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CONTENTS

Chairman: Mr. Agha SHAHI (Pakistan).

AGENDA ITEM 32

Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction *(continued)* (A/7622 and Corr.1; A/C.1/L.473/Rev.1, L.474 and Add.1-2, L.475, L.476, L.477 and Add.1, L.478 and L.479)

1. Mr. EGUINO (Bolivia) *(translated from Spanish)*: Ever since the item on the reservation of the sea-bed and ocean floor exclusively for peaceful purposes was first submitted to the General Assembly by the delegation of Malta two years ago[1] my delegation has supported it, co-sponsoring resolutions 2340 (XXII) and 2467 (XXIII). In today's general statement we wish to reiterate expressly our interest in the item and to emphasize once more our intention of co-operating in any effort by the United Nations to examine the various aspects of this very important question and of supporting any positive measure adopted to secure the peaceful utilization of the area.

2. My country did not participate directly in the debates of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction, whose first report *[A/7622 and Corr.1]* is now being discussed. But we feel it our duty, after a preliminary analysis of the report, to say that the important task assigned to the Committee is progressing significantly.

3. Hence I would like on behalf of the delegation of Bolivia to associate myself first of all with the expressions of appreciation for the excellent work done by the members of the Committee during its three sessions, under the Chairmanship of Mr. Hamilton Shirley Amerasinghe, even though, as we read in paragraph 15 of the Part One of the report, the time necessary for the formulation of specific recommendations to the General Assembly, as called for under operative paragraph 4 *(b)* of General Assembly resolution 2467 A (XXIII), in a matter which the Committee properly described as "extremely complex", was limited.

4. The debates in the Legal Sub-Committee have undoubtedly been of great value. For example, in the matter of the formulation of principles such as that of the legal status of the area of the sea-bed and the ocean floor beyond the limits of national jurisdiction, the arguments put forward have clarified the scope of important concepts like *res nullius* and *res communis*, "common heritage of mankind", and "good of mankind", and have established, on a sound basis, fundamental common denominators such as

> "... the concept that the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, shall not be subject to national appropriation by any means and that no State shall exercise or claim sovereignty or sovereign rights over any part of it",

referred to in paragraphs 86 and 87 of the Part Two of the Committee's report.

5. Again, in regard to the question of the specific principles of international law, including the Charter of the United Nations, applicable to the sea-bed and ocean floor, the arguments that made it possible to establish another common denominator—the fact that there are principles and rules of international law applicable to that area—are likewise valuable, even though it was stated that the application of some of them could have serious and distinctly inequitable consequences.

6. On another important point, the view cited in paragraph 40 of the Part Two of the report is noteworthy, namely

> "... that the reservation of the sea-bed and the ocean floor for exclusively peaceful purposes was one of the most urgent matters engaging the attention of the international community since unless steps were taken in the very near future to prevent the militarization of that area, the arms race would inevitably be extended to it and this would represent an obstacle to the use of the sea-bed for peaceful purposes."

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

Such a prospect, as was properly brought out in the Legal Sub-Committee, is necessarily incompatible with the utilization of the most extensive area in the world for these exclusively peaceful purposes.

7. On this same point, the draft treaty for the prohibition of the emplacement of nuclear weapons on the sea-bed, submitted on 7 October last to the Conference of the Committee on Disarmament by the United States and the Soviet Union, could in principle be a valuable contribution.

8. With regard to item A (4) of the programme of work of the Legal Sub-Committee: "use of resources [of the sea-bed] for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of developing countries", more strenuous efforts will have to be made to reach agreement on the main features of an international legal régime capable of safeguarding those special interests and needs. In the Sub-Committee, as we read in paragraph 48 of the Part Two of the report,

> "It was further emphasized that the special interests and needs of the developing countries should, accordingly, be built into the very fabric of the régime, as this should not aim at the attainment only of equality of opportunity but provide for actual equitable sharing of the benefits derived from the use, exploration and exploitation of the resources of the sea-bed."

It was likewise pointed out that in that field "the Committee's task was to avoid creating situations which may be detrimental to the technologically less-developed countries."

9. In the same Part Two of the report now before the First Committee, the Bolivian delegation has also taken due note of paragraphs 94 and 95, commenting on the debates held on freedom of scientific research, and paragraphs 96 and 97, concerning "reasonable regard for the interest of all States and non-infringement of the freedom of the high seas", the question of pollution and other hazards, and obligations and liability of States involved in the exploration, use and exploitation of the area, which have led to "general acceptance of the necessity for the adoption of appropriate safeguards".

10. The brief references made so far to Part Two of the report make it clear, as other delegations have pointed out, that the Legal Sub-Committee, under the Chairmanship of Mr. Reynaldo Galindo Pohl, has by now achieved substantial success.

11. With regard to Part Three of the report, covering the work of the Economic and Technical Sub-Committee, my delegation feels that important progress has likewise been made, and the credit here again must go to the devoted work of its members and its Chairman, Mr. Roger Denorme.

12. In the present debate, pertinent remarks and important comments have been made about the more outstanding features of Part Three of the report. In a preliminary analysis of its contents, my delegation has made a careful study of the way in which the Sub-Committee dealt with the "exploration and exploitation of marine surficial and sub-surface deposits and techniques used for their development" (para. 21 to 27); the special problems connected with the initial phase of the exploitation of marine mineral resources and the preparation of basic documents; the problems connected with the second and third phases of the use of those resources; and the concrete problems relating to the fourth phase of the development of the resources of the sea, including the exploitation of mineral deposits.

13. With regard to these aspects of the use of the sea-bed and ocean floor and the subsoil thereof for peaceful purposes, the delegation of Bolivia has taken note of the very valuable observations made by the Economic and Technical Sub-Committee.

14. Among the general comments on ways and means of promoting the exploration and use of the resources of the sea-bed and ocean floor in chapter II of Part Three of the report, we have underlined in paragraph 46 the sentence reading:

> "The opinion was expressed that in the foreseeable future only a limited number of countries will be in a position to participate actively on the basis of their own technological capability in the exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction."

The next sentence reads: "This should, however, not preclude the others from benefiting from this development." This is no doubt the repetition of a self-evident truth.

15. My delegation found another point of direct interest for a large number of developing countries, namely the observations by the Economic and Technical Sub-Committee in paragraph 100 *(e)*, *(f)* and *(g)* of the Part Three of the report:

> "*(e)* There was common understanding that all countries should participate to the extent possible in the exploration and exploitation of the resources of the ocean floor and share equitably from their exploitation.
>
> "*(f)* It was therefore considered important (i) to promote international co-operation providing for the training of nationals of developing countries with a view to enabling developing countries to participate directly in such undertaking and (ii) to provide for international arrangements which will benefit all mankind, taking into account the special needs and interests of developing countries.
>
> "*(g)* Since the economy of certain developing countries is very much dependent upon the export of certain primary commodities it will be necessary to study in detail the economic impact of exploitation of marine mineral resources on the world market."

16. Mention should also be made of the contribution by the Special Working Group of the Intergovernmental Oceanographic Commission, whose Draft Comprehensive Outline of the Scope of the Long-Term and Expanded Programme of Oceanic Exploration and Research *[A/AC/*

138/14], including the International Decade of Ocean Exploration, was used as a basis for the item by the Economic and Technical Sub-Committee.

17. Finally, I would single out the valuable report by the Secretary-General: "Study on the question of establishing in due time appropriate international machinery for the promotion of the exploration and exploitation of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction, and the use of these resources in the interests of mankind", *[A/7622, annex II]*. It is gratifying to note that, as paragraph 123 of Part Three states:

> "The report of the Secretary-General was generally commended as an excellent analysis of the various forms of machinery which could be set up to govern exploration and exploitation of sea-bed resources",

although, as paragraph 124 points out:

> "... the consideration given to this item could at this stage only be of a preliminary and tenative nature, owing to the complexity and importance of the problem and the lack of time which was afforded to delegations and Governments to study the documentation."

18. My delegation considers that paragraphs 152, 153 and 154 of the Part Three of the report should also be cited as fundamental in regard to the international machinery. The first of these points out that:

> "One function of an international machinery should be to ensure that the proceeds derived from activities with respect to the sea-bed shall be applied in an equitable manner, taking into account the paramount need to accelerate thereby as far as possible the economic growth of the developing countries."

19. The Bolivian delegation, representing a country which circumstances have left land-locked and deprived of its sovereign outlet to the sea, but which closely follows developments in the Sea-Bed Committee, considers finally that the Committee's first report, together with the statements heard in this room—and in various ways contributing useful material both for the Committee and for Governments—form a sound basis for continuing the work entrusted to the Committee by the General Assembly. We all look forward to the concrete results of this work—the developing countries with especially justifiable eagerness.

20. We must keep before us the real possibility of agreements on using the sea-bed and ocean floor exclusively for the benefit of all mankind, and in particular the developing countries. For this reason, as I conclude my general statement on this very broad and new subject, my delegation reiterates its determination to co-operate in all efforts designed to achieve that purpose.

21. On behalf of the delegation of Bolivia, I would like to extend to you, Mr. Chairman, to the Vice-Chairman and to the Rapporteur of the First Committee, our best wishes for success in discharging the difficult tasks entrusted to you.

