of national jurisdiction, States must be mindful of the interests of mankind as a whole, especially the interests and needs of the developing countries (Yugoslavia, 1593rd mtg.). A number of delegations in endorsing the principle of the uses of the area for the benefit of mankind specified that this meant in the interests of all States, whether or not they possessed a sea-coast; some delegations emphasized in particular the equal rights of land-locked countries (Afghanistan, 1595th mtg.; Bolivia 1600th mtg.; Cyprus, 1599th mtg.; Czechoslovakia, 1598th mtg.; Ecuador, 1594th mtg.; Hungary, 1599th mtg.). The special interests of coastal States should, it was stated, be taken into account (Argentina, 1594th mtg.; Chile, 1602nd mtg.; Costa Rica, 1602nd mtg.; Greece, 1595th mtg.; Honduras, 1600th mtg.; Indonesia, 1601st mtg.; Ireland, 1595th mtg.; Kuwait, 1598th mtg.; Portugal, 1597th mtg.; Rwanda, 1595th mtg.; Spain, 1601st mtg.; Sudan, 1598th mtg.). They should, it was suggested, be given special competence to regulate and control exploitation of the resources of the sea-bed and ocean floor and their subsoil in an area adjacent to the continental shelf and equal competence for protecting their interests in the conservation of those resources and the prevention of abusive or unreasonable exploitation (Costa Rica, 1602nd mtg.); it might be more practical to have their direct co-operation in the over-all study of the question (Honduras, 1600th mtg.). The special circumstances deriving from the geographical and coastal configurations of certain States such as archipelagos should also be taken into account (Indonesia, 1601st mtg.; Philippines, 1597th mtg.).

(7) That activities in the area should be carried out in accordance with the Charter and/or in accordance with international law (Australia, 1589th mtg.; Bolivia, 1600th mtg.; Canada, 1599th mtg.; Ceylon, 1588th mtg.; France, 1591st mtg.; India, 1591st mtg.; Kenya, 1599th mtg.; Libya, 1597th mtg.; Norway, 1593rd mtg.; Romania, 1596th mtg.; Turkey, 1596th mtg.; United Kingdom, 1594th mtg.; United States, 1590th mtg.; Yugoslavia, 1593rd mtg.) in the interests of peace, security and the promotion of international co-operation (Yugoslavia, 1593rd mtg.).

(8) That an international régime should be established (Australia, 1589th mtg.; Brazil, 1591st mtg.; Bolivia, 1600th mtg.; Cameroon, 1601st mtg.; Canada, 1599th mtg.; Ceylon, 1588th mtg.; Chile, 1601st, 1602nd mtgs.; China (Taiwan), 1591st mtg.; Colombia, 1600th mtg.; Cyprus, 1599th mtg.; Finland, 1597th mtg.; Honduras, 1600th mtg.; Indonesia, 1601st mtg.; Iraq, 1599th mtg.; Jamaica, 1601st mtg.; Kenya, 1599th mtg.; Kuwait, 1598th mtg.; Liberia, 1600th mtg.; Libya, 1597th mtg.; Malta, 1589th mtg.; Netherlands, 1595th mtg.; Pakistan, 1601st mtg.; Sweden, 1596th mtg.; Trinidad and Tobago, 1601st mtg.; Turkey, 1596th mtg.; United Kingdom, 1594th mtg.; Venezuela, 1593rd mtg.; Yugoslavia, 1593rd mtg.); that internationally agreed arrangements should be established as soon as practicable for the exploitation of resources of the area (Norway, 1593rd mtg.; United States, 1590th mtg.); that some regulation should be established as soon as possible for the exploration and exploitation of the area in the interests of mankind (Spain, 1601st mtg.); that there was a need to agree on an international arrangement to guarantee the orderly development of the mineral resources of the area (Japan, 1592nd mtg.); that an attempt to provide a legal framework within which States would be invited to co-operate in this area should be made in due course (Italy, 1593rd mtg.); that the area of the sea-bed outside the limits of national jurisdiction should be considered separately from the superjacent waters of the high seas and the exploration and use of the area should not affect the legal status of the superjacent waters (Argentina, 1594th mtg.; Libya, 1597th mtg.; Japan, 1592nd mtg.), or that of the air space above those waters (Libya, 1597th mtg.). It was also stated that the particular problems of internal and marginal seas should be considered (Finland, 1597th mtg.; Italy, 1593rd mtg.).

