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Chairman: Mr. Agha SHAHI (Pakistan).

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

AGENDA ITEM 32

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

1. Mr. TSURUOKA (Japan): Since its establishment at the last session of the General Assembly [resolution 2467 A (XXIII)], the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has been working assiduously and constructively through its three sessions held during the course of this year. The comprehensive report that is now before us in the form of document A/7622 and Corr.1 is testimony to this assiduous work that the Committee has done.

2. My delegation wishes to take this opportunity to express its gratitude to the Chairman of the Main Committee, Mr. Amerasinghe of Ceylon, and to the two Chairmen of the Sub-Committees, as well as to the members of their respective Bureaux, all of whom gathered their forces to form a very strong and capable team of experts and contributed greatly to the progress of our difficult work. Japan, as a member of that important Committee, offered utmost co-operation in clarifying many of the complex issues involved and in trying to come, wherever possible, to understanding and agreement on some of the points on which a divergence of views was apparent among Member States.

3. In view of the amount of effort we put into our work throughout these sessions, it must be a source of regret to

most of us that the Committee did not succeed in its attempt to formulate a set of general legal principles to regulate the activities in the sea-bed and ocean floor beyond national jurisdiction, which was one of the most important issues it studied. Nevertheless, my delegation wishes to emphasize that it was due not to any lack of enthusiasm and diligence on the part of the members of the Committee but rather to the great complexity of the issues involved in the formulation of such general legal principles.

4. There were inevitably wide differences of view on many of the items. In spite of all these difficulties, my delegation would like to believe that the sea-bed Committee has made considerable progress in clarifying the differences of view among member States and in narrowing down the differences. This is reflected in the synthesis contained in the report of the Legal Sub-Committee in paragraphs 83-97. In the view of my delegation, that synthesis would offer an excellent framework for the future work of the sea-bed Committee. My delegation wishes to stress that our effort for the formulation of legal principles should be continued on the basis of that synthesis, and that it should be the sea-bed Committee that is charged with the task of formulating the legal principles. In that connexion, I should like to invite the attention of representatives to Part One, paragraph 15, of the report of the Committee, which states as follows:

“In spite of intensive discussions, it was not found possible to arrive at the stage of making specific recommendations on the substantive matters before the Committee. The synthesis contained at the end of the report of the Legal Sub-Committee reflects the measure of progress achieved in the sustained attempt to arrive at a formulation of principles, which was one of the main preoccupations of the members of the Committee. The Committee considers that these efforts should be continued with a view to the formulation of recommendations during future sessions.”

5. My delegation hopes that this work of the sea-bed Committee will be carried out with a sense of urgency in the course of the three sessions scheduled for next year, and that a set of legal principles will be presented to the next session of the General Assembly.

6. In the sea-bed Committee there was a divergence of views as to the necessity of a definition of the limit of the sea-bed and ocean floor beyond the limits of national jurisdiction, as a prerequisite for the establishment of an international régime. My delegation believes that there should be an agreed precise boundary for the area. It has been suggested that the establishment of the legal régime for outer space was possible without necessarily defining the boundary between air space and outer space. In the case

of outer space, there is no practical necessity, at least for the present, to determine its boundary. On the contrary, our problem differs greatly from the problem of outer space. Since there is at present no universally accepted limit of national jurisdiction, the claim of each coastal State is gradually extending seawards, towards the bottom of the deep ocean. The task of the sea-bed Committee, or its predecessor, the *Ad Hoc* Committee, was initiated with the intention that such a trend towards expansion of national jurisdiction in terms of the continental shelf be halted, thus keeping the rest of the ocean bottom outside the exclusive control of any national State and placing it under a new régime different from the régime of the continental shelf. In the light of this fact, there is no doubt that there should be a precise boundary separating the area with which we are dealing from the area under national jurisdiction. The proposal made by the representative of Malta, contained in document A/C.1/L.473, is interesting in this context, and my delegation is studying it with great care and attention.

7. I now turn to the problem of international machinery to be set up in order to ensure the orderly development of the exploration and exploitation of natural resources on the sea-bed and ocean floor beyond the limits of national jurisdiction. My delegation wishes to express its gratitude to the Secretary-General for the study of possible forms of international machinery, contained in document A/7622 and Corr.1, Annex II, from which the sea-bed Committee profited immensely in its deliberations on this important issue. As it stated in the sea-bed Committee, my delegation accepts in principle that, inasmuch as the exploitation of natural resources in that area should be undertaken for the benefit of the whole of mankind, some kind of organizational arrangements will come to be needed in order to ensure the orderly realization of that lofty purpose. However, there are still a number of complex problems that should be carefully studied by the sea-bed Committee before a really satisfactory solution to this problem can be found. Therefore, the idea of requesting the Secretary-General to make further study on the problem of international machinery, without prejudice to our final decision as to the best type of machinery to be established, would be a useful step forward for the progress of our work. At the same time, my delegation feels it inopportune as well as premature for this Committee to take any definitive position on the type of international machinery that we would like to see established.

8. As far as my delegation is concerned, the most important point is that the international régime, or an international machinery to be established under it, should not hinder the incentive, mostly private, to exploitation of mineral resources in the sea-bed and ocean floor. Whatever régime or machinery may be established, it should be such as to be most attractive for a nation or an enterprise to initiate the costly and difficult undertaking of exploring and exploiting the submarine resources of the deep ocean floor. Since the capital investment thus involved will be great, and since the risk involved in the undertaking is expected to be considerable by any standard, it is appropriate to provide for some sort of guarantee for the investment. There is the idea of having an international machinery itself carry out the exploration and exploitation of resources in the sea-bed and ocean floor. However, my delegation considers that for the purpose of promoting the

efficient development of the sea-bed and ocean floor for the benefit of mankind the idea of having a State or a private enterprise undertake such activities would be preferable.

9. All of us in the United Nations are in agreement that the deep sea-bed must be developed in a manner which will benefit all mankind. In that spirit my delegation is in favour of the idea of the dedication of a portion of the financial proceeds resulting from the exploitation to international community purposes. A study should be carried out as to the concrete manner in which such a dedication should be made.

10. Before concluding these brief remarks, in which I have tried to highlight only the essential points in our consideration of this important topic, I should like to express the sincere hope of my delegation that the time will not be distant till the international régime regulating the exploration and exploitation of resources of the sea-bed and ocean floor can be established through the adoption of an international treaty by all the members of the international community. The acceptance of such an international treaty by the whole international community will be a most significant achievement, which will introduce an entirely new legal régime into this new frontier of mankind hitherto left untouched legally, as well as physically, and which will open up a new vista on the future of the whole of mankind.

11. Mr. YANGO (Philippines): We have before us document A/7622 and Corr.1, the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. At the outset I wish to express our thanks and appreciation for this important document and to commend the members of the sea-bed Committee for the work they have accomplished. We commend particularly the Chairman of the Committee, as well as the Chairmen of the Legal Sub-Committee and the Economic and Technical Sub-Committee and the other officers in the respective Bureaux, for their leadership and dedicated efforts.