22. Mr. PINTO (Portugal): This is the first time that I have had the privilege of addressing this Committee and I would like to congratulate you, Mr. President, on your election. I also express the gratitude of the Portuguese delegation to the Chairman of the permanent Committee on the deep sea, Mr. Amerasinghe of Ceylon, and to the Chairmen of the two Sub-Committees for the excellent report *[A/7622 and Corr.1]* they have presented. I should like to mention specially the Chairman of the Economic and Technical Sub-Committee, Mr. Denorme of Belgium, for his outstanding contribution to the study of the deep-sea programme. Special reference must also be made to the study on international machinery *[ibid., annex II]* which represents a valuable contribution of the Secretary-General to the understanding of the problem we are now examining.

23. In spite of its limited financial resources, Portugal has, since the nineteenth century, supported programmes of oceanographic research which have contributed substantially to the knowledge of the sea-bed. I am proud to say that the first recorded commemoration of an oceanographic year was held in Portugal nearly 100 years ago, and ever since, Portuguese hydrographic ships have continued to work alone, or in co-operation with other countries, to advance the knowledge of the sea. One of such joint efforts was the Central Oceanographic Institute-sponsored expedition in the Indian Ocean.

24. Portugal has always been, is today and will be in the future deeply involved with the sea and its problems. The maritime tradition and experience of our sailors and fishermen is known and honoured throughout the world. Our people have helped many countries to develop their fishing industries. In Ecuador, in New England, in the Far East and elsewhere our fishermen have earned deserved reputations for their substantial contributions to the supply of food for the local population and to the enlargement of the knowledge of the seas. We have even been able to assist other countries, including the United States, in the research they are conducting in our coastal areas with a view to a better knowledge of the maritime platforms. We have done it because we are convinced that such studies are fundamental to the advancement of scientific knowledge which should be available to all mankind.

25. For us the knowledge of the deep sea has an importance, in economic and human terms, that surpasses the knowledge of space. This being so, we are grateful to all those who are developing techniques that will allow men to make increasingly important discoveries on the frontiers of the seas.

26. I am sorry to say that Portugal recently suffered a severe set-back in its oceanographic effort. A fire destroyed a substantial part of our Oceanographic Institute where the data of several decades of investigation were filed. Not everything was lost, however, and today, more than ever, my country with a small group of oceanographers, jurists and diplomats continues to do its utmost to obtain a better knowledge of the sea and to assist in the just direction of man's action in the maritime world.

27. As I have already mentioned, the work done first by the *Ad Hoc* Committee[2] and, afterwards, by the permanent

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

Committee on the deep sea, deserves our respect. In the report presented to us by the Legal Sub-Committee some basic assumptions are set forth. I should like to emphasize the intelligence and objectivity revealed by the report. We fully agree with the conclusion stated in this report that such common denominators as emerged cannot be considered as constituting an adequate basis for a declaration of principles to be presented to the Assembly.

28. The Committee has in this way proved to be sensitive to this extremely difficult problem. It avoided the easy temptation to submit to the Assembly a group of principles that in fact would not reflect the thoughts and will of the majority of the countries. In my judgement, the Committee has thereby created in the majority of the delegations the belief that a just and harmonious agreement will one day be achieved.

29. I should now like to comment on some other aspects of the Committee's report. We agree with the justice of the concept of the common heritage of mankind. But we think that we should call the attention of the Committee to the fact that in this common heritage a special priority should be given to the coastal States. If we are today in an advanced stage of the studies of the sea we owe it in great measure to the sailors, fishermen and maritime scientists of such States who gave to the sea everything they had. And who better can be entrusted with the future development and exploration of the sea than those people from the coastal States, for whom the sea is a way of life, often a tragic way of life, and whose sacrifices and hard work during the centuries have made possible the discovery and exploration of the seas? It is a fact that a fair number of such States are under-developed and have not the capital necessary to explore the platforms which they have a right to do. But this does not change our general idea on the subject.

30. Referring now to the opinion of certain countries that do not accept the legality of any exploration or development activities concerning sea-bed resources until a legal régime for the regulation of such activities is created, I should like to say that such an attitude seems to be impractical and to stand in the way of progress which could very possibly be made in the meantime.

31. In fact, the 1958 Geneva Convention on the Continental Shelf[3] created juridical principles that, at least among those who have subscribed to it, are valid and cannot be denied. Moreover, many countries which have not subscribed to it constantly invoke its clauses. Based on that Convention, concessions have been given or are in the process of being given at sea depths of greater than 200 metres by the United States, Canada, England, Denmark and others. We can have no doubts about the legality of such concessions unless we wish to question the validity of international law itself. Meanwhile, as the old Convention is not altered and a new set of laws has not been accepted conventionally, all concessions given by the coastal States under the Geneva Convention are valid. They would be illegal only if they had been granted by a coastal State for areas that, according to the Convention, should belong to a different coastal State.

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

32. It is true that the more technically advanced countries are in a position, due to the powerful means at their disposal, to prepare a full inventory of the resources of the deep sea. Such capacities may not be available to the other countries, where the Geneva Convention recognizes their right to do so. We have followed the policy of giving authorizations to the more technically advanced countries to study our areas of the deep sea. It would be unrealistic not to accept that the survey and subsequent exploration of the deep sea can only be done by those who are technically and financially prepared to do it. We think it important to emphasize that the alteration of the Geneva Convention as proposed by some would deprive nearly 100 Member States of the United Nations of the power and right of giving concessions under the principle of the median line. The abyssal plains would be internationalized and such few countries as would have access to the deep sea through their advanced technical capacities would be able to dominate the issuance of licences by any supranational entity.

33. The majority of the countries would thereby lose the present possibility of negotiating with the big enterprises for individual deep-sea industrial developments. The task of the great international enterprises will be greatly simplified because they will not have to deal directly with the many Governments of the coastal States, the majority of which are under-developed.

34. On the other hand I must also admit that if the nations of the world would create and establish effective political machinery that could give guarantees of impartiality, justice, non-discrimination, honesty, and assurance that it would never be dominated by the big Powers, that supranational body would be an excellent solution. But unfortunately such qualities could only be found together in a super computer and we have not yet reached that stage.

35. Mr. ZELLEKE (Ethiopia): First of all, my delegation wishes to present its compliments to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, to Mr. Amerasinghe for his brilliant and able chairmanship and to each individual member of the Committee and Sub-Committees for the magnificent report with which they have presented us. One cannot but admire the important and voluminous work they have performed in this complex and relatively new field of international endeavour.

36. In our view, the dialogue that has occurred throughout the various phases of the Committee's work as to the legal, economic and technical aspects of the problem, has brought us significant progress in this field in the sense that it has created common concepts and outlooks with regard to the basic principles that will be the guidelines for the evolution of an international régime administering the use of the sea-bed for peaceful purposes and for the benefit of mankind.

37. Although the Committee did not present us with a concrete document upon which deliberation would be feasible and although it still has to finish its task, we think that it has achieved the narrowing of certain basic concepts towards their near crystallization into positive and concrete rules. We feel, therefore, that the United Nations effort at this stage should be to extend the rule of law with a

"legislative spirit", the object, the philosophy and the over-riding consideration being the prevention of conflicts before they occur–thus following Article 13 *(a)* of the Charter of the United Nations, which makes it incumbent on the General Assembly to encourage the progressive development of international law.

38. Furthermore, any régime under the United Nations for the exploitation of the ocean resources should be based on the recognition that these resources are not *res nullius,* i.e., nobody's property, but *res communis,* i.e., common property to be utilized for and in the interest of the international community of nations within the framework of international co-operation rather than competition. That is why we find that the terminology defining the sea-bed and ocean floor outside the area of national jurisdiction as the "common heritage of mankind" is too vague and insufficient as a basis for the formulation of the specific rules required to regulate and administer an essentially physical and practical endeavour. Especially when we are to begin the formulation of laws regarding a new field of international *modus operandi,* whether in the preamble of a declaration or in other documents, we should prefer to depart from abstraction and choose a functional and consequential definition such as "common property of mankind", thereby implying the developing of an appropriate terminology and legal structure.

39. It is common knowledge that traditional international law has developed on an *ad hoc* basis through custom and practice acquiesced in by the community of nations, which, for almost the entire period of the evolvement of international law was confined to a small group of States, more particularly through treaties and international agreements.

40. Hence, it would be difficult to initiate the formulation of laws on this particular subject on the basis of traditional practice, since no possible precedent could be of use in the elaboration of regulations concerning a new legal and physical environment. Therefore, any United Nations role with respect to evolving regulatory rules for the exploitation of ocean resources and the administration and enforcement of such rules will raise, in the first stance, the essential question of what international law is in contemporary international relations, or rather the development and nature of international law since the establishment of the United Nations.

41. The agreement to utilize outer space for peaceful purposes and the present undertaking to codify the international law of trade are cases in point. A just and equitable system for the exploitation and distribution of benefits should be established, with consideration and safeguards for the needs of developing countries. Resources of the sea should be utilized solely for peaceful purposes.

42. Within this framework we see that the Legal Sub-Committee and the Economic and Technical Sub-Committee, as well as the Committee as a whole, have prospected widely, in depth and breadth, as to the many aspects of this question, as well as to alternative solutions and methods. Although we understand the complexities involved, we are convinced that it is necessary deliberately to accelerate the working out of this problem if we are not to be overtaken by events and developments. Experience shows that development, especially in technology, has always been faster than predictions; for instance, the question of pollution and contamination of the sea is no longer a speculation but already a serious threat.