The concept of a common heritage, it was stated, implied some kind of institutionalized procedure for supervision or regulation of the use by States of that common heritage (Jamaica, 1601st mtg.; Sweden, 1596th mtg.). It was also stated that it followed from the idea that the resources must be exploited for the benefit of mankind, particularly in the interest of the developing countries (Chile, 1601st, 1602nd mtgs.; Cyprus, 1599th mtg.); not only a legal régime but also a régime for the exploitation of the resources in the area should be set up (Belgium, 1596th mtg.); the question of the international

legal régime to govern the area was closely linked to that of the international machinery to be established for using those resources in the interest of mankind, especially in the interest of the developing countries (Kuwait, 1598th mtg.). The view was also expressed that it followed logically from the proposition that there exists an area beyond national jurisdiction that it would be of clear advantage to identify the most practical ways of ensuring that orderly progress is observed in the use of this area (Australia, 1589th mtg.). A number of delegations envisaged a system of international jurisdiction and control; the situation called for the internationalization in the long run, under the auspices of the United Nations, of the ocean floor beyond the limits of national jurisdiction in the interests of all mankind (Ireland, 1595th mtg.); the United Nations should establish, through agreement, international jurisdiction and control over the sea-bed and the ocean floor (Liberia, 1600th mtg.); the sea-bed and its resources should be administered and controlled by a competent and appropriate world machinery under the auspices of the United Nations (Libya, 1597th mtg.); it would be necessary if the interests of the developing countries were to be protected to declare the area to be the property of all nations and to create supra-national arrangements for its exploitation and administration and for the equitable distribution of its wealth (Trinidad and Tobago, 1601st mtg.); it would be advisable to establish an international régime under the auspices of the United Nations so that the resources of the sea-bed and the ocean floor would be developed with the co-operation of all Member States, and in particular with the technological and financial co-operation of well-developed Member States; the future proceeds from the development and exploitation of these resources should be fairly distributed for the benefit of mankind (China (Taiwan), 1591st mtg.). An international régime for the economic exploitation of the area based on a system of concessions to States which would pay a levy for the benefit of developing countries was proposed; as a first step a system of international registration might be envisaged (Netherlands, 1595th mtg.). It was envisaged that royalties for the exploitation of this area should be paid to the controlling body for international community purposes, including the economic growth of the developing countries, and that all States should be treated

equally and without discrimination in its exploration and exploitation (Ireland, 1595th mtg.). The possibility should be considered, it was suggested, that exploitation be supervised internationally for the benefit of mankind (Costa Rica, 1602nd mtg.). Activities of States in the area, it was stated, should be conducted under the direction and purpose provided by the United Nations (India, 1591st mtg.). Opposition was expressed to the establishment of an international régime of common ownership, which envisaged a supranational body (Byelorussian SSR, 1602nd mtg.; Poland, 1597th mtg.; Ukrainian SSR, 1596th mtg.; USSR, 1592nd, 1603rd mtgs. (see also under (2) above)). Attempts to create at this stage of development of human society, it was stated, an international machinery based on the principle of common ownership of the sea-bed could, if they were carried out in practice, lead to a complete breakdown of international co-operation, or to actual control of the resources of the sea falling into the hands of large-scale imperialist monopolies, even if the form of that common ownership and that international machinery outwardly seemed to be most democratic (USSR, 1603rd mtg.); to establish a legal régime with a supranational body vested with the rights to administer the sea-bed and even sell licenses for its exploitation would depart very drastically from the principle of fostering the benefit of all mankind and would let the gap between developing and highly developed countries widen (Poland, 1597th mtg.); no international ownership of the area could exist in view of the existence of States with different economic and social systems and different forms of ownership; to create supranational machinery to administer the area would therefore be completely unrealistic and would serve the interests of the capitalist monopolies of some imperialist States (Ukrainian SSR, 1596th mtg.); it would be premature to orient studies towards the need for creating international machinery for the exploitation of the sea and ocean resources; such machinery might lead to difficulties for existing bodies (Bulgaria, 1598th mtg.). A number of delegations felt that further study^{7/} was required before a type of régime could be decided on; a declaration of principles need

^{7/} In this connexion, attention is also drawn to resolution 2467 C (XXIII) and the discussion in relation to its adoption.

not, it was stated, ipso facto, lead to a supranational authority; the establishment of an international régime would obviously require most careful preparation and certainly the consent of the major Powers (Pakistan, 1601st mtg.); a legal régime would require much further study before its precise nature could be decided (Canada, 1599th mtg.; United Kingdom, 1594th mtg.); the term "legal régime" was flexible and had been differently interpreted; the standing committee should consider all types of régimes (Canada, 1599th mtg.); the question of the creation of international machinery for the exploration and exploitation of the area needed further study and should be examined in depth by the standing committee (Cameroon, 1601st mtg.); the committee should deal with the nature of the proposed régime and all sorts of requirements, not just economic ones, which the régime should satisfy (United States, 1590th mtg.).