12. The sea-bed Committee was asked to submit recommendations to this session of the General Assembly after its consideration of such subjects as the elaboration of legal principles and norms for the régime of the sea-bed and ocean floor: international co-operation in promoting the exploitation and use of the resources of the area; the establishment in due time of an appropriate international machinery to regulate the activities in the sea-bed and ocean floor; the expanded programme of oceanic exploration and the question of marine pollution.

13. The report categorically states that no recommendations have been agreed upon by the Committee for submission to this session of the General Assembly. In Part One, paragraph 15, of the report we find the following:

“In spite of intensive discussions, it was not found possible to arrive at the stage of making specific recommendations on the substantive matters before the Committee.”

In paragraph 17 the report continues as follows:

“The Committee hopes to be in a position in the coming year to give further attention to the matters

entrusted to it under operative paragraphs 2 (c) and (d) of resolution 2467 A (XXIII) in the light of the reports and studies expected to be available.”

And the opening sentence of paragraph 19 reads as follows:

“In the very limited time at its disposal, the Committee was unable to finalize its study in detail of all the various aspects of the report of the Secretary-General (A/AC.138/12 and Corr.1 and Add.1 and Add.1/Corr.1) relating to 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 ocean floor beyond the limits of national jurisdiction and the use of their resources in the interest of mankind—an item which by virtue of resolution 2467 C (XXIII) was accorded a degree of priority.”

14. The portion of the report quoted above may sound discouraging and may give the impression that no worthwhile results were produced in the three sessions of the sea-bed Committee. However, it is the view of my delegation that the Committee made good headway in being able to identify areas of agreement and areas of disagreement in the matters it discussed.

15. Both the Chairman and the Rapporteur of the sea-bed Committee, in the statements they have made, have given us a run-down of those areas of agreement and areas of disagreement, and we are indeed thankful to both of them for drawing our attention to the matter. The report shows where progress has been achieved. For instance, in Part Two of the report, on the subject of legal status, it appears that a common denominator on this item would be 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. It also appears that the over-all concept that the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction are the common heritage of mankind was widely supported but not accepted by all. Furthermore, an agreement seems to have emerged on the need for the establishment of a régime, as well as on the use of the resources for the benefit of mankind, irrespective of the geographical location of States and taking into account the special interests and needs of the developing countries.

16. Another common denominator, and an important one, is that the sea-bed and ocean floor shall be reserved exclusively for peaceful purposes. The principle that freedom of scientific research in the area shall be assured to all without discrimination and that States shall promote international co-operation in the conduct of scientific research and that there shall be no interference with fundamental scientific research carried out with the intention of open publication appeared to elicit agreement. I wish to refer also to paragraph 96 of Part Two of the report which reads as follows:

“It can be assumed that the concepts of reasonable regard for the interest of all States and non-infringement of the freedoms of the high seas and no unjustifiable interference with the exercise of those freedoms are not

contested. Furthermore, there exists general acceptance of the necessity for the adoption of appropriate safeguards against the dangers of pollution. The adoption of appropriate safeguards to protect the living resources of the marine environment as well as of safety measures concerning activities in the area were not objected to.”

17. On the other hand, the Economic and Technical Sub-Committee appears to have been able to evaluate progress achieved in the exploration and exploitation of resources of the ocean floor. It also made a study of the draft outline of the scope of the long-term and expanded programme of oceanographic exploration and research, including the international decade of ocean exploration. It also discussed the economic and technical aspects of the international machinery. In that connexion it requested the Secretary-General to continue the study of the establishment of an international machinery in greater depth, with particular concentration on the relevant areas of the possible status, structure, powers and functions of such machinery. There is no doubt that there were progress and achievement in the work of the sea-bed Committee.

18. My delegation would now wish to make its position known on what appears to be the more urgent problems before the sea-bed Committee. First and foremost is the problem of the international régime. In our intervention last year¹ on this item of the sea-bed and ocean floor, my delegation gave its support to the concept of “common heritage of mankind”. It should be recalled that in the First Committee last year this concept received wide support which seems to have gained further strength this year in the deliberations of the sea-bed Committee. We submit that the concept of the “common heritage of mankind” should be the very basis of the international régime that will have to be evolved for the sea-bed and ocean floor. This concept accords perfectly with the principle that the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction be reserved exclusively for peaceful purposes and that the use of their resources, likewise, be reserved exclusively in the interests of mankind. It is the hope of my delegation that others who have not yet been able to accept this concept will do so and thus accommodate themselves to an emerging agreement not only in this Committee but also in the sea-bed Committee.

19. The 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 interest of mankind is a very important document which was prepared by the Secretary-General [A/7622 and Corr.1, annex II]. My delegation wishes to express to the Secretary-General its great appreciation for his efforts in putting out this document. Last year my delegation was one of the sponsors of a draft resolution which requested the Secretary-General to make such a study. Although this was subsequently adopted by the General Assembly [2467 C (XXIII)] we recall that there was no great enthusiasm—and as a matter of fact there was opposition to the consideration of the establishment of international machinery. We are now glad

¹ *Official Records of the General Assembly, Twenty-third Session, First Committee, 1597th meeting.*

to note that even such countries as the United States and Belgium which abstained on the resolution then, have welcomed the report prepared by the Secretary-General as evidenced in their statements made before our Committee. The representative of the United States, when he spoke last Friday, said:

“But despite our reservations at that time on requesting such a study, I am pleased to say that we have found the completed study most useful and that it played a significant role in the development of our views on machinery which my delegation presented to the sea-bed Committee at its August session. We also benefited greatly from the views which were expressed in the March session of the Committee and at the General Assembly last fall by other delegations.

“The more we have discussed with our colleagues the question of promoting peaceful exploration and exploitation of the deep sea-beds, the more we have become convinced of the need for some form of international machinery as part of the international régime. It will be a practical necessity if conflict is to be avoided and orderly development ensured.” [1673rd meeting, paras. 93 and 94.]

20. That statement of the representative of the United States is indeed encouraging. Perhaps other delegations opposed to the idea of international machinery may be able to reconsider their position. The point is that there should be orderly development of activities in the sea-bed and the ocean floor, and to do that there is need for setting up an appropriate international machinery.

21. The Secretary-General advanced three ideas with respect to international machinery. These ideas are: registration, licensing and operational agency. After reading the report of the Secretary-General and after considering the views expressed in the report of the sea-bed Committee on this subject, my delegation would support the establishment of international machinery based on the concept of licensing. Under such a system it is envisaged that the licensing body will be able to promulgate rules and regulations in order to co-ordinate, supervise and control the activities in the sea-bed and the ocean floor. Such regulations will have to cover exploration and exploitation activities in the area. The system should be credible, impartial and efficient in order to instil confidence within the international community. A machinery which is devoted merely to registration may not serve the purpose of the régime to be established for the area, while a machinery based on the concept of operational agency might be too difficult for the international community to adopt. In the study on the subject further requested of the Secretary-General by the sea-bed Committee, with particular attention to structure, powers, functions and authority, my delegation would venture to suggest that that study should be oriented toward the idea of licensing as this appears to be the type of machinery that could command general acceptance.