43. We do not share the views of some delegations that this problem is too complicated and that it should evolve very gradually. The work accomplished by the Committee to date is substantial enough in the legal, economic and technical sectors for the elaboration of a positive programme of work and the establishment of priorities based upon a criterion of urgency and feasibility.

44. First of all, there is the immediate task of evolving agreed general principles of law and policy to govern the problem of ownership of resources of the sea. This task is urgent, especially in view of the fact that no guidance is to be found in this area in traditional international law of the sea. Whatever there is in international law in this regard has been developed for quite another purpose. Traditional international law of the sea, as a matter of fact, for the most part contains rules regulating the rights and obligations of belligerents and neutrals in time of war. Even the concept of the three-mile limit was a military concept, that being the greatest distance that a cannon shell could travel at the time that rule was accepted. Despite the United Nations conventions on the law of the sea of 1958, the limit of territorial water is by no means a settled matter. Although three to twelve miles seems to be generally accepted, there are some States which claim from 20 to 200 miles.

45. To add to this uncertainty, there is the confusion surrounding the extent of the continental shelf. The agreement reached in Geneva in 1958 has left one point unanswered. The Geneva Convention on the Continental Shelf[4] states that the limits of the exclusive rights of a coastal State extend "to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources . . .". This means that to some extent technology sets the limits; i.e., those who have the means to exploit could claim the wider and wider area.

46. Second, from evolving general principles governing the exploitation of ocean space resources, the United Nations has to move to evolving rules and regulations governing specific conduct.

47. Third, systems of international co-operation for the exploration, exploitation and utilization of resources have to be devised and established. Exploitation must be for and in the interest of the international community of nations at large.

48. Fourth, there should be an equitable and just distribution of benefits from the exploitation of ocean space resources. Arrangements could also be envisaged whereby the resources of the sea could be used by the United Nations itself to attain the objectives of the Charter, chief among which is "to promote social progress and better standards of life in larger freedom".

49. Fifth, the question of pollution of sea waters is a matter of urgency. Steps should be taken as soon as

4 *Ibid.*

possible, and independently of all other arrangements, to establish a system of international co-operation in this matter. The intended agreement between the United States and the USSR for the denuclearization of the sea is a great step towards this end.

50. Sixth, however embryonic it might be, the setting up of an international machinery should be envisaged at the earliest possible time. Although the attributions and prerogatives of such machinery will eventually be guided by the principles and rules to be adopted by the General Assembly, from the pragmatic point of view the setting up of this machinery, together with the development of its functions, would have tremendous advantages.

51. This is one of the rare occasions in the field of international law and international co-operation when it has been possible to put the horse before the cart. We think that the time to undertake on an urgent basis the development of international rules and regulations is now, before the inevitable clash between national interests occurs. Delay in this respect could only complicate matters. We reserve our right to speak at a later stage on other aspects of the matter.

52. Mr. KAPLAN (Canada): Last week Canada's Secretary of State for External Affairs, in speaking on the subject now before this Committee, to an audience of international law experts, stated: "Mankind's recent giant step into outer space has captured the public imagination in a way no pioneering venture has ever done before, but the conquest of the ocean space of our planet may hold out a more immediate benefit and perhaps even great promise for the future." It is evident that all delegations here hold similar views on the importance of this question.

53. My delegation has listened with care and interest to the many thoughtful and scholarly interventions which have been made in this debate. The very high level of the debate is very promising for the future of our work. There are differences of views, and it will be no easy task to reconcile them. The Sea-Bed Committee has worked with skill and care to bridge these differences, but it is evident to all that we have only made a beginning. The progress made by the Legal Sub-Committee on principles and by the Economic and Technical Sub-Committee on international machinery is encouraging, but it is clear that further painstaking work will be required.

54. Indeed, we have merely begun our work on the two key questions, namely: how to ensure that the resources of the sea-bed beyond national jurisdiction shall be utilized in the interest of mankind, bearing in mind the particular needs of the developing States, and the equally important principle that this area shall be reserved exclusively for peaceful purposes. I propose to comment on each of these two questions.

55. I do not propose to reiterate what I said a year ago in this Committee nor what others have said in this debate concerning the inter-relationship of the three key questions before us, first, the need to demarcate the area to be internationalized; second, the need to elaborate an effective, equitable and orderly legal régime for the area; and third, the measures and machinery required for the implementation of the régime. It is the Canadian view that real progress on the principles which will form the basis of the legal régime will considerably lessen the difficulties now existing concerning the demarcation of the limits of the area, and at the same time give direction leading to the solution of the problems of implementation, including the type of machinery required.

56. It is the Canadian view that the Convention on the Continental Shelf lays down a number of fundamental principles which will necessarily find their way into any future revision or amending protocol. The Convention is, however, applicable only to the continental shelf. It is not a convention on the deep ocean floor. Yet, the exploitability test laid down in the Convention could lead to a confrontation between States in mid-ocean with nothing whatsoever reserved to the international community. We are all agreed that this cannot be permitted to happen, and we have already gone a long way in ensuring that it shall not. As I stated last year, the Canadian delegation is ready and willing to participate in any international conference intended to delimit the area beyond national jurisdiction.

57. There is, at least, a consensus on the existence of an area of the sea-bed beyond national jurisdiction. Obviously, there is little agreement as yet on the type of régime to be applied to this area. Some advocate a system under which States and their nationals would exploit sea-bed resources subject to an agreed body of rules but without any international control agency or machinery beyond a simple registration procedure. Some advocate a system under which an international agency or the United Nations itself might act as a trustee in controlling exploitation of the sea-bed by States and their nationals. Still others propose a system under which sovereignty over the sea-bed might be granted to the United Nations, which could itself carry on exploitation activities. We retain an open mind concerning possible solutions, but our present thinking is that something considerably more than registration, but falling short of United Nations sovereignty, tantamount to a United Nations nation-State, is the most promising and practical approach.

58. It is evident that even the most *laissez-faire* régime would require at least a central registry of licenses for exploration and exploitation. At the other extreme, control or ownership by an international agency or the United Nations itself would imply the establishment of complex and extensive international machinery which could prove so expensive as to drain away much of the benefit to be derived from the internationalized area. If I may quote again from the statement last week by the Secretary of State for External Affairs for Canada:

> "We consider that a workable legal régime must be developed if the sea-bed is to be exploited in an effective, equitable and orderly manner and we assume that some form of international machinery will be required. In our view the sea-bed régime and machinery should provide revenue for international community purposes, while protecting the legitimate interests of entrepreneur and of coastal States".

59. The delegation of France has asked *[1680th meeting]* a number of very pertinent questions concerning the

practical arrangements to be made to enable the effective exploitation of the internationalized area. We are prepared to express our views on at least some aspects of these important questions. We consider, for example, that the resources management system to be established should be designed so that it reflects such factors as the exploratory techniques necessary to find the various types of deposits, the evaluation procedures required to justify their development and the equipment and methods devised for their extraction. On the basis of our own experience at the national level it would seem advisable to request operators to submit advance notices of proposed programmes, provide information and appropriate materials on a continuing basis, assist in the carrying out of inspection by authorized officials and furnish comprehensive technical reports. Such reports are requirements for operating in Canadian offshore areas. The information thus obtained allows an accurate up-to-date appraisal of the economic potential of the areas involved and it is utilized on a continuing basis in the over-all design for the implementation of resources management policy.

60. The resources management system adopted will necessarily have to make allowances for the economic realities of the situation. It must provide adequate economic incentives to attract the necessary investment capital but, equally important, it must at the same time protect the interests of the international community. Care will have to be taken to ensure that permits are issued in a manner divorced of political or other discrimination. Grants should be for specified periods of time, and permittees should be required either to pursue resources development programmes actively or abandon them. Permittees ought perhaps to be required to make deposits to the full amount of the permit work as a guarantee that the work will be carried out. It may be that a system such as is in force in Canada, whereby commercial production cannot be undertaken until converted to leases, ought to be developed since it is through leases that it is possible to ensure royalty payments. Secretariat paper A/AC.138/6 is an excellent reference document. We have certain reservations concerning the possibility touched on in the paper, namely, the desirability of issuing permits conferring totally exclusive exploration rights. Presumably a principle object of the régime will be to stimulate exploration activities, and it may therefore be desirable to permit operators holding exploratory licenses to carry out work in areas covered by exploratory permits held by other operators.

61. It is evident that both in the area of principles and in the manner of their implementation there is not only room but a positive requirement for new and imaginative concepts. Last year, I said "We must not allow ourselves to be shackled by preconceived concepts or hobbled by fears of the unknown." *[1599th meeting, para. 72.]* Since then, there has been a good deal of discussion about the concept "common heritage of mankind". Our own view remains as expressed in the Sea-Bed Committee, that if there is widespread support for the essential idea reflected in the term, then it should be possible to give it a specific and precise legal content, and the term can then find a place in a declaration of principles, in the preamble if not elsewhere. We consider, however, that rather than argue over this or that interpretation of the principle, we should pursue a more scientific legal approach, a step-by-step process of agreement on the principles which will together comprise the legal régime.