(9) That the proposed international régime should have certain stated functions and objectives. The régime should preserve and maintain the traditional freedoms of the high seas, respect the territorial integrity of States, protect the interests of coastal States, promote the economic development particularly of developing countries, whether coastal or landlocked, be responsible for the appropriate and equitable application of benefits from the area, assist the social, scientific and technological progress of developing countries, preserve freedom of scientific investigation and research without discrimination and without claim to exclusive use arising from such activity, promote international co-operation in such research especially with the object of disseminating its results among all States and providing technical assistance to developing countries (Ceylon, 1588th mtg.). The requirements for an international legal régime, it was stated, were: (1) use of the area for exclusively peaceful purposes; (2) prevention of disputes and conflicts; (3) guarantees for research and investments; (4) direct compensation to the international community to be applied to the development of developing countries; (5) regulation of the production of commercialization of minerals from the ocean floor to avoid dumping on markets; (6) preservation of the ecological balance of the marine environment; and (7) some form of efficient intergovernmental action to ensure observance of all requirements (Brazil, 1591st mtg.). The international régime should be established with a view to

contributing to the maintenance of international peace and security, promotion of economic development, especially of the developing countries whether they have a sea-coast or not (Bolivia, 1600th mtg.). The proposed international régime must promote economic development, particularly of the developing countries and must take into account any adverse effects on world market patterns and prices (Iraq, 1599th mtg.). In the international régime to be set up measures would have to be taken for the most equitable distribution of the advantages resulting from the exploration, use and exploitation of the area, through adequate international machinery to foster economic, social, scientific and technical progress of developing countries (Turkey, 1596th mtg.; Venezuela, 1593rd mtg.). Internationally agreed arrangements governing the exploitation of the resources of the area should include provision for: the orderly development of resources in a manner reflecting the interest of the international community; conditions conducive to the making of the necessary investments; dedication as practicable of a portion of the value of the resources to international community purposes and accommodation among the commercial and other uses of the deep ocean floor and marine environment. The régime should provide due protection for the integrity of investments made in the exploitation of the area, prior to the establishment of its boundary (United States, 1590th mtg.).

(10) The need to respect the freedom of the high seas, avoiding an infringement of traditional maritime activity (Australia, 1589th mtg.; Canada, 1599th mtg.; France, 1591st mtg.; Greece, 1595th mtg.; Japan, 1592nd mtg.; Kenya, 1599th mtg.; Libya, 1597th mtg.; Malta, 1589th mtg.; Norway, 1593rd mtg.; Peru, 1597th mtg., Philippines, 1597th mtg.; Romania, 1596th mtg.; Rwanda, 1595th mtg.; USSR, 1592nd mtg., United Kingdom, 1594th mtg.; United States, 1590th mtg.).

(11) The need to conserve and protect the living resources of the seas^{8/} (Argentina, 1594th mtg.; Colombia, 1600th mtg.; France, 1591st mtg.; Greece, 1595th mtg.; Iceland, 1589th mtg.; Kenya, 1599th mtg.; Libya, 1597th mtg.; Malta, 1589th mtg.; New Zealand, 1597th mtg.; Norway, 1593rd mtg.; Peru, 1597th mtg.; Philippines, 1597th mtg.; Poland, 1597th mtg.; Romania, 1597th mtg.; Rwanda, 1595th mtg.; Spain, 1601st mtg.; United States, 1590th mtg.; Yemen, 1602nd mtg.).