22. Another urgent problem before the sea-bed Committee is the question of delimitation of the boundaries of the sea-bed and ocean floor beyond the limits of national jurisdiction. It seems that there is no need to discuss

whether or not the area exists since it has been assumed that there is such an area ever since the General Assembly began deliberations on the item in 1967. The crux of the problem now is delimiting and defining the boundaries. We believe that this can be achieved if the boundaries of national jurisdiction are made definite and precise. My delegation in the past two sessions of the General Assembly strongly reasserted and maintained the Philippine claim to national jurisdiction over its inland and territorial waters and its island shelves. The claim is grounded in history and based on international treaties and national legislation. It has remained part of the unresolved problem of the width of the territorial sea as a result of the United Nations Conferences on the law of the sea held at Geneva in 1958 and 1960. Hoping that this claim can be recognized and accepted by the international community, we voice our support for the initiative of determining specifically and precisely the boundaries of national jurisdiction over territorial waters and the continental shelf.

23. We are aware that this is a difficult task that will require a lot of effort and determination for a proper and acceptable solution but we have to make a beginning. Therefore, we welcome the draft resolution sponsored by Malta in document A/C.1/L.473, which would request the Secretary-General

“to ascertain the views of Member States on the extent of the area of the sea-bed and ocean floor lying beyond national jurisdiction and on the feasibility of convening at an early date a conference for the purpose of reviewing the Convention on the Continental Shelf of 28 April 1958, particularly with the object of arriving at a clear, precise and internationally acceptable definition of the limits of that area of the sea-bed and ocean floor over which coastal States exercise sovereign rights for the purpose of exploration and exploitation of natural resources”.

24. The amendments proposed by Trinidad and Tobago and Jamaica [A/C.1/L.475] to the draft resolution are receiving due and appropriate consideration by my delegation.

25. Views have been expressed that a solution of the boundary problem would facilitate the establishment of an international régime for the sea-bed and the ocean floor beyond the limits of national jurisdiction. This may be correct, but it is also our view that, pending the solution to this problem, efforts in the establishment of the international régime should continue because such establishment could encourage States to come to an agreement or accommodation as to the limits of their national jurisdiction.

26. The sea-bed Committee has made a good beginning in complying with its mandate. It has begun its work auspiciously, it has laboured hard and long, and it should be given every opportunity to continue. For instance, it has requested two sessions of four weeks' duration each in 1970. My delegation is in full accord with this request. We should all co-operate with the sea-bed Committee, for in so doing we all stand to share in the satisfaction of ultimately reserving this new frontier of the sea-bed and the ocean floor beyond the limits of national jurisdiction exclusively

for peaceful purposes and the use of its resources for the benefit of all mankind.

27. In the light of the foregoing considerations, my delegation will vote accordingly on the draft resolutions before us.

28. Mr. GARCIA ROBLES (Mexico) (*translated from Spanish*): I would like first of all to extend my delegation's congratulations to Mr. Amerasinghe, the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, to Mr. Galindo Pohl and Mr. Denorme, the Chairmen of the Legal Sub-Committee and the Economic and Technical Sub-Committee respectively, and to the Rapporteurs of the three bodies on the apposite and effective way in which they have discharged their important duties.

29. Mexico is a member of the sea-bed Committee and has therefore already had an opportunity to explain fully its position on the subject. In any case, the essential aspects of its position were outlined clearly a year ago when the First Committee discussed the item now before us. Hence I can confine my present statement to a few general points that I think should be borne in mind constantly in the debates both of the General Assembly and of the sea-bed Committee.

30. Leaving aside for the moment any comment on the question of reservation exclusively for peaceful purposes, which we feel it will be more appropriate to deal with when the draft treaty² prepared by the co-Chairmen of the Geneva Committee has been examined, it seems to us that the main points in this question, in what we consider to be their logical order, can be summarized as follows:

(a) The area of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, including of course all its resources, is the common heritage of mankind;

(b) No State may claim or exercise sovereignty over any part of this area;

(c) No State or person, physical or juridical, may appropriate any part of the area by use or occupation, or in any other way;

(d) The exploration, use and exploitation of the area must be carried out for the benefit of all mankind, regardless of the geographical whereabouts of States, and bearing in mind the special interests and needs of the developing countries.

(e) It is essential to establish an international régime, legally binding, to include not only the principles and rules to which the exploration, use and exploitation of the area are to be subject, but also international machinery to give effect to these principles and rules and to application.

31. I should like to say a few words about each of these principles. With regard to the first, it is very surprising that

the members of the Committee have as yet been unable to reach agreement on the principle that the area and its resources are the common heritage of mankind. As the report of the Committee itself indicates, while it met with wide support, it was not acceptable to all.

32. This is surprising, since it was on the basis of that principle that the delegation of Malta brought the item before the General Assembly two years ago,³ to the great satisfaction of all; and it was no doubt the principle that inspired the following statement of 13 July 1966 by the President of one of the nuclear and space Powers—which in view of this sea-bed item might now be described as “abyssal Powers”:

“Under no circumstances, we believe, must we ever allow the prospects of rich harvest and mineral wealth to create a new form of colonial competition among the maritime nations. We must be careful to avoid a race to grab and to hold the land under the high seas. We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings.”

33. That principle alone can explain the conviction expressed by the General Assembly in resolution 2467 (XXIII)—adopted, as will be recalled, without a single vote against—that the exploitation of the resources of the area “should be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries.”

34. This is likewise the principle that has been repeated most frequently in the debates, both in the General Assembly and in the Committee. If the difficulties preventing it from being unanimously adopted were merely formal, it seems to us that it would be easy enough to express the same idea in other words, and to say, for example, that the resources are “the common property of all mankind”, or “belong to all mankind”. But if that was not the point, and a considerable number of Members of the United Nations objected to the very principle of common heritage, of joint ownership, or of resources belonging to mankind as a whole, it would be better to abandon at once an undertaking that will be impossible without that principle, which is the very corner-stone of any legal régime designed to secure the exploration, use and exploitation of the resources of the area for the benefit of mankind.

35. On the other hand, if the principle is accepted, the other four principles I mentioned earlier are basically no more than its inevitable corollary. An area which belongs to all mankind obviously cannot come under the sovereignty of one State or be appropriated by anyone not having express authorization to that effect from the subject of the right involved. It is also self-evident that the area or its resources cannot be explored, used or exploited except in accordance with the legal régime established by the international community to that end. Finally, it is again obvious that just as the San Francisco Conference did not confine itself to drafting a series of purposes and principles but set up the United Nations for the fulfilment of the

² Official Records of the Disarmament Commission, Supplement for 1969, DC/232, annex A.

³ Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 92, document A/6695.

former and the observance of the latter, so the legal régime must include the establishment of suitable international machinery with similar aims.

36. As I said at the outset, I do not think I need prolong this statement unduly. Anything I might say if I embarked on a detailed examination of the many questions embraced by this very broad topic would be a waste of breath, since everything is either already covered in the report of the Committee [A/7622 and Corr.1] or has been fully and adequately dealt with in the many statements we have heard during the present debate—those of the representatives of Brazil, Cameroon, Ceylon, Ecuador, Norway, the United Kingdom, and others. I think I should save the Committee's valuable time: I shall therefore confine myself, in conclusion, to reiterating two points.