62. The Sea-Bed Committee has now moved, particularly in the Legal Sub-Committee, from the general exchanges of views to concrete drafting. The device of intersessional informal working groups has proven most useful and some real progress, as a consequence, has been made in the Legal Sub-Committee in achieving a synthesis of the elements contained in the various formulations submitted. We would consider it unfortunate if the Sea-Bed Committee were by-passed and an attempt made to produce an instant declaration of principles on which a consensus has not yet developed. The Sea-Bed Committee is seized of this problem, has shown itself capable of coping with it and we think the Committee should be given a little more time before any attempt is made to intervene, so to speak, over its head.

63. We regret that the Sea-Bed Committee was unable to find time to discuss the increasingly serious problem of pollution. My delegation supported and co-sponsored the resolution on pollution introduced last year by Iceland and we consider the need for action to be even more urgent now than it was a year ago. Let us hope that the Sea-Bed Committee can devote some of its time to this question.

64. With respect to peaceful uses, my delegation considers that substantive discussion on this question should be reserved principally to the separate consideration of the report of the Geneva Conference of the Committee on Disarmament. However, I shall make a few remarks of a general nature. It is well known that a draft treaty[5] has been agreed to by the co-Chairmen of the Disarmament Committee. The geographical scope of the treaty illustrates one of the reasons why it is desirable to leave its negotiations to the Committee on Disarmament since the treaty encompasses areas within national jurisdictions, that is to say, the continental shelf, over which States have sovereign rights, as well as the area falling within our mandate, namely, the area beyond national jurisdiction.

65. On the substance of the treaty, I would like only to quote briefly from a speech I referred to earlier made by the Canadian Secretary of State for External Affairs:

> "We warmly welcome this bilateral self-denying agreement by the two great nuclear powers on the most important requirement for a sea-bed arms control treaty."

If I may quote again from Mr. Sharp's statement:

> "In the Disarmament Committee, Canada advanced a group of inter-related suggestions for disarmament of sea-bed. In summary, these suggestions involve: (1) the prohibition not only of nuclear weapons and weapons of mass destruction, but also of conventional weapons and military installations which could be used for offensive purposes, without, however, banning installations required for self-defence; (2) the establishment beyond the 12-mile coastal band, of a 200-mile security zone to which the proposed arms prohibitions would apply in full

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

but where the coastal state could undertake defensive activities; (3) the elaboration of effective verification and inspection procedures to assure compliance with the terms of the treaty, together with an international arrangement making such verification possible for countries with a less developed underwater technology. With the exception of the prohibition of the emplacement of nuclear weapons and weapons of mass destruction, these Canadian suggestions are not reflected in the draft treaty put forward by the U.S.A. and U.S.S.R. . . .

"In summary, the U.S.-Soviet draft treaty is unfortunately silent on a number of important questions."

66. Nevertheless, while the treaty represents only a first step towards a comprehensive arms control treaty over the sea-bed, it is an essential and extremely important first step. I do not propose to say more on the question which will be discussed in detail under another item.

67. We have received ample evidence of the wide spectrum of views on almost every aspect of the questions under consideration. Perhaps the greatest conflict is between the national self-interests of States on the one hand and, on the other, the interests of the world community as a whole. Yet we have come a long way towards achieving a collective political decision on common objectives. We already have a consensus on the existence of an area beyond national jurisdiction; on its reservation solely for peaceful uses; on its exploitation for the benefit of mankind, bearing in mind the needs of the developing countries; on the impermissibility of national claims to sovereignty or appropriation; and we have a near consensus on the need for some form of international machinery. There is also a growing acceptance of the urgency of delimiting the area to be subjected to an international régime.

68. Three years ago some of these concepts existed only in the minds of international jurists. Today they are widely accepted. Surely, this is progress. If our progress seems slow, then it may be because of the magnitude of the task. We are engaged in an exercise whose dynamics could extend far beyond the scope of the immediate subject matter. We are in the process of devising new methods of co-operation among States in the interests of the community as a whole. If we are able to unite in a collective effort reflecting a common political will for the benefit of all, then we will be taking a great stride towards the important Charter goal, namely, "to employ international machinery for the promotion of the economic and social advancement of all peoples".

69. What I have just said was not meant as mere rhetoric. It is possible for us to translate these sentiments into action in such a way as to demonstrate very quickly whether we really mean business in advocating that the common welfare replace individual national self-interest. All we need to do is to accept the principle that every ocean and every sea of the world shall have the same percentage of its underwater acreage reserved for the benefit of mankind. In this way we would be applying the fundamental concept of the benefit of mankind to the law we are developing. We would be abandoning notions of territoriality, jurisdiction, and sovereignty which find their way into every distance, depth or other continental shelf formula. Why, in principle, should it make any difference whether a shelf is shallow or deep? Consensus as to distance from shore would become unnecessary. Let us begin out in the centre of every sea in the world, be it the Atlantic, the Pacific, the Arctic, the Mediterranean, the North Sea, the Persian Gulf, the Red Sea, the Baltic, the Caribbean, the China Sea–I could go on–and reserve out of each the same percentage, say 50, 60, or even 80 per cent, of the underwater acreage.

70. Such an approach would have the advantages of certainty, simplicity and equity. It would have the added benefit of ensuring that we would all then be talking about area of interest to each of us and not only to other States. I am aware that this is a very radical idea. I am not putting it forward as a formal proposal, and I do not at this stage contemplate embodying it in a resolution. It will suffice for the time being as a yardstick by which to measure our various approaches. I should, of course, be interested in the view of other delegates.

71. Mr. OULD DADDAH (Mauritania) *(translated from French)*: The delegation of Mauritania would like to speak briefly on the very complex question which has been discussed in the Committee for several days.

72. The delegation of Mauritania has the privilege of being a member of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and has followed with interest the work done in the Committee. The drafting of the report which appears in document A/7622 and Corr.1, submitted to the First Committee, was made possible because of the efforts made by each member of the Committee to work out what would be compatible with the essential interests of all and to adhere to it.

73. That constructive spirit, which has prevailed throughout the three sessions held by the Committee, deserves to be noted. Furthermore, it is only fair, in the opinion of my delegation, to emphasize the competence, perseverance and firm courtesy which characterized the efficient work of Mr. Amerasinghe as Chairman of the Committee. It is also appropriate to mention the important role played by the Chairman of the Legal Sub-Committee, Mr. Galindo Pohl, and the Chairman of the Economic and Technical Sub-Committee, Mr. Roger Denorme. My delegation joins in the hope that Mr. Denorme will continue to do the very effective work that he did in the Committee. We also wish to express our thanks and gratitude to Mr. Gauci, Rapporteur of the plenary Committee, and to Mr. Hamid Badawi and Mr. Prohaska, who were respectively Rapporteur of the Legal Sub-Committee and Rapporteur of the Economic and Technical Sub-Committee.

74. Each of us here recognizes the complexity and newness, as well as the importance, of the question presented by the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. It is therefore natural that the study and the elaboration of legal and other machinery necessary to bring about such utilization should take place slowly, passing tentatively from one phase to another. Along with some delegations that have already intervened in this debate, the delegation of Mauritania believes that a period of maturation on the inter-

national level is necessary and inevitable. However, in the light of the available documents that deal with the possibilities of the exploration and exploitation of the resources that may be found in the sea-bed and the ocean floor, and bearing in mind the progress of science and technology in this field, it becomes essential to take conservation measures without delay so as to prevent the sea-bed and the ocean floor beyond the limits of national jurisdiction from becoming the objects of appropriation or from being used for installations, of whatever kind, that might make it yet more difficult to bring to a satisfactory conclusion the efforts made by the international community to determine the limits of that area and to find the most acceptable form of organization and the one most compatible with the essential needs and interests of the members of the international community.

75. It is in terms of that consideration that the delegation of the Islamic Republic of Mauritania will support every proposal intended to prevent or limit any exploration and exploitation of the sea-bed and the ocean floor beyond the limits of national jurisdiction until an international system is worked out and adopted to ensure that those activities are carried out for the benefit of mankind as a whole.

76. The delegation of Mauritania is very pleased with the quality of the study presented to the Committee by the Secretary-General on the question of establishing appropriate machinery for the promotion of the exploration and exploitation of the resources of the sea-bed and the ocean floor *[A/7622 and Corr.1, annex II]*, which represents an important contribution that has greatly assisted the Committee in making progress in this field. However, everyone recognizes that this important study of the Secretary-General on international machinery is in need of completion and more detailed treatment. That explains why my delegation is a sponsor of draft resolution A/AC.1/L.477.

77. Indeed, the operative paragraph of the draft resolution requests the Secretary-General to prepare and to submit to the Committee on the Peaceful Uses of the Sea-Bed during one of its sessions in 1970, a study covering in depth the status, structure, functions and powers of an international machinery, having jurisdiction over peaceful uses of the sea-bed, ocean floor and subsoil thereof, beyond the limits of national jurisdiction, including the power to regulate, co-ordinate, supervise and control all activities relating to the exploration and exploitation of their resources 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.

78. It is in the light of such a study that the Committee can, with a full knowledge of the facts and without neglecting any of the many aspects of this important problem, prepare, in its future reports, complete and equitable proposals that will provide an adequate basis for the establishment and normal operation of an international machinery, the creation of which has already gained the almost unanimous agreement of our Committee.