(12) Preservation of the freedom of scientific research (Liberia, 1600th mtg.; Libya, 1597th mtg.; Ukrainian SSR, 1596th mtg.; United States, 1590th mtg.) the results of which should be disseminated (United States, 1590th mtg.) and made available to all without discrimination (Libya, 1597th mtg.); that the exploration of the area is free and accessible to all countries without any discrimination it being understood that it would be carried out on the basis and within the framework of certain approved principles and that the results of research must be put at the disposal of all countries on a basis of equality (Yugoslavia, 1593rd mtg.). It was emphasized by some delegations that it must be ensured that scientific investigation did not imply any right to exploitation or provide a basis for a claim of sovereignty (Algeria, 1599th mtg.; Argentina, 1594th mtg.; Colombia, 1600th mtg.; Kenya, 1599th mtg.; Libya, 1597th mtg.). Such research, it was also stated, must be conducted in such a way as to be compatible with good order and international responsibility (Trinidad and Tobago, 1601st mtg.).

^{8/} In connexion with protection of the living resources of the seas, a number of delegations expressed their concern that urgent measures should be taken to combat pollution and expressed their support for a draft resolution introduced by Iceland (A/C.1/L.431/Rev.2). This draft resolution co-sponsored by Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Ceylon, Chile, Czechoslovakia, Denmark, Ecuador, El Salvador, Finland, France, Iceland, India, Ireland, Italy, Ivory Coast, Japan, Lebanon, Lesotho, Libya, Madagascar, Mauritius, Mexico, Norway, Pakistan, Peru, Poland, Romania, Senegal, Sudan, Sweden, Trinidad and Tobago, Turkey, USSR, United Arab Republic, United Kingdom and United States, was unanimously adopted.

ANNEX

PROPOSALS RELATING TO PRINCIPLES SUBMITTED TO THE AD HOC
COMMITTEE TO STUDY THE PEACEFUL USES OF THE SEA-BED AND
THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION
OR TO THE FIRST COMMITTEE AT THE GENERAL ASSEMBLY'S
TWENTY-THIRD SESSION

(Transmitted to the Committee on the Peaceful Uses of the
Sea-Bed and the Ocean Floor beyond the Limits of National
Jurisdiction, in accordance with the decision of the
First Committee.)

(Proposals are reproduced in chronological order)

I

India: draft declaration of legal principles governing
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 uses of their resources
in the interests of mankind (A/AC.135/21)

The General Assembly,

Noting that developing technology is making the sea-bed and the ocean floor
and subsoil thereof accessible and exploitable for scientific, economic, military
and other purposes,

Recognizing the common interests of mankind in the sea-bed and the ocean floor,
which constitute the major portion of the area of this planet,

Believing that the exploitation and use of the sea-bed and ocean floor and the
subsoil thereof should be carried out for the betterment of mankind and for the
benefit of States irrespective of their degree of economic or scientific
development,

Desiring to contribute to broad international co-operation in the scientific
as well as in the legal aspects of the exploration and uses of the resources of the
sea-bed and ocean floor,

Believing that such co-operation will contribute to the development of mutual
understanding and to the strengthening of friendly relations between nations and
peoples,

Mindful of the importance of preserving the sea-bed and ocean floor, and the subsoil thereof from actions and uses which might be detrimental to the common interests of mankind,

Recognizing that the exploration and use of the sea-bed and the ocean floor and the subsoil thereof should be conducted in accordance with the principles and purposes of the United Nations Charter, in the interests of maintaining international peace and security and for the benefit of all mankind,

Mindful of the provisions and practice of the law of the sea relating to this question,

Recalling its resolution 2340 (XXII) of 18 December 1967,

Convinced that, pending the conclusion of a Treaty regulating the administration and utilization of the sea-bed and ocean floor and the subsoil thereof in the common interests of mankind, it is necessary to set forth the principles applicable in this regard,

Declares as follows:

1. The exploration and use of the sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction, shall be carried on for the benefit and in the interests of mankind;

2. The sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction, are the common heritage of mankind. As such, they are not subject to national appropriation and shall be used exclusively for peaceful purposes, for the benefit of all countries, particularly the developing countries;

3. The activities of States in the exploration and use of the sea-bed and ocean floor shall be carried out in accordance with international law, including the Charter of the United Nations, in the interests of maintaining international peace and security and for promoting international co-operation and understanding;

4. Taking into account the work currently being performed by other bodies, the United Nations shall endeavour to provide direction and purpose to international and intergovernmental activities with regard to the sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction.