37. My delegation would be prepared to subscribe to each and every one of the twelve principles announced by the representative of Ceylon in his statement of 31 October [1673rd meeting]. They seem to us to constitute an excellent contribution to the task of drafting an appropriate general declaration of principles. However, it would be well to bear in mind that the only matters on which the sea-bed Committee seems to have been able to reach agreement as the outcome of its work in 1969—apart from the question of reservation exclusively for peaceful purposes and one or two other points which either are secondary or have already been adopted in earlier resolutions of the General Assembly, without any dissenting vote—are the conclusion, which might be described as a foregone conclusion, that there actually is an area of the sea-bed and ocean floor beyond the limits of national jurisdiction, and that it is necessary to establish a binding legal régime, even though—and this really is amazing—it could not be decided whether that régime should be defined as “legal”, “international”, or “agreed”.

38. In the light of this experience, we shall probably have to wait some time before first the sea-bed Committee and then the General Assembly reach agreement on a declaration of principles of a balanced, general and complete nature. Given that situation, my delegation is still convinced that, as we stated in the debates in 1968,⁴ it would be well for us to make an effort to see that at least the five fundamental principles I set forth earlier are unanimously adopted—in whatever wording might seem best, naturally—if not at this session, at any rate at the next one, when we celebrate the twenty-fifth anniversary of the United Nations. I am sure that the adoption of these basic principles, far from hindering the subsequent adoption of additional principles to round off the general declaration we are seeking, would make it infinitely easier.

39. Since everything seems to indicate that the formulation and adoption of the statute defining the structure, function and powers of the proposed international machinery will also take some time, my delegation is likewise convinced that it would be useful if the General Assembly at this session were to adopt precautionary measures in the form of a resolution expressly recognizing that until such time as the international régime and machinery in question are established, all States are to refrain from exploiting the

resources of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction.

40. The reason for the urgency of doing so was eloquently expressed in this First Committee nearly two years ago, on 14 November 1967, by the representative of Sweden, Mrs. Myrdal, who had the following to say:

“Mankind has become warned that while negotiations are going on, technological developments are often accelerating and the opportunities to exploit them are grasped with such alacrity by those who have the power to do so, that when we finally come to the negotiating table there may not be a great deal left open to negotiate about.”⁵

41. Mr. CHENG (China): Two years ago “sea-bed” was rather a technical term used by a small number of oceanography experts. Now it has become a very popular subject. Genuine interest has been aroused all over the world in the potential development of the resources of the sea-bed and the ocean floor.

42. There is little need for my delegation to repeat what has been said on previous occasions to emphasize the importance of the problem. Suffice it to say that for the past nine months my delegation has closely followed the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction. The Committee has made substantial progress in its task and has given us an encouraging report [A/7622 and Corr.1] on the various aspects of the problem under discussion.

43. Last year the *Ad Hoc* Committee made a thorough study in assessing the extent of mineral resources and their development and in examining all relevant implications and possibilities. Its conclusions⁶ consist of the following findings: substantial resources exist beyond the continental shelf; present knowledge is still limited and incomplete; however, a breakthrough in technology is possible and new experiments are already under way. While there is no change in these basic conclusions, the present report of the Committee has pointed out that industry is becoming increasingly aware of the vast mineral deposits contained in the ocean floor which could in the future become technically exploitable and economically profitable.

44. In this connexion it is interesting to note the reference made by Mr. Roger Denorme, Chairman of the Economic and Technical Sub-Committee, when he was talking about some preliminary maps of “World Sub-sea Mineral Resources” prepared by Dr. Vincent McKelvey and Dr. Frank Wang. In congratulating them on their work, the Chairman of the Economic and Technical Sub-Committee quoted them as saying:

“Further exploration doubtless will substantially alter the projected and inferred distribution shown on these maps and in addition may reveal kinds of sub-sea mineral occurrences not now known or anticipated.

⁵ *Ibid.*, Twenty-second Session, First Committee, 1527th meeting, para. 127.

⁶ *Ibid.*, Twenty-third Session, document A/7230.

⁴ *Ibid.*, Twenty-third Session, First Committee, 1598th meeting.

“In spite of its inadequacy, the mass of information on the sea-bed is large and is growing rapidly” [A/AC.138/SC.2/8].

These are encouraging words which speak for a bright future in the exploration and exploitation of the resources of the sea-bed and the ocean floor.

45. With regard to oceanic exploration, it is fitting and proper to pay tribute to the work of the UNESCO Intergovernmental Oceanographic Commission (IOC). In response to General Assembly resolution 2467 (XXIII), a Special Working Group of the IOC prepared a Draft Comprehensive Outline of the Scope of the Long-Term and Expanded Programme of Oceanic Exploration and Research, including the International Decade of Ocean Exploration [A/AC.138/14 and Corr.1]. The draft outline, accepted by the IOC last September, was based upon a previous document, entitled “Global Ocean Research” (Ponza Report) prepared by a Joint Working Party of the Advisory Committee on Marine Resources Research of the FAO, the Scientific Committee on Oceanic Research of the International Council of Scientific Unions (ICSU), and the World Meteorological Organization. The Secretary-General has also prepared an excellent report entitled *Mineral Resources of the Sea*.⁷ All these documents will serve as a useful basis for the future work of oceanic exploration and research, taking into account the special interests and needs of the developing countries.

46. The Secretary-General has prepared another excellent report 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 and Corr.1, annex II]. A detailed analysis was made on three major forms of machinery: registration, licensing and operations by an international agency. A function concerning settlement of disputes was also envisaged.

47. No conclusion seemed to emerge from the discussions in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor. The problem is highly complex, involving legal and political, economic and technical implications all of which are closely interrelated and interdependent. My delegation is aware of the importance of the problem and shares the feeling that appropriate machinery should be an integral part of an international régime and should be worked out under the auspices of the United Nations so that the resources of the sea-bed and the ocean floor would be developed with the co-operation of all Member States and in the interests of mankind.

48. The Legal Sub-Committee has continued the work of the *Ad Hoc* Committee in trying to find an acceptable formulation of legal principles and norms governing the peaceful uses of the sea-bed and the ocean floor. At the conclusion of its discussion, the Sub-Committee was able to present a synthesis [A/7622 and Corr.1, Part Two, paras. 83-97], which would be useful to identify areas of agreement as well as areas of disagreement. While recogniz-

ing that such principles should be comprehensive and well balanced, my delegation is in favour of an early formulation of those basic principles which would command general support. It would not be in the interests of the international community and the developing countries to delay much too long.

49. The Legal Sub-Committee has also discussed the question of the definition of the boundary between that area of the sea-bed and ocean floor lying beyond the limits of national jurisdiction and the area which falls under national jurisdiction. It was suggested that an international conference might be convened to work out agreed principles for the delimitation of the area beyond national jurisdiction. As we stated last year, my delegation deems it appropriate that there should be a careful study and wide-ranging consultations before such a step is taken. It goes without saying that it will take time to work out that definition of the boundary. However, any possible delay in obtaining the definition should not inhibit progress in the formulation of legal principles and norms governing the exploration and exploitation of the sea-bed and the ocean floor.

50. As to the question of the reservation exclusively for peaceful uses of the sea-bed and the ocean floor, my delegation welcomes the news that agreement has been reached in the Conference of the Committee on Disarmament with regard to a draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof.

51. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor has done very useful work. Now it is up to the General Assembly to decide upon what to do in the future. My delegation hopes that the General Assembly will bring about a suitable programme of work for the next year and that the Committee will have more time to carry out its task in order to ensure the success of the exploration and exploitation of the resources of the sea-bed and the ocean floor.