79. The delegation of Mauritania is pleased with the method followed by the Committee, both in its efforts to arrive at the legal principles which should govern the peaceful uses of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction and in its working out of suggestions regarding the economic and technical aspects of this formidable problem. Indeed, it is not difficult to realize that, in such a vast field and given the inequality of technological, financial and scientific means available to States to explore and exploit the resources of the sea-bed and the ocean floor, it is imperative to seek above all unanimous decisions which everyone can agree to apply.

80. We therefore sincerely believe that the method chosen by the Committee is the right one and we consider that its report shows marked progress towards the attainment of the desired objectives. But such real satisfaction does not prevent my delegation from assessing the importance and scope of the work that remains to be done. Many delegations have already emphasized the urgent need to delimit and define the area that constitutes what is called "the sea-bed and the ocean floor beyond the limits of national jurisdiction".

81. Within that context, my delegation agrees with the view expressed in many statements regarding the need and the obligation to take into account the security and respect for the rights of all coastal States. It is necessary to study, without too much delay, the problem of liability for damage that might be caused to a sovereign State by exploration or exploitation activities carried out on the sea-bed or ocean floor beyond the limits of national jurisdiction.

82. This question of liability leads my delegation to raise in the Committee the question of the superjacent areas of the high seas. The delegation of Mauritania considers that the distinct régime for these zones must be explicitly defined to avoid all confusion that might lead to difficulties and misunderstandings. We regard a clear pronouncement on such a régime as a manifestation of respect for the rights of coastal States over their territorial waters and clear recognition by all concerned of the need to take into account the security and sovereignty of the coastal States within the framework of the exploration and exploitation of the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction.

83. The delegation of Mauritania, which is a member of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor does not intend at this stage of the debate to speak at greater length in this Committee. We reserve the right to revert to certain aspects of the problem which concern us at another time.

84. Before concluding these brief remarks my delegation wishes to underline the importance which it attaches to an exclusively peaceful use of the sea-bed and ocean floor. It is, accordingly, in favour of a declaration which would prohibit the utilization of the sea-bed and ocean floor for military purposes. It is likewise aware of the importance of the problem of the pollution of the marine environment. We hope that in forthcoming sessions the Sea-Bed Committee will find time to deal with all the problems connected with the peaceful use of the sea-bed and the ocean floor, since many important problems have not yet been studied by the Committee in the manner in which they deserve to be.

85. Mr. JOHNSON (Jamaica): The report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction is a tribute to the Committee's Chairman, Mr. Amerasinghe of Ceylon, and to the Chairmen of the Economic and Technical Sub-Committee and the Legal Sub-Committee, Mr. Roger Denorme and Mr. Galindo Pohl, respectively. We should also like to praise the work of the Rapporteur of the Committee and the Rapporteurs of the two Sub-Committees.

86. Jamaica was an observer on the Committee. In accordance with the principle of rotation outlined by the Chairman of the First Committee at the twenty-third session of the General Assembly *[1648th meeting, para. 89]* we propose to take our place on that Committee in due course.

87. Notwithstanding the prevailing view that the exploitation of minerals outside the area of national jurisdiction, on the continental slope and on the ocean floor will not take place in the foreseeable future, the technical capacity for it has been developing rapidly. The principal reason usually advanced is that the economic returns on the capital outlay would be at present insufficient to justify deep-sea mining when the land sources of mineral are available and are still in many cases unexploited. Hydrocarbons are the most exploited mineral resource from the sea-bed within the area of national jurisdiction. Indeed, it has been estimated that by 1980 some 25 to 30 per cent of our sources of energy will come from that area.

88. The outstanding report of the Secretary-General entitled *Mineral Resources of the Sea,*[6] prepared for the forty-seventh session of the Economic and Social Council, states, "The unique geological character and high potential for petroleum and other mineral resources of partially enclosed small oceanic basins, such as the Gulf of Mexico, Caribbean Sea, Mediterranean Sea, Indonesian Archipelago, Sea of Japan, Aleutian and Kamchatka basins, Okhotsk Sea, Barents Sea and Kara Sea, has only become apparent in recent years."

89. It is not the prospect of quick, easy, economic benefits which spurs our concern. Rather, as the distinguished representative of Sweden said a few days ago, "The question of the proper use of the sea-bed and ocean floor arises from a whole set of problems created by the rapid advance of science and technology which opens up broad new outlets for man's activities." *[1680th meeting, para. 28.]* If a new sort of international anarchy is to be avoided it is essential for the international community to take the required measures.

90. The report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction showed the extent of the agreement reached and the remaining divergencies of opinion. Paragraphs 83 to 97 of the report of the Legal Sub-Committee are a valuable résumé of what we may dare to call the present international legal opinion on the issue. The inherent caution reflected in these paragraphs is perhaps not surprising. It is true that we are dealing with a novel situation but this ought not to be an excuse for the collective failure of imagination and will. The essential legal issues are still *(a)* the extent of the exclusive rights of coastal States and *(b)* what legal régime should govern exploitation beyond the area of national jurisdiction.

91. My delegation has consistently taken the view that the starting point should be the concept of the "common heritage of mankind" to which Mr. Hambro has now lent his eminence and scholarship. I consider that there is considerable merit in the idea just advanced by the distinguished representative of Canada. It is positive as it relates to the common heritage concept. It follows that there should be an international régime which would include international machinery. The report of the Secretary-General on international machinery *[A/7622 and Corr.1, annex II]* has indicated some of the dimensions of the problem and has been so valuable as to elicit the praise of some of the opponents of the resolution at the twenty-third session. We have indicated our support for a more detailed study by the Secretary-General. In the meantime, our preliminary views are that some of the elements of an international machinery should be a regulatory and controlling authority, a registry of claims, titles to which should be restricted as to specification, area and duration. There should be rules on the payment of licencing fees and on the distribution of royalties and benefits. In addition, there should be clear procedures for the settlement of disputes.

92. The extent of the national jurisdiction of coastal states obviously affects the elaboration of a legal régime and the legal principles on which it is based. But my delegation does not think that we should await a precise definition of boundaries before proceeding with our work. Nevertheless, because we recognized the need for such a definition, my delegation last year called for an early conference on the Law of the Sea. This year we have joined our sister State, Trinidad and Tobago, in submitting an amendment *[A/C.1/L.475]* which would seek the views of Member States on the desirability and feasibility of convening a conference on the Law of the Sea.

93. It is clear that the Geneva Conventions did not anticipate the pace of technological developments we are now witnessing. The assumption was that exploitation beyond the 200 metre isobath would not be feasible for several years. It is not surprising therefore that there is a degree of caution and uncertainty. In any event, it appears to me essential that pending the establishment of an international régime, there should be, in principle, no further encroachment on the area beyond the limits of present national jurisdiction. The arguments in support of such a freeze or restraint are too well known to need further repetition.

94. In reverting to the questions of principles, the views of my delegation are similar to those outlined by Mr. Amerasinghe at the 1673rd meeting of this Committee.

95. In closing my brief comments on this important item on our agenda, I wish to thank the Secretariat for the fine work it has done for the Committee on the sea-bed and the ocean floor and I look forward to the Committee's continuing fruitful work.

6 United Nations publication, Sales No.: E.70.II.B.4.

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

96. Mr. MAURTUA (Peru) *(translated from Spanish):* My delegation considers that the discussion of the problem of the use of the sea-bed beyond the limits of national jurisdiction for peaceful purposes demands attention by the international community based on an outlook not only embracing the precise legal instruments worked out to consolidate that use in the future, in accordance with a system of universal guarantees, but also taking account of the expectation of States with a view to their economic and social development. This too is a legal objective, for it is a "right to expect" which has its roots deep in the complex of human needs. These needs are increasingly urgent, and their satisfaction is bound up with the right of State preservation and the protection and promotion of human rights. Thus we can say that there is already a well-defined international interest in the problem.

97. What now remains to be done is to specify the ways and means of putting this into practice, which can only come about by agreement among Governments. But international legislation in this case, as in any other, must invariably represent the free will of the parties and ultimately embody the common feeling of justice, respecting the rights of States and recognizing their reasonable expectations. This is a necessary component of any process of international legislation. National interests cannot be ignored, because they naturally tinge the basic content of the international will, determining the angle or the attitude adopted by any given State in international debate. If it were otherwise, whatever rules were drawn up would be a dead letter, with no chance of application; the existence of reservations would stand in the way of any viable legislation. This is not what the United Nations is out to do or should do. Its regulating function must emerge as a result or conclusion on which a great synthesis can be built up. It must be like the atmosphere, or a favourable climate, saturated with the nature and content of its underlying principles and their power to regulate.

98. One conclusion that can be drawn from the foregoing is a matter to which the delegation of Peru has referred time and again as a constant and systematic concern, namely that there is no valid reason for the haste shown by some delegations on the subject. Drafting rules is essentially a slow process. This is because gains and achievements are the work of time, which polishes everything smooth, especially when the constructive interests of scientists come into the picture. To illustrate this we need only recall the course of all international law institutions before they reach the stage of written law. As an eminent jurist has said, written law is the final stage of customary law and its reflexive form, and it is expressed at the moment when there is agreement on the possibility and desirability of expressing it. The important thing is that this positive law, translated conventionally, should emerge not as the imposition of the will of the strong over the weak but as the creation of enlightened self-interest served in the last resort by the principle of eminent justice.