II

United States of America: draft resolution containing
statement of principles concerning the deep ocean floor
(A/AC.135/25)

The General Assembly,

Desiring to encourage the exploration, use and development of the deep ocean floor to the fullest extent possible for the benefit and in the interest of all mankind,

Believing that such exploration and use of the deep ocean floor will contribute to international co-operation and understanding,

Convinced that no nation, regardless of geographical location, level of economic development, or technological capability, should be denied the opportunity to participate in the exploration and use of the deep ocean floor,

Conscious of the importance of promoting the general welfare of all peoples, and of furthering scientific study and the conservation of resources,

Reaffirming the traditional freedoms of the high seas under international law,

Recalling its resolution 2340 (XXII) of 18 December 1967,

Commends to States for their guidance the following principles concerning the deep ocean floor:

1. No State may claim or exercise sovereignty or sovereign rights over any part of the deep ocean floor. There shall be no discrimination in the availability of the deep ocean floor for exploration and use by all States and their nationals in accordance with international law;

2. There shall be established, as soon as practicable, internationally agreed arrangements governing the exploitation of resources of the deep ocean floor. These arrangements shall reflect the other principles contained in this Statement of Principles concerning the Deep Ocean Floor and shall include provision for:

(a) the orderly development of resources of the deep ocean floor in a manner reflecting the interest of the international community in the development of these resources;

(b) conditions conducive to the making of investments necessary for the exploration and exploitation of resources of the deep ocean floor;

(c) dedication as feasible and practicable of a portion of the value of the resources recovered from the deep ocean floor to international community purposes; and

(d) accommodation among the commercial and other uses of the deep ocean floor and marine environment;

3. Taking into account the Geneva Convention of 1958 on the Continental Shelf, there shall be established, as soon as practicable, an internationally agreed precise boundary for the deep ocean floor - the sea-bed and subsoil beyond that over which coastal States may exercise sovereign rights for the purpose of exploration and exploitation of its natural resources;

Exploitation of the natural resources of the ocean floor that occurs prior to establishment of the boundary shall be understood not to prejudice its location, regardless of whether the coastal State considers the exploitation to have occurred on its "continental shelf";

4. States and their nationals shall conduct their activities on the deep ocean floor in accordance with international law, including the Charter of the United Nations, and in the interest of maintaining international peace and security and promoting international co-operation, scientific knowledge, and economic development;

5. In order to further international co-operation in the scientific investigation of the deep ocean floor, States shall:

(a) disseminate, in a timely fashion, plans for and results of national scientific programmes concerning the deep ocean floor;

(b) encourage their nationals to follow similar practices concerning dissemination of such information;

(c) encourage co-operative scientific activities regarding the deep ocean floor by personnel of different States.

6. In the exploration and use of the deep ocean floor States and their nationals:

(a) shall have reasonable regard for the interests of other States and their nationals;

(b) shall avoid unjustifiable interference with the exercise of the freedom of the high seas by other States and their nationals, or with the conservation of

the living resources of the seas, and any interference with fundamental scientific research carried out with the intention of open publication;

(c) shall adopt appropriate safeguards so as to minimize pollution of the seas and disturbance of the existing biological, chemical and physical processes and balances;

Each State shall provide timely announcement and any necessary amplifying information of any marine activity or experiment planned by it or its nationals that could harmfully interfere with the activities of any other State or its nationals in the exploration and use of the deep ocean floor. A State which has reason to believe that a marine activity or experiment planned by another State or its nationals could harmfully interfere with its activities or those of its nationals in the exploration and use of the deep ocean floor may request consultations concerning the activity or experiment;

1. States and their nationals shall render all possible assistance to one another in the event of accident, distress or emergency arising out of activities on the deep ocean floor.

III

Working paper on the draft Declaration of General Principles proposed by Argentina, Brazil, Ceylon, Chile, Ecuador, El Salvador, India, Kenya, Liberia, Libya, Pakistan, Peru, Thailand, United Arab Republic and United Republic of Tanzania concerning the item "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind" (A/AC.136/30)

The General Assembly,

Recalling its resolution 2540 (XXII) of 16 December 1964, on the "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and 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",

Bearing in mind the perspectives that technological advances have opened up with regard to the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, an area which constitutes the major portion of the earth surface,

Considering that the exploration, use and exploitation of the resources of this area, and the subsoil thereof are a matter of common interest to all mankind,

Convinced that the exploration, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, should be carried on for the benefit of all States, whether coastal or land-locked, and specially for the benefit of the developing countries, taking into account the interests of the coastal States in the protection, conservation and exploitation of the resources that lie within their jurisdiction,