52. Mr. SCHRAM (Iceland): I wish on behalf of my delegation to express my sincere appreciation for the excellent report prepared by the sea-bed Committee under the wise and able leadership of Mr. Amerasinghe of Ceylon, with the valuable help of the two Sub-Committee Chairmen, Mr. Roger Denorme and Mr. Galindo Pohl. The Rapporteurs and the Bureaux also deserve our thanks for their diligence and conscientiousness in discharging their duties.

53. Only one year has elapsed since the General Assembly decided to establish the sea-bed Committee on which my delegation is privileged to serve. In this short span of time the Committee has analysed and debated all the main issues and items on its agenda in accordance with resolution 2467 A (XXIII), as the report well indicates. It has, however, not been able to produce concrete results in the form of a declaration of general principles, as my delegation had hoped it possibly might, the reason being that the time at its disposal has indeed been short. We have, in the sea-bed Committee, declared our support for certain fundamental principles that we feel might serve as a basis for a

⁷ United Nations publication, Sales No. E.70.II.B.4.

future General Assembly declaration on the subject. I shall not repeat them here. They were enumerated by the Foreign Minister of Iceland, His Excellency Mr. Emil Jonsson, in the general debate on 23 September [1762nd plenary meeting]. Those principles have so much in common with the ones outlined by Mr. Amerasinghe in his statement in this Committee on 31 October [1673rd meeting] that one is hopeful that a consensus in this matter is not far away. It is therefore our hope that at the next session of the General Assembly we will have advanced so far in our work as to arrive at an agreed set of draft principles.

54. As regards the reservation of the sea-bed and ocean floor exclusively for peaceful purposes, my delegation would like to register its appreciation of the progress made in the Conference of the Committee on Disarmament in Geneva, which indicates welcome willingness to co-operate on this vital issue. This is a promising first step in the direction of the demilitarization of the sea-bed.

55. I would now like to turn to some of the major points regarding the peaceful utilization of the sea-bed resources and express the views which my delegation holds on these issues. In the sea-bed Committee a wide measure of agreement was reached in favour of the submission that there is an area of the sea-bed and the ocean floor which lies beyond the limits of national jurisdiction. This seems, indeed, to be a self-evident fact, the very foundation on which the Committee's work has been and must be based.

56. In the view of my delegation it would, however, be important to embody that concept in a statement of general principles in order to establish it as a legal fact, endorsed by the international community. Still, the crucial question remains: how extensive is this area and how shall its limits be drawn? I hardly need to emphasize that here we come to one of the thorniest problems the Committee had to deal with, a problem which it has not solved—indeed, it has some doubts whether it is competent to deal with that problem at all. My delegation, as well as a number of other delegations, has stressed the fact that there is a direct relationship between the need for establishing legal principles and norms for this area and the need for defining its precise boundaries. Logic seems to demand that one should go in hand with the other. In the establishment of an international legal régime for an area it is obviously necessary to have at the least fairly accurate information on the extent of the area, on where national jurisdiction ends and the international area begins. Acts of submarine exploitation can have widely varied legal effects and implications, with regard, for example, to liability, lieu, payment of royalties, and so forth, depending on whether such acts take place within or beyond national jurisdiction.

57. We have heard the view expressed that similar difficulties in reaching agreement on the definition of outer space and the exact delimitation of its boundaries had not prevented the adoption of a declaration of general principles governing the activities of States in outer space and the partial codification of those principles. In the view of my delegation, comparison between the two situations is difficult. Outer space is still far beyond the reach of most nations and access to it and its exploitation is severely limited even for the few nations that possess the necessary technical capabilities.

58. The situation is radically different as regards the sea-beds. There the race for their hidden riches is already on and every new step constitutes an extension of the sovereignty of some State over what was hitherto an unclaimed area. If that conquest by gradual acquisition, under the cloak of the highly imperfect Geneva Convention on the Continental Shelf, is not checked in time we will find the area, so nobly declared the common heritage of mankind, being reduced to valueless deep oceanic creeks and ravines.

59. Some nations have proposed that we meet those ominous developments by introducing the ingenious device of a moratorium, or a freeze, on all exploration and exploitation beyond national jurisdiction. Although my delegation finds considerable merit in that suggestion and appreciates the motives behind it, it can hardly be denied that such a proposal really begs the question, so long as one does not know where the limits lie between the international area and national jurisdiction. We have some doubts whether the idea would rightly serve its purpose, as a freeze might in fact induce in Member States a diminished sense of urgency for agreeing quickly on a régime for the area. And faced with such an uncertainty the industrial nations which are already exploiting the riches of the sea-bed would be most reluctant to desist from continuing profitable exploitation there.

60. The logical answer is rather to attempt a definition of the boundaries on a high level within the United Nations, possibly at a new international conference, as suggested by the delegation of Malta in document A/C.1/L.473, an idea that my delegation finds of considerable interest and merit. As is well known, various definitions of the boundaries have been mooted in the sea-bed Committee. In view of the fact that exploitation is already taking place out to about 150 miles from the nearest coast in certain instances, and with regard to the realities of the Latin American situation, it is difficult to envisage the future distance from the coast for national jurisdiction as being much less than 200 miles, or possibly a combination of that figure and the 500-metre-depth mark. That might seem excessive to some but the longer we wait the more excessive will be the claims of nations in that domain. That is a fact that we should not forget. We therefore believe that an early decision by the United Nations on the delimitation question is the most realistic approach to the whole issue and the first steps in that direction have been suggested and outlined in the Maltese resolution.

61. Few States would now be willing to dispute the thesis that the sea-bed and ocean floor 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. We certainly subscribe fully to that principle. Considerable disagreement emerged in the Committee on the other hand with regard to the concept that those areas be considered the common heritage of mankind.

62. Some speakers have maintained that that concept is lacking in legal content and is both novel in international law and also quite imprecise. But are we not dealing here with new and unexplored issues which demand nothing if not novel treatment and new definitions? And is it not our

ultimate purpose to endow those concepts with specific legal content, for the benefit of all mankind? We answer both those questions in the affirmative. Consequently, my delegation supports the position adopted by the developing countries that the areas and resources in question are indeed the common heritage of mankind, held in trust by the forces of nature from time immemorial. It is also important to stress that those resources should be utilized for the benefit of all mankind with special regard to the needs and interests of the developing countries. My delegation is at the same time not oblivious to the need for creating the necessary financial incentives for industrial corporations of the developed countries engaged in exploitation, so that they will find it worth while to tap the resources of the sea-bed. But we must at all costs avoid a repetition of the colonial scramble for the riches of the third world which is still fresh in our memories.

63. In our view it is only just and fair that an equitable portion of the benefits that may accrue to the international community from sea-bed exploitation be used for technical and economic betterment and advancement in the third world. Such an advancement is, after all, the avowed policy of the Second United Nations Development Decade. But utilizing sensibly the resources found on this last frontier of man we may well have added a new weapon to our arsenal for combating hunger, misery and ignorance, wherever these three sisters may be found.