99. In other words, for the delegation of Peru all legal instruments which aspire to constitute rules of international behaviour must necessarily be imbued with a systematic viability making them acceptable to States as forms of collective will having as an essential component respect for State sovereignty—which is precisely what makes them viable. That is to say, every principle that is accepted must represent an irreducible portion of law, the mature part against which there is no resistance because the desirability referred to above, and the timing, have been defined. In the complex problem before us of the sea-bed beyond the limits of national jurisdiction, this means that any instrument elaborated must embody all the needs and all the urgency of the milieu where it operates, including the urgent social and economic demands of the developing countries.

100. Hence we can willingly recognize that in this matter we are at a preliminary stage. The tenative organs of formulation have been defined. It now remains to arrange, correlate and define the fundamental principles that must form the broad basis for future work. This is a task for technical committees. The principles must constitute the basis of any structure, and this means setting up all the necessary guarantees, especially against abuse, and not only against extending the competence of States, as the representative of the Soviet Union maintained. But the decisive role of technical and specialist committees in dealing with particular international problems should be emphasized.

101. In the case in point, for what reason I do not know, intervention by the International Law Commission was avoided. Instead, an *Ad Hoc* Committee was established which has now been given permanent status and a specific mandate. The Committee has functioned well; it has done what it was required to do, namely, gather the necessary information; pinpoint the elements of the problem according as their character is legal or economic; debate proposals; arouse the interest of the community so that Governments will produce creative or stimulating views; remove the dead wood from proposals made, with a view to defining, objectively and gradually, a body of community opinion as a basis for future instruments that can command general support. All this has been done within a short space of time. Hence we can state at once that the lack of a definitive agreement on the declaration of principles is not for want of effort or a sign of the unsuitability of the Committee set-up. A technical committee cannot be expected to work miracles in producing legislative instruments. When the Committee was set up, no one imagined it would be able to make so much progress in so short a time. But it has become the specialist body where the flotsam and jetsam of international opinion, and the dynamic policy material of government opinion, come to rest. Its work therefore calls for encouragement and the recognition that it commands respect, and that the rules of hierarchy or consultation, as the case may be, must be obeyed.

102. For this very reason we find it inconceivable that a draft treaty on the denuclearization of the sea-bed and ocean floor should ignore the competence of the Committee and not hear its views or its judgement; the draft in question is, after all, connected with one of the factors that will be fundamental in any declaration of principles, namely, the peaceful use of the sea-bed. Hence we support the proposal by the representative of Ceylon, the Chairman of the Sea-Bed Committee, that that Committee should discuss the treaty, either at one of its regular sessions or in an extraordinary session. Our attitude in this matter is

based on the desirability already mentioned that international legislation should reflect a mature stage in international awareness–especially in relation to the substance of the issues–which thus represents the prevailing will of States, not hampered by other political, legal or economic factors or the need for general safeguards.

103. It must be recognized that through the efforts exerted in the Committee there are already areas of agreement and common lines of legal thinking, still in an amorphous or preliminary state perhaps, but likely to crystallize gradually or to improve as time goes on. Nevertheless, the elements of certain cardinal principles are there in abeyance, and they may be influenced in the future by certain political considerations deliberately adduced by States concerned in their own interests that State sovereignty by safeguarded.

104. Thus a community law will emerge that will find expression, for example, in the principle sought that the sea-bed beyond the limits of national jurisdiction is the common heritage of mankind, not subject to appropriation by any State but governed rather by the principle that any use of the sea-bed must be essentially peaceful and must take very special account of the economic aspirations of the under-developed countries.

105. As the problem stands at present, we find ourselves optimistic with regard to the development of general ideas on the question of the peaceful use of the sea-bed and ocean floor beyond the limits of national jurisdiction. There is nothing extraordinary about this. The Sea-Bed Committee deserves a sense of gratitude from us for having cleared a path overrun with uncertainty, with dangerous political problems and factors unknown because the will of Governments had never before been expressed on them, for the simple reason that they were something new requiring for the first time rudimentary forms of international regulation. Hence to regard the Committee's procedures as sluggish or unconvincing is unfair; actually, that has always been the way with the formulation of principles. It has been and still is the procedure followed in regard to the codification of international law, where each stage of development must represent a stage in the collective conviction of the community of States. It has been and is the procedure followed in the field of the unification of laws in the unending search for a uniform law in civil matters. Any hasty action dictated by unilateral interests or political domination would be folly and would spell the doom of any rule of international conduct, rendering it inapplicable.

106. We have before us a proposal presented by the delegation of Malta *[A/C.1/L.473/Rev.1]*. In the first place, we feel that it has no bearing on the agenda item. Secondly, it raises, with obvious haste, a question that has not yet matured–not only because insufficient progress has been made as yet in regard to the régime itself, but also because it is decidedly partial in defining what must naturally be the problem of the sea areas from the point of view of all States.

107. Malta's proposal approaches a global problem–which is what the problem of the sea areas is–in a tangential manner, isolating one single aspect. This is not an acceptable approach to drawing up international rules of law, nor indeed is it in keeping with the legislative policy laid down by the United Nations itself in resolutions 798 (VIII) and 1105 (XI), which incidentally were the background for the Geneva Conferences and served to enhance the status of the formulations from which in due course the Conventions of 1958 and 1960 emerged.

108. Such a legal criterion, as already pointed out by the representative of Chile *[1679th meeting]*, rules out the idea of dealing with each aspect of the maritime realm in isolation and trying to achieve partial decisions, since all the problems relating to the sea are closely bound up together and are legally and physically indivisible.

109. On the other hand, it is clear from the embryonic state of the work of elaborating a régime for the sea-bed that the maturing process is not far enough advanced. Hence the discussion of the boundaries of the area is still vague, so that any thought of a conference on the sea would be premature. In any event, no decision can be adopted by this Committee during the current session under the present agenda item. Matters of such far-reaching importance must not only be given the attention they deserve but also the level of competence proper to them within the international community for balanced and equitable treatment. For initiatives of this kind, appropriate technical means are available in the United Nations machinery. Hence it seems to me that this is neither the time nor the place to consider a proposal such as that submitted by Malta.

110. The Maltese proposal seems to contain a kind of prejudice in regard to what the Geneva Convention defines as the limits of the continental shelf. And the reason is that the proposal does not request the views of Member States on the desirability of revising the Convention with a view to improving it or recasting it on better legal lines, but for the purpose of arriving at a definition of the limits of the sea-bed and ocean floor over which a coastal State exercises sovereign rights for the purpose of exploration and exploitation of natural resources.

111. Thus quite clearly, what the Maltese draft proposes is not the technical improvement of international law but simply the limitation of the continental shelf in favour of the sea-bed area. This would be tantamount to extending the sovereignty of States *a priori* and would be at variance with the purpose of General Assembly resolution 2340 (XXII), which provides for consideration of the area beyond the limits of national jurisdiction.

112. Nor does it strike us as fitting that an organization such as the United Nations should establish technical bodies and mobilize opinion to look into the state of international awareness regarding a device or a theory that is novel in international law, in order to reach the conclusion that the final result represents not a strictly legal structure but a régime for the sea-bed which the proposal calls "equitable", thus emphasizing all the risks for State sovereignty inherent in relative concepts like "equity".

113. I wonder, therefore, are we proposing to initiate a movement to revise the Geneva Convention with a view to limiting the jurisdiction of States as recognized in that

Convention? Or are we proposing to extend that jurisdiction? Or are we proposing to amend the Convention half-heartedly or radically? Has the Convention fulfilled its legislative role? Have there been difficulties in applying it? Has it even acquired great universal force by being accepted and ratified? In short, are we dealing with well-established law or half-baked law—an instrument that was still-born?

114. It seems to me that before a law can be revised it must have begun to operate, at the very least. To think otherwise, in the case of the sea-bed and ocean floor, could result in the application to the area of a kind of "strategic area" notion, with all its inherent dangers. Thus the arguments advanced against the Geneva Convention on the Continental Shelf do not as yet reveal mature reflection. To say that the principle of exploitability is not satisfactory is to say nothing, because a revision based on a wider criterion might lead to the prompt denunciation of the Convention as again being rendered inadequate by the mere passage of time.

115. In the problem he raises, the representative of Malta cites technological development as an argument against the Chilean representative's contention that the absence of precise boundaries is not sufficient reason for postponing the establishment of the régime. The Maltese argument is that: "There is great probability of lucrative exploitation of almost all areas of the sea-bed fairly soon and there is, therefore, great danger of progressive national appropriation of vast areas." *[1681st meeting.]*

116. If we accept this argument, it means that we are setting up a new institution, in the international field, impelled by the psychological factor of fear rather than by the desire or eagerness to produce polished and constructive rules. If I were given a choice I am sure I would choose the second alternative as being the only way in which small and medium-sized States can vindicate their rights, with the backing of the law, in the face of the appetite for domination of the economies of the powerful régimes. The United Nations cannot take this path, if only because the maintenance of peace is its motto, and peace is a condition in which principles must necessarily prevail over all contingent circumstances.