Recognizing that the reservation of this area exclusively for peaceful purposes will serve the principles and purposes of the Charter of the United Nations and thereby the cause of mankind,

Believing also that the use of the sea-bed and ocean floor should contribute to strengthen co-operation and assistance among States,

Firmly convinced that the exploration, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, should conform to the purposes and principles of the Charter of the United Nations so as to safeguard international peace and security, ensure the territorial integrity of States and promote international co-operation,

Considering further that the United Nations has the responsibility for the promotion of the common interest of mankind in the exploration, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item,

Recognizing the need for promoting scientific investigation on the peaceful utilization of the sea-bed and the ocean floor, and the subsoil thereof, as referred to in the title of the item, and the importance of furthering international co-operation in such investigation,

Mindful of the necessity of establishing general principles to guide all activities in the exploration, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item,

Declares the following general principles:

1. The sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, are the common heritage of mankind and no State

may claim or exercise sovereignty over any part of the area mentioned in resolution 2340 (XXII);

2. The exploration, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, shall be carried on exclusively for peaceful purposes;

3. The exploration, use and exploitation of this area, and the subsoil thereof, as referred to in the title of the item, shall be carried out for the benefit and in the interest of mankind;

4. The exploration and use of the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, and the exploitation of their resources shall be carried on in accordance with the principles and purposes of the Charter of the United Nations and an international régime to be established with the purpose of contributing to the maintenance of international peace and security, the respect for the territorial integrity of States and the interests of the coastal States, and the promotion of economic development, particularly that of the developing countries, whether coastal or land-locked;

5. 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, as referred to in the title of the item, through a suitable international machinery, for the economic, social, scientific and technological progress of the developing countries;

6. All activities in the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, shall conform to the following guidelines, aimed at protecting the rightful interests of other States:

(a) no impediment shall be created to navigation and fishing nor shall there be undue interference with the laying and the maintenance of submarine cables and pipelines;

(b) coastal States closest to the area in which any activities occur shall be consulted lest their rightful interest be harmed;

(c) any such activity must take into account the economic interest of the developing countries so as not to be detrimental, in particular, to the activities undertaken within the national jurisdictions of those countries;

(d) appropriate safety measures shall be adopted in all activities of exploration, use and exploitation of the area and international co-operation for assistance in case of mishap shall be facilitated;

(e) pollution of the waters of the marine environment, specially radioactive contamination, shall be avoided by means of international co-operation;

(f) no damage shall be caused to animal and plant life in the marine environment;

(g) damages caused by any such activities entail liability.

7. The sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, shall be open to scientific investigation, without discrimination, and States shall foster international co-operation in this investigation so as to enable all States to have access to it, disseminate its results and provide technical assistance to the developing countries;

8. The United Nations in co-operation with the specialized agencies and the IAEA shall take adequate measures to ensure the observance of these general principles and guidelines and the implementation of the objectives set forth in this declaration with the aim of promoting international co-operation in this field.

IV

(A) Draft declaration of general principles proposed for submission to the General Assembly

(Incorporated in paragraph 88 of the report of the Ad Hoc Committee (A/7230))

This text is identical with the operative part of the Working Paper reproduced under "III" above, except that in paragraph 6 there are the following textual variations:

6(b) "Rightful interest" is replaced by "rightful interests".

6(c) "National jurisdictions" is replaced by "national jurisdiction".

V

(B) Draft statement of agreed principles proposed
for submission to the General Assembly

(Incorporated in paragraph 88 of the report of
the Ad Hoc Committee (A/7230))

1. There is an area of the sea-bed and ocean floor and the subsoil thereof, underlying the high seas, which lies beyond the limits of national jurisdiction (hereinafter described as "this area");
2. Taking into account relevant dispositions of international law, there should be agreed a precise boundary for this area;
3. There should be agreed, as soon as practicable, an international régime governing the exploitation of resources of this area;
4. No State may claim or exercise sovereign rights over any part of this area, and no part of it is subject to national appropriation by claim of sovereignty, by use or occupation, or by any other means;
5. 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;
6. This area shall be reserved exclusively for peaceful purposes;
7. Activities in this area shall be conducted in accordance with international law, including the Charter of the United Nations. Activities in this area shall not infringe upon the freedoms of the high seas.