64. I proceed now to the question of an international régime and machinery. It is our view that all future activities on the sea-bed should be regulated and supervised by the international community itself. That consequently leads to the need for establishing an appropriate international framework for these purposes. Various kinds of international machinery have been suggested here: registration of claims, licensing, or an over-all autonomous control organization, enjoying supranational powers. All of us can hopefully agree that the main aim of the régime and machinery should be to promote exploitation and development of sea-bed resources and provide the right incentives for that task. The system we need should go beyond a mere registration office and provide for orderly licensing, payment of royalties and adequate regulation of the manifold aspects of exploitation. An independent supranational sea-bed organization might well be called for at a later stage when further developments and research in this fascinating new field of human endeavour have shown the need for it.

65. The tasks that an international machinery has to discharge are many and complex. One of the most important features of the new régime will be to enforce strict liability for damages arising from sea-bed exploitation, regulations for preventing harmful interference with marine resources and pollution of the oceans. Those considerations must be given high priority in any international machinery to be set up for the sea-beds, and it has been gratifying to my delegation to notice the large measure of support that they have received in the sea-bed Committee.

66. I now come to Part Two, paragraph 33, of the Committee's report which deals with the relationship between the sea-bed and the superjacent waters. Some delegations maintained that the Committee's terms of

reference did not cover the superjacent waters, while others were of the opinion that it was not possible to consider the régime of the sea-bed in isolation from the régime of the superjacent waters as the two constituted an organic unity.

67. It is, indeed, the view of my delegation that it would be quite inadequate and wrong to try to formulate rules and legal norms for the sea-bed without taking into account the effect and impact such rules would have on the superjacent waters. To reach down to the sea-bed for the purpose of diverse exploitation one is compelled to go through the superjacent waters. This intrusion in itself is bound to have far-reaching effects on the condition and balance of the surrounding marine environment, and must also inevitably affect the legal status of the high seas.

68. The old principle of the freedom of the high seas will be severely restricted by the busy activities and manifold paraphernalia of the deep-sea mining industry which unavoidably will be governed to a large extent by national considerations. We must therefore realize and recognize that sea-bed exploitation constitutes a new and an important limitation on the principle of the freedom of the high seas. That illustrates very well how international law must make accommodation for new social needs. Sea-bed exploitation will, in other words, restrict the freedom of fishing, as well as that of navigation and the laying of cables and pipelines. That is especially true with regard to fishing that takes place on the sea-bed itself by widely used fishing gear such as the bottom trawl. Here an old principle of international law, like the freedom of fishing, will be restricted and circumscribed on account of new international interests, and that in itself shows us how inevitable it is for us to observe and treat the sea-bed and superjacent waters in close relationship.

69. Those considerations also underline the fact that rules of customary international law can only be applied to the sea-bed in a strictly limited measure—with regard for example to the laying of pipelines and cables. For the purposes of sea-bed exploitation new legal norms and rules must largely be created for this area.

70. The necessary and inevitable infringement of the freedoms of the high seas must lead us to additional considerations. By sea-bed exploitation the resources of the superjacent waters may be severely threatened. The special interest of the coastal States in their protection has already been given recognition in the 1958 Geneva Convention on the Continental Shelf⁸. Therefore, it is timely to consider whether sea-bed exploitation does not give cause for the granting of greater rights to the coastal State in this respect. My delegation is of the opinion that the Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas⁹ certainly needs revision in the light of these new developments. The coastal State should be granted more extensive rights, for the protection of the living resources of its coastal areas, as well as preferential rights for the purpose of their utilization. Additionally, its right to adopt the necessary regulations in these areas should be commonly recognized. It is only equitable, we find, that when a new potential threat to the living resources appears, such as

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

⁹ *Ibid.*, vol. 559 (1966), No. 8164.

sea-bed exploitation, the State most interested and dependent on them, that is the coastal State, should be granted adequate rights for safeguarding its interests. We do hope that general agreement can be attained on this point, not least among the developing nations which have to husband all their natural resources particularly wisely.

71. Allow me to add that we noted with appreciation that Ambassador C. H. Phillips, in his statement on behalf of the United States delegation in this Committee on 31 October [1673rd meeting], urged international emphasis on a number of important goals, one of which was to prevent sea-bed exploitation from leading to damaging imbalance or depletion of either marine life or resources.

72. Lastly, I should like to say a few words about the issue mentioned in paragraph 64 of the report of the Legal Sub-Committee: the question of pollution and other hazards to the marine environment, as a result of sea-bed exploitation. By far the most important industry in my country is the fishing industry and we derive over 90 per cent of our foreign currency earnings from that industry alone. In the light of that fact it is perhaps understandable that we are somewhat apprehensive lest sea-bed operations have a detrimental effect on the living marine resources that we and so many other nations find economically important.

73. That was the reason why at the last session of the General Assembly my delegation introduced a draft resolution on means for minimizing the danger of pollution in the marine environment. We were gratified that that initiative received a large measure of support in the Assembly and that over forty Member States decided to become co-sponsors of the resolution, which was later unanimously adopted as resolution 2467 B (XXIII).

74. On the basis of that resolution considerable progress has already been made in the important field of pollution control. As requested by the resolution, the Secretary-General is now preparing a report on pollution and has already described the progress made in a recent note to the sea-bed Committee [A/AC.138/13]. The newly established Joint Group of Experts on the Scientific Aspects of Marine Pollution had the issue on its agenda at its first meeting in London last March and an inter-secretariat meeting—International Atomic Energy Agency, Inter-Governmental Maritime Consultative Organization, United Nations Educational, Scientific and Cultural Organization, World Health Organization, World Meteorological Organization and the United Nations—took up the question at a meeting in Geneva last July. The Inter-Governmental Maritime Consultative Organization has from the outset, of course, been keenly interested in the problem of marine pollution emanating from ships and other vessels. It is with great pleasure that I can mention an important step that the Sixth Assembly of the Inter-Governmental Maritime Consultative Organization, which ended in London only a few days ago, took in this matter.

75. At the initiative of the delegation of Iceland, the Assembly of the Inter-Governmental Maritime Consultative Organization adopted at the end of its session a resolution on marine pollution [A.176 (VI)]. That resolution urges Member States to speed up measures of pollution control and decides to convene in 1973 an international conference

on marine pollution with wide terms of reference. We hope that that conference will be able to draw up a comprehensive international convention on the subject, dealing with all aspects of marine pollution, from whatever causes. We see the anticipated report by the Secretary-General on marine pollution and sea-bed exploitation as a valuable and timely contribution to the preparatory work for such a conference. One phase of that report will, we hope, deal with the important question as to what extent States may take appropriate measures to protect their shores and coastal waters against pollution which has occurred outside their national jurisdiction. Regulations on such measures are now sorely lacking in international law but recent accidents in underwater drilling have shown all of us the urgent need for their introduction.

76. In the last couple of years the attention of the international community has been drawn in a dramatic fashion to the increasing dangers that pollution presents to high seas fisheries and other factors in the marine environment. It is our sincere hope that the work of the United Nations Sea-Bed Committee may prove to be an important milestone in the campaign for combating and controlling this problem in the interest of the entire world community.