117. Mr. MICU (Romania) *(translated from French):* The Romanian delegation considers that the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction has in the past year done constructive and most useful work in the task entrusted to it by the General Assembly. During the two substantive sessions it has had so far, the Committee has succeeded in taking the first steps towards the elaboration of the combined principles, norms and rules which will ensure in the future wide and equitable co-operation among all States in the field of exploration and exploitation of the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction. We have convincing proof of this in the report before us. The report lists the points on which agreement has already been reached and the problems which could be settled without much difficulty in a manner generally acceptable, puts forward valuable ideas on the more complicated aspects of the question, and provides a wealth of scientific and technical information on the present and potential possibilities for exploration and exploitation of the sea and ocean depths.

118. The degree of progress achieved by the Committee is also indicated by the fact that within a mere two years the question of the use of the sea-bed, to which the delegation of Malta had drawn the attention of the United Nations in 1967, has already become one of the major questions occupying the attention of the Organization. In the Introduction to his annual report on the work of the Organization, the Secretary-General quite rightly defined the field of the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction as a "relatively new field of concern to the United Nations, but one in which activity promises to develop over the years".[7]

119. In fact, a reading of the report of the Committee clearly brings out the usefulness of the exchange of views in the Economic and Technical Sub-Committee on the technical ways and means of promoting the exploitation and use of the sea-bed resources for the welfare of mankind as a whole, as well as international co-operation for that purpose.

120. In the Legal Sub-Committee, discussions moved on from the level of general discussion to that of particular questions and the elaboration of specific formulas for certain special ideas. Thus it is now generally recognized that there is an area of the sea-bed and ocean floor and of their subsoil beyond the limits of national jurisdiction, that this area will not be subject to national appropriation by any means and that no State may exercise or claim sovereignty or sovereign rights over any part of it.

121. Agreement has also been reached on the need to establish a legal régime for the sea-bed and the ocean floor beyond the limits of national jurisdiction, and on the use of these resources for the benefit of mankind as a whole independently of the geographical situation of States and taking into account the special interests and needs of the developing countries. It is also generally recognized that such a régime must be worked out in conformity with the generally recognized principles of international law including the Charter of the United Nations.

122. The topics where common denominators can be established include the concepts that the freedom of scientific research in this field will be assured to all without discrimination, that States will promote international co-operation in the conduct of scientific research, and also that there must be no infringement of the freedoms of the high seas and no unjustifiable interference with the exercise of these freedoms.

123. The need for adopting appropriate safeguards for the protection of living resources of the marine environment and safety measures for activities on the sea-bed and ocean floor are also generally accepted.

124. During the debate in the Committee there was a useful exchange of views on other points and principles of the legal régime which should govern international co-

7 See *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 1A*, para. 57.

operation in the field of exploration, exploitation and use of the sea-bed and ocean floor beyond the limits of national jurisdiction. These discussions have shown that to reach a common position on these principles, new efforts are required on the part of all. We are deeply convinced that by evincing patience and carefully studying all the prevailing views the Committee will be able gradually to expand the zone of agreement and reach, at the first stage, the elaboration of a declaration of legal principles which would govern the activities of States in the field of exploration, exploitation and uses of the sea-bed and ocean floor beyond the limits of national jurisdiction. In our view there is nothing abnormal in the fact that the Committee was not able at this session of the General Assembly to report complete agreement on a declaration of principles. Questions as new and as complex as the ones with which we are dealing certainly require careful scrutiny on the part of all States before the best possible solution for each one of them can be determined.

125. A fundamental point on which we must insist in our concerted efforts is, in our view, the principle of reserving the sea-bed and ocean floor and their subsoil exclusively for peaceful purposes. The unanimous acceptance and clear formulation of this principle are, we consider, a pre-condition for any international co-operation in this field, because an extension of the arms race to the sea-bed would undermine the very basis of such co-operation, thereby increasing the present level of insecurity in the world. It is encouraging to note that there is general acceptance of the need for elaborating the principle of reserving this area for exclusively peaceful purposes. We also welcome the fact that both here and in Geneva firm efforts are being made by the United Nations to prevent this area from being affected by the very damaging effects which the existence of military arsenals is exercising on the security of the world and relations of trust among nations.

126. Another question which will require new efforts on the part of all States, if we wish to find a generally acceptable solution, is that of the limits of the area we are considering.

127. Discussions up to now have shown that there is a wide measure of agreement on the fact that the 1958 Geneva Conventions[8] are the legal basis for the concept of the national jurisdiction of coastal States over the adjacent waters and sea-bed and ocean floor.

128. In this connexion the question directly connected with the subject now under debate is that of the continental shelf which was defined in the 1958 Geneva Convention on the Continental Shelf.[9] The opinion has been expressed that, in view of the need for a more precise delimitation between the area of the sea-bed and ocean floor within the national jurisdiction, some amendments should be made to the Convention on the Continental Shelf.

129. The exchange of views on this subject up to now shows, in our opinion, that there is here no intention of questioning the sovereign rights of the coastal States over the continental shelf in respect of the exploration and exploitation of its natural resources, or the concept according to which the continental shelf is the geological extension under water of the territory of the coastal State or, as stated in the Convention, "the sea-bed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres". The amendments suggested concern the second criterion in the Geneva Convention on the Continental Shelf, that of exploitability.

130. The Romanian delegation has already had an opportunity of expressing its view that if some points of the Geneva Convention need to be clarified, the procedure to be followed should be that provided in the Convention itself. We have expressed the view also that further consideration of the definition of the contintental shelf should lead us to useful conclusions about the régime of the volcanic cones rising from the ocean floor to a depth of less than 200 metres, or of the islands, which, while they rise up from a continental shelf, do not have their own shelf.

131. The Romanian delegation considers that, given patience and businesslike negotiations, it should be possible also to progress towards mutually acceptable solutions in other aspects of the future legal régime of the sea-bed and ocean floor beyond the limits of national jurisdiction.

132. For the solution of the complex questions raised by the exploration and exploitation of the resources of the sea-bed and ocean floor at great depth, there must be large-scale international co-operation for which the participation and help of all States of the world would be needed in a collective effort to put the tremendous potential of the sea-bed and ocean floor at the service of human civilization. To carry out these tasks and to organize effective co-operation in this field, certain practical measures must be taken forthwith which could help to increase the contribution the developing countries will be required to make to this common effort. Important measures of this kind would be the organization of a system for the dissemination of information on the exploration and exploitation of the sea-bed, and greater international co-operation in training specialists in all countries.

133. Romania, which attaches special importance to this question, intends to make an active contribution to the efforts of the United Nations to ensure large-scale international co-operation in the peaceful uses of the sea-bed and ocean floor beyond the limits of national jurisdiction, so as to ensure progress for all the peoples of the world.

134. Mr. MAHJOUBI (Morocco) *(translated from French)*: Ten days have elapsed and our Committee is still seized with the question of the reservation for exclusively peaceful uses of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction and the exploration of their resources for the benefit of mankind.

135. For ten days my delegation has been closely following this debate and it welcomes the fact that all delegations attach special importance to this question. This reflects, to a large extent, the optimism and hope that all of us have that we may benefit from the exploitation of the sea-bed

8 Conventions adopted at the United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958.

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

and the ocean floor. The report submitted to us by the Committee and the debates on the subject in no way conceal these feelings shared by all. However, the report and the debate have given rise to some justified concern which my delegation shares.

136. It is true that a few delegations have stated that the report did not devote sufficient attention to some aspects of the question which are no less important. While we think that this is true in certain respects, we believe that that was due to the fact that the Committee did not have sufficient time to deal with all the complex aspects of the problem.

137. The serious and sustained efforts of the Committee deserve our admiration, and the limited but useful results which it achieved, as shown in the general principles it worked out, deserve our support. These principles were clearly defined in the excellent statement made in this Committee on 31 October by the Chairman of the Committee, Mr. Amerasinghe, the representative of Ceylon *[1673rd meeting]*.

138. In the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor and in the debate in the First Committee wide agreement has been reached on the idea that there should be an area of the sea-bed and the ocean floor and their subsoil beyond the limits of national jurisdiction. In accepting this principle, my delegation recognizes that the area that would thus be defined should not be subject to any claim or appropriation on the part of any State.

139. The idea of a "common heritage", supported by most States, is fully supported by us, and as a developing country Morocco also supports the corollary principle that resources obtained from the exploitation of the sea-bed and the ocean floor and their subsoil would in effect become the heritage of all mankind. It seems perfectly normal that the resources should be used for the benefit of all peoples, due account being taken of the special interests and needs of the developing countries. This obviously would help to fill the gap between these countries and the technically advanced ones.

140. While we are happy today to note that these general principles are largely accepted, it is none the less necessary, if these principles are to be translated into deeds, to arrive at a clear and precise definition of the limits of national jurisdiction. The 1958 Geneva Convention,[10] which defined the limits of the continental shelf, does not seem to us, if we take into account the progress achieved in the field of research and submarine exploration, or even in the exploitation of some areas, and if we bear in mind the many dangers attendant on such activities, to be able today to serve to delimit the area where national sovereignty and jurisdiction would apply. The revision of this instrument is mandatory and my delegation, like many others, agrees with the proposal of Malta *[A/C.1/L.473/Rev.1]* that a conference on the sea should be convened to undertake a serious study of the question as well as of other pending matters, such as the width of the territorial sea and the limits for fishing.