VI

Mexico: draft resolution (A/C.1/L.430)

The General Assembly,

Reaffirming that the exploration, use and exploitation of "the sea-bed and the ocean floor and the subsoil thereof beyond the limits of present national jurisdiction", an area which, for purposes of the consideration of the item by the United Nations, shall henceforward be designated as "the international submarine zone", are matters of concern to all mankind,

Considering that the work of the Ad Hoc Committee indicates that there is general agreement on some fundamental principles relating to the question,

Believing that those principles should be spelled out so that they may provide guidance to the Committee on the Peaceful Uses of the international submarine zone, without prejudice to the possibility that they may subsequently be embodied in a more comprehensive declaration,

Declares:

1. The international submarine zone belongs to all mankind and, consequently, no State may lay claim to or exercise sovereignty over any part of it, nor shall it be subject to national appropriation in any form.

2. The exploration, use and exploitation of the international submarine zone shall be carried out exclusively for peaceful purposes.

3. The exploration, use and exploitation of the international submarine zone shall be carried out for the benefit of all mankind, taking into account the special needs and interests of the developing countries.

VII

Cyprus, Liberia and Uruguay: revised draft resolution
(A/C.1/L.432/Rev.1 and Add.1)

The General Assembly,

Recalling the item entitled "Examination of the reservation 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",

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

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 those areas;

1. Urges all States to give high priority to the question of clarifying the definition of the "continental shelf" in article 1 of the Convention on the Continental Shelf, in accordance with the relevant appropriate procedure;
2. Requests all States to refrain from claiming or exercising sovereign rights over any part of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, pending the said clarification of the Convention on the Continental Shelf and without prejudice to any existing claims concerning the limits of the territorial sea or the continental shelf;
3. Declares that no acts or activities of a State, or under its authority, in the sea-bed or the ocean floor, or the subsoil thereof, beyond the limits of national jurisdiction which take place pending the clarification of the Convention on the Continental Shelf shall be deemed to constitute a basis for asserting any claims to those areas.

VIII

Malta, Mauritius and United Republic of Tanzania:
draft resolution (A/C.1/L.433 and Corr.1)

The General Assembly,

Recalling its resolution 2340 (XXII) of 10 December 1967 on the "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind",

Noting with appreciation 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,

Recognizing that there exists an area of the sea-bed and ocean floor and the subsoil thereof which lies beyond the limits of national jurisdiction and which requires further definition,

Noting that developing technology is making this area accessible and exploitable for scientific, economic, military and other purposes,

Believing that the exploration, exploitation and use of this area should be undertaken for the benefit of mankind as a whole, irrespective of the geographical location of States, their level of economic development or technological capability without, at the same time, infringing upon the freedoms of the high seas,

Appeals to all States to refrain from any action which may impair the extent of the area beyond limits of national jurisdiction, before the area and its juridical status are more precisely defined;

Commends to States the following principles with respect to the area, and its subsoil, which lies beyond the limits of national jurisdiction:

1. That no State may claim or exercise over any part of this area sovereignty, jurisdiction or any exclusive rights and that no part of this area is subject to national appropriation by any means whatsoever;

2. That the exploration and use of this area shall be carried out for the benefit and in the interests of all mankind, taking into account the special needs of developing countries;

3. That this area shall be used exclusively for peaceful purposes,

4. That all activities in this area shall be conducted in accordance with international law, including the Charter of the United Nations, and shall not cause any unjustifiable interference with the freedoms of the high seas;

Requests the Committee established under resolution 2467 (XXJII), to take into account the above principles in its work and to study and recommend such additional principles and norms as may be desirable for the regulation of activities in this area;

Requests further the Committee to report on the progress of its work to the General Assembly at its twenty-fourth session.

IX

Argentina, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Libya, Nicaragua, Peru, Spain, and Trinidad and Tobago: draft resolution (A/C.1/L.437 and Add.1 and 2)

The text of this draft resolution is the same as that of the Working Paper reproduced under "III" above, except for the following variations:

1. The fourth preambular paragraph reads as follows:

"Convinced that the exploration, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, should be carried on for the benefit of the developing countries, taking into account the interests of the coastal States in the protection, conservation and exploitation of the resources that lie within their jurisdiction,".

2. In operative paragraph 6, there are the following textual variations:

6(a) "No impediment" is replaced by "no impediments".

6(c) "Economic interests" is replaced by "economic interest".

6(e) "Pollution of the waters" is replaced by "pollution of waters".

6(g) "Such activities entail liability" is replaced by "such activities shall entail liability".