77. I have now outlined those issues in the Committee's report to which my delegation particularly wanted to refer. We should like to see all the questions we have been dealing with during the last few days in this Committee referred back to the Sea-bed Committee for further discussion and resolution. At the same time it is our conviction that the debates in this Committee will provide useful information and guidelines for the Sea-bed Committee in its future work, and, as we hope, will enable it to proceed with its important task with all due speed and good prospects of early success.

78. Mr. VON BONSDORFF (Finland): The Finnish delegation considers the question of the use of the sea-bed extremely important from the point of view of the work of the United Nations and also with respect to the future of the whole of mankind. The question therefore deserves most serious attention. The report of the Committee on the Peaceful Uses of the Sea-Bed [A/7622 and Corr.1] provides a good basis for further discussions about the matter and I should like to take this opportunity to convey the thanks of the Finnish delegation to the members of the Sea-bed Committee and to its Chairman, Mr. Amerasinghe of Ceylon, for their valuable work and also for their statements in this Committee, which provide useful guidelines in our debate.

79. It seems that many delegations are ready to agree that the sea-bed should be characterized as the common heritage of mankind. There is a heritage and mankind is the inheritor. But what is mankind? It is not a legal entity, it has no organs ready to take care of the heritage. Legally the inheritors are about 140 sovereign States. Their position, structure and concepts are very different. Some of them are big, others small. Some of them are rich, others poor. Some of them are able to utilize the heritage for their own benefit, others cannot do so. Some of them need the heritage, others may have no special problems in living without it.

80. It is said by some scientists that the value of the heritage is very large, that it offers mankind immense new resources consisting of minerals, oil, food-stuffs, etc. If that is true we must all be potentially very rich. The heritage will, so we hope, permit us all to enter the age of plenty. So we can congratulate ourselves in our capacity as rich inheritors. But perhaps it is best that we should not do so too soon.

81. The fact is that before we can use our heritage we have to clarify some intricate questions. If that is not done, there is a risk that the inheritors will begin to quarrel about the heritage, with the result that it will be of no use to anybody but will cause damage to all of us. We have seen examples of this in everyday life. It has very often proved impossible to apportion the heritage so that all inheritors are satisfied.

82. All the main questions relating to the use of our heritage have already been discussed here in our Committee. I only want to repeat them in the order they have to be answered. The five most important questions may be said to be the following: First, what is the heritage and where are its limits? Second, what is the importance of the heritage, how much is it worth and what may it consist of? Fourth, how should we use the heritage and how shall the proceeds from it be divided? Fifth, when shall we start the whole procedure and at which point will it be possible to begin?

83. With respect to the first question, many countries have already stressed the need of clearly limiting the continental shelf. As the representative of Poland mentioned [*1674th meeting*], consensus has been reached in the Legal Sub-Committee on the fact that there is a zone beyond the limits of national jurisdiction but there is no agreement on the question of its exact limitation. Now it seems necessary to find new methods for defining the zone. Finland therefore supports the idea in the draft resolution put forward by Malta in document A/C.1/L.473, of convening at an early date a conference with the object of arriving at a clear, precise and internationally acceptable definition of the limits of that area of the sea-bed and ocean floor over which coastal States exercise sovereign rights for the purpose of exploration and exploitation of natural resources.

84. The answer to the second question is that more scientific research is necessary. That scientific research, the exploration, can more easily be conducted in the interest of all the inheritors, mankind, than the exploitation of the resources. The United Nations can effectively support scientific research and it can also create special organs for that purpose. Finland therefore agrees with the United States that some form of international machinery, as part of the international régime of the deep sea-bed, is necessary, and that the machinery must, above all, be equipped to promote exploration and development of the sea-bed. This is the first and most urgent task of the machinery; to undertake a sort of inventory of our resources.

85. Closely connected with this question is the self-evident demand that we should do everything in our power to protect ourselves against the eventuality that the value of our common heritage will diminish because of irresponsible behaviour. The resources which will one day be exploited

for the benefit of mankind as a whole should not be allowed to deteriorate while we are trying to devise means and methods by which they can best be used. What I have in mind are hazards such as pollution, and I should like to reiterate our gratitude to the delegation of Iceland for its initiative in drawing our attention to that problem. Adequate conservation measures and safety measures to guard against this and similar hazards must therefore have a high priority in our preoccupations.

86. The third question deals with the administration of the sea-bed. Many speakers have already presented useful ideas about how it should be organized. Finland is ready to join in principle with those who have expressed the hope that the international machinery should have extensive and far-reaching powers and functions, and that it may be desirable to consider creating an autonomous organization within the United Nations system. But can this be realized now, or is it a question for the future? One difficulty lies in the fact that the United Nations does not represent all the inheritors, mankind, but only the majority of them. Another difficulty is that it may well be impossible for the United Nations to create a machinery with supranational powers beyond the limits of national sovereignty. In the present circumstances, it would be possible to create an organ of the same type as the specialized agencies, but its structure and powers could of course be changed in the future.

87. With respect to the fourth question, it has been said that the sea-bed should be used only for peaceful purposes and its resources should be utilized taking particularly into account the needs of the developing countries. This is, no doubt, a realistic starting-point, since we keep in mind the interests of mankind as a whole and since we are planning for the whole planet on which we live. It is also realistic from the point of view that the question is about new resources which have not been used until now. Wars have not been waged and mines have not been planted on the ocean floor. As the First Committee will, at a later stage of its work, deal with the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction in the sea-bed, I shall not now go any further into those aspects of the question.

88. The fifth question is about time—and there is not too much of it. The problem is one of great urgency. We should start with the régime as soon as possible. But until it is possible to start, we hope that the prerequisites for the solution of the problem will not be jeopardized. We therefore support the conclusion of the Economic and Technical Sub-Committee, that with respect to the sea-bed no activities should be permitted prior to the establishment of an international régime, as was also mentioned by the representative of Brazil [*ibid*].

89. Finally, I want to stress the sincere hope of the Finnish delegation that the Committee on the peaceful uses of the sea-bed will continue its very important work and, in this connexion, take into consideration all the useful remarks that have been made during the discussion in this Committee. We also hope that our work will lead to practical results in the form of measures taken by Member States in the near future based on the recommendations of the United Nations. It is of vital interest for all States not

to miss a chance to realize a common undertaking, directed against nobody but useful to the whole world community we are trying to build up and strengthen for the cause of permanent peace.

90. Mr. CERNIK (Czechoslovakia): As a member of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, whose report we are discussing, and also as a land-locked country, Czechoslovakia is most interested that all activities in this field, particularly the exploitation of mineral riches, should serve the interests of all mankind. The attainment of this major objective, towards which the Committee's work has been directed, presupposes in the first place that the sea-bed and the ocean floor be preserved and utilized exclusively for peaceful purposes. The prohibition of any military activity on the sea-bed and the ocean floor would make it possible for all scientific exploration and research of the sea-bed and the ocean floor, and the future exploitation of their mineral resources, to be developed exclusively for peaceful purposes and to serve the development of international co-operation in the field of science, technology and economy, thereby increasing the well-being of humanity as a whole.

91. In this connexion we should like to underline the significance of a draft treaty to ban nuclear and other weapons of mass destruction from the sea-bed and the ocean floor agreed upon at the Conference of the Disarmament Committee at Geneva and in the consideration of which the Czechoslovak delegation also took an active part. The substantive aspects of this question will be discussed in the First Committee within the debate on the disarmament item and the Czechoslovak delegation hopes that the question will be favourably considered.