141. The report of the Committee also points to wide agreement on the need of preserving the sea-bed and the ocean floor from the arms race and of reserving them for exclusively peaceful uses. My delegation believes that this question requires the most immediate attention. But it nevertheless welcomes the efforts made recently in Geneva and the progress achieved in the Conference of the Committee on Disarmament, following on the agreement recently reached on the revised draft of the treaties on the subject, which is to be presented to us in due course. This new draft does not give us complete satisfaction, and my delegation will have an opportunity of expressing its views on this matter at length during the debates on the subject. However, my delegation sees in it a welcome desire for co-operation in the search for a solution to the vital problems which concern us all.

142. Our acceptance of all the general principles I have mentioned must not make us forget that there are other principles and we hope that the Committee next year will examine them with as much attention and perseverance as it did the first principles. My delegation is referring to the measures to be taken against the pollution of the seas and oceans, and measures for the protection and conservation of living, archaeological and other resources, so that neither systematic exploration nor accelerated exploitation should seriously affect them. Our concern in this matter is the same as that of the delegation of Iceland, whose apprehensions we fully share.

143. The Moroccan delegation would support any idea that favoured the holding of an international conference in the near future, under the aegis of the United Nations and at the governmental level, on the question of the seas and the oceans. Such a conference would be fully justified and would make it possible to study all aspects of the problem and to a large extent to settle the problems which have given rise to many controversies. The conference, the nature or form of which my delegation would not want to prejudge at the present stage, could deal with economic, political, technical or other aspects or with research, exploration and exploitation of the sea-bed and ocean floor and their subsoils, or with the international régime governing such activities. It could also meet the wishes of the delegation of Iceland by dealing with the question of safeguards against pollution of the seas and oceans, and with those of the United States in respect of the consideration of programmes and stages of the future International Decade of Ocean Exploration.

144. Another field which has aroused great interest in my delegation is that of the creation in due course of international machinery to regulate activities relating to the exploration and exploitation of the sea-bed and the ocean floor and their subsoil. By subscribing fully to this idea and to its related aspects—namely that the appropriate machinery should benefit mankind as a whole, taking into account the special interests of developing countries—my delegation, while accepting in general the functions, powers and terms of reference to be attributed to this machinery, wonders however about the practical value of the forms and scope of such machinery. Thus, while supporting the idea that such international machinery should be created, my delegation considers that the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor should devote further study to this question while giving serious thought to its practical aspects so as to give the machinery all the

10 *Ibid.*

effectiveness, impartiality and balance that should characterize it.

145. Mr. VAKIL (Iran): We hold the sea-bed and the ocean floor beyond the present limits of national jurisdiction to be susceptible neither to public nor private appropriation, and to be exempt from assertions of sovereignty. Such claims, we believe, find no warrant in those doctrines of international law which were developed to support the acquisition of title to territory by occupation, prescription, conquest or the like. Nor, in our opinion, can they be supported by appeal to the principle of freedom of the seas and a supposed organic unity of the waters of the oceans and the floor.

146. Some would sever the question of title to the ocean floor from the question of the right of the first comer to take the resources lying on or beneath it. We believe the two are not severable and that what holds for the ocean floor holds for its resources too. To be sure, it is in the general interest to temper national rivalries. A rule, if only it is accepted, will do this more or less. But in the matter of the sea-bed and ocean floor, the interests of mankind as a whole, to which we have dedicated it, go beyond the creation of rules for an orderly gold-rush. Indeed, the two cannot be squared. Given the inalienable and indivisible character of this zone of the ocean and the collective interest which it must serve, what are the implications of legal status and régime that follow?

147. In our view, the expression "common heritage of mankind" so much debated here expresses well the intent of the repeated references in resolution 2467 (XXIII) to the "benefit of mankind as a whole". Far from being empty, the formula is seminal in the same way as other formulas such as equality and independence of States have been in the development of international society. How fruitful of legal implications the notion can be was shown by the representative of Ceylon, the Chairman of the Sea-Bed Committee, when he presented 12 principles derived from it at the opening of this debate.

148. We need not be wedded to the very words of the phrase, especially if our discussion of them distracts our attention from the principal task before us. We have been too much distracted already. There are undoubtedly pressing problems that will need to be solved eventually: accommodation of the uses of the sea-bed and ocean floor with presently sanctioned uses of the waters lying above and reconciliation of the uses of the sea-bed and ocean floor beyond and within the present limits of national jurisdiction. The latter task will give much trouble as the representatives of Ecuador, Iceland and Ireland have shown. But we cannot allow verbal differences or ancillary problems to delay discharge of our chief task.

149. In this connexion I would remind the Committee of the compelling arguments for urgent action made earlier by the representatives of Norway and Sweden. Unless we are to take the line that there is no area of the sea-bed and ocean floor beyond national jurisdiction and, consequently, that the present discussion is an exercise in futility, as barren as the puzzle of the chicken and the egg, we must give priority to the elaboration of the legal principles and norms for a régime of international co-operation in the exploration, use and exploitation of the sea-bed and ocean floor, its subsoil and resources for the benefit of mankind.

150. This was what the Sea-Bed Committee was instructed to do. It has reported progress. It is in no spirit of disrespect or of disagreement with the admiration for the labours of the Committee expressed around this table that I voice the belief that the Committee needs help. We might give it by emphasizing the priorities and by reaffirming our common purpose with a reference to "the common heritage of mankind" for cognate words. It is perhaps too much to hope that we can altogether escape the web of complications spun by the past against which the representative of the United Kingdom warned, but surely we need not seek from the outset to trap ourselves in it.

151. In the course of this debate we have heard counsels of prudence and urgings to make haste slowly. We have been told we do not yet know enough—as if we ever shall; we have been warned that the problems of law and administration facing us are difficult. We may acknowledge the justice of all this without agreeing with the implication that the Committee should be left to develop its own thinking further without aid from us.

152. I think the Committee needs urging to be somewhat bolder—to be as bold, let us say, as the Secretary-General whose study has won applause even from those who initially were reluctant to allow his involvement. I would like to see the Committee, like the Secretary-General, assume:

> "... first, that Member States will ... give due weight to the principle that the resources of the sea-bed and ocean floor should be developed so as to serve the interests of mankind, taking into special consideration the interests and needs of the developing countries...." *[A/7622 and Corr.1, annex II, para. 2.]*

153. The real question before us, as my colleague from Liberia said, is whether we have the will to carry through the task to which we have set our hand. Time is not on our side. If we do not act urgently to manage the matter, its management will pass by default into the eager hands of those—not necessarily all capitalists—who have the advantage of present technological capability.

154. We have a number of draft resolutions before us. They are of three tendencies, none satisfactory in our view. One tendency is simply to instruct the Sea-Bed Committee to continue as at present, perhaps with the unspoken hope that it will take into some account what has been said here. A second tendency is to address the problem of delimiting the zone beyond national jurisdiction from that within it. A third tendency is to appeal for a moratorium of exploitation.

155. None of these tendencies is responsive enough to the urgency of the matter. We can do little about the problem of limits here, and that little will be counter-productive if we turn to it as a means of turning aside the burden which is properly ours. A demand for a moratorium not backed by a position of principle will fall on deaf ears.

156. In my view, the least we must do is to instruct the Sea-Bed Committee to frame its forthcoming discussions

around the twelve principles formulated by its Chairman, the representative of Ceylon. We are prepared to support an initiative of that kind.

157. The CHAIRMAN: The representative of Chile has expressed the wish to speak in exercise of the right of reply. I call on him now.

158. Mr. ZEGERS (Chile) *(translated from Spanish):* The delegation of Malta, in its customary distinguished manner, has referred to the statement made at the 1679th meeting by the delegation of Chile.

159. I have asked to exercise the right of reply merely to clarify the position referred to by Mr. Pardo, since I do not think he interpreted it correctly.

160. My delegation's argument was that to convene a conference on the sea to delimit the boundaries of the continental shelf is outside the scope of agenda item 32, based on General Assembly resolutions 2340 (XXII) and 2467 (XXIII).

161. We had two reasons for arguing thus. First of all, resolutions 2340 (XXII) and 2467 (XXIII) refer to the sea-bed and ocean floor area beyond the limits of present national jurisdiction, i.e. outside national jurisdictions –which are assumed to be known–and instruct the Sea-Bed Committee to establish a régime for this area. Nowhere do these resolutions refer to what has been called the "question of boundary", which is outside the Committee's terms of reference.

162. Our contention was that the Committee's instructions were to elaborate an international régime and that this was perfectly possible without what has been called the "precise definition of limits", as was done previously in the case of the high seas, fisheries, and outer space, where this "precise definition" likewise does not occur.

163. Our second reason was that the General Assembly has decided that the problems relating to the sea shall be considered as a whole if it is decided, as in 1958 and 1960, to convene a conference on the sea–a question which should be considered as a separate item and in the Sixth Committee.

164. Hence my delegation is inclined to think that before voting on the Maltese delegation's draft resolution or amendments to it, the Committee might consider a prior question, namely whether such a vote falls appropriately within agenda item 32 assigned to it.

165. The CHAIRMAN: There are only four more speakers in the general debate on the present item. At the afternoon meeting the Committee will hear these four speakers. Bearing in mind the suggestion made by the representative of Chile, the Committee might wish then to proceed to consideration of the draft resolutions and the amendments before it.

166. The Chairman of the Sea-Bed Committee has asked me to announce that the special session of the Sea-Bed Committee will be held at 3 p.m. tomorrow in the Economic and Social Council chamber.

The meeting rose at 1 p.m.

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