92. When considering the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, we note with satisfaction that that draft represents the first important step on the road towards full demilitarization of the sea-bed and the ocean floor. We should further like to point out that the ban encompasses an area beyond the twelve-mile limit—hence a wider area than the area beyond the limits of national jurisdiction. The contents of the draft treaty to ban nuclear weapons and other weapons of mass destruction from the sea-bed and the ocean floor fully corresponds to the position of the Czechoslovak delegation, which, from the very beginning, supported the proposal of the USSR in the Committee to the effect that the principle of preserving the sea-bed and the ocean floor exclusively for peaceful purposes should be applied to the whole area beyond the limits of territorial seas, which is fully in accordance with the provision of article 2 of the Convention on the Continental Shelf.

93. We have no objection to the convocation in 1970 of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor for a short session in order to discuss the information concerning the Soviet-United States draft treaty. However, we would not consider it appropriate if on that occasion the Committee wanted to consider the question of the denuclearization of the sea-bed—and, consequently, the question of the Soviet-United States draft—as a matter of substance. That would not be in

accordance with its mandate because, to use the wording of the relevant resolution, the Committee is only to be kept informed. Nor would it be logical if we were to take into consideration the fact that the Committee, in view of its sizable agenda, would be unable to fulfil all the tasks entrusted to it directly.

94. In connexion with the assessment of the activities of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, we are glad to note that it has made some progress in its deliberations on legal as well as technical and economic problems, even if, because of lack of time, it did not fulfil all the tasks entrusted to it by resolution 2467 A, B, C (XXIII).

95. As to legal problems, we consider very useful the exchange of views on legal principles for governing international co-operation in the peaceful uses of the sea-bed and the ocean floor. In spite of the fact that no agreement has been reached in this respect, we may note that the debate clarified delegations' positions relating to particular principles and was conducive to bringing views closer together, at least as far as some questions of principle are concerned.

96. The Committee's considerations have shown that in the legal sphere the Committee should concentrate fully next year on the debate on fundamental legal principles so as to bring that question to a successful end. In the opinion of the Czechoslovak delegation, the question of legal principles constitutes one of the main problems the solution of which is an indispensable pre-condition for continuing successfully the work of the Committee.

97. Another fundamental problem is a more precise delimitation of the boundaries of the sea-bed and the ocean floor beyond the limits of national jurisdiction. Unless this problem is solved we cannot envisage an agreement on all the complex questions arising from international co-operation in the future exploitation of mineral resources in this area. As long as the area subject to the consideration of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction is not defined, we cannot expect successfully to consider and elaborate its legal régime.

98. In this connexion, I should like to reiterate our hopes that during this work the Committee would take into consideration the requirement to the effect that, if possible, only categories known and used in practice and theory in the field of international law should be referred to, and that it would be advisable to refrain from introducing extremely vague new terms such as "common heritage of mankind", the adoption of which would be conducive to consequences difficult to anticipate at present.

99. In view of the relatively small progress made towards the solution of some fundamental questions concerning the legal régime of the peaceful uses of the sea-bed and the ocean floor, we consider deliberations about an eventual international machinery to be set up for this purpose premature and considerably speculative. Our position in this connexion is not *a priori* negative, but a very realistic analysis of the present state of affairs, when some fundamental terms are not clarified, makes this idea, at the present time, more speculative than realistic.

100. The Czechoslovak delegation believes that the urgent tasks connected with the solution of the legal régime of the sea-bed and the ocean floor, as well as the technical and economic problems confronting the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor, should compel us to postpone the question of the institutionalization of these activities to a much later date.

101. In view of the fact that we are only at the initial stage of exploration and research in the field of the sea-bed and the ocean floor beyond the limits of national jurisdiction we consider the solution of all the complex questions connected with the exploration of this sphere, for the purpose of the future exploitation of its mineral resources, as the primary task. In spite of the fact that the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor, in co-operation with the Intergovernmental Oceanographic Commission, has attained some progress in this field as to a long-term plan of expanded exploration of oceans, including the international decade of the exploration of the oceans, we believe that in the future more attention should be paid to the creation of scientific, technical and material conditions for the gradual participation of all States, including the land-locked ones, in the scientific exploration and research of this field.

102. I should like also to draw the Committee's attention to one important political aspect of the problem under consideration, namely, the problem of universality. Just as during negotiations on other questions—whether they concerned non-proliferation of nuclear weapons, economic development, outer space, validity of international treaties, or the sea-bed and ocean floor—we have heard delegations in their statements here speaking about the interest of all mankind, about the responsibility of all inhabitants of our earth, or, as now, about the “common heritage of mankind”. We fully agree that these questions concern all of mankind. However, it is important not to use only words, which is often the case. There are general references to the interest of all mankind but when the time comes to take concrete measures in resolutions, conventions or treaties it becomes evident that the term “in the interest of all mankind” is limited to Member States of the United Nations or specialized agencies.

103. In the work of our Committee we have not so far tackled this aspect of the matter which I would call procedure. Therefore, I consider it necessary to emphasize at this stage that we should be aware of the necessity of the complete universality of any legal régime which we might adopt for the sphere of the sea-bed and ocean floor. The People's Republic of China, the German Democratic Republic, the Democratic People's Republic of Korea, the Democratic Republic of Viet-Nam and other coastal States have shown an interest in questions concerning all fields of the law of the sea. That interest is only natural, and consequently it is already necessary to take into consideration their eventual participation in all measures which will be taken in conjunction with the peaceful uses of the sea-bed and the ocean floor.

104. In conclusion permit me to express our thanks to the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, Mr. Amerasinghe, who guided the

Committee's work with his inherent talents and tact. Similarly, we express our appreciation to the other members of the Committee's Bureau and to the Chairmen and other members of the Bureaux of the two Sub-Committees, who contributed significantly to the success of the deliberations. Last but not least I wish to thank all the members of the Secretariat who took part in the Committee's work and gave it their unqualified assistance.

105. Mr. AGUILAR (Venezuela) (*translated from Spanish*): It is now several days since the Committee paid a tribute to the memory of our colleagues from Malaysia and the United Republic of Tanzania, and Mr. Jackman of Barbados, as Chairman of the Latin American group of countries, expressed soberly and eloquently the sorrow we felt at the premature death of those very able representatives of friendly countries. We would like nevertheless to associate ourselves very warmly with the sincere expressions of sympathy and condolence; and we ask the delegations of Tanzania and Malaysia to accept our condolences and to transmit them to their peoples and to the families of Mr. Danieli and Mr. Ismail.

106. The item under consideration is perhaps one of the most important with which the United Nations has to deal; for as so many speakers in this general debate have pointed out, our aim is to decide what to do with the vast riches hidden in the soil and subsoil at the bottom of the sea beyond national jurisdiction, which the progress of science and technology has rendered economically exploitable, actually or potentially.

107. But this, like many other no less important issues, raises delicate and complex problems. The first is to define precisely which are the areas beyond the limits of the national jurisdiction of States; for as speakers have already stated in the Sea-bed Committee dealing with the subject and in this general debate, the 1958 Geneva Convention on the Continental Shelf¹⁰ would seem to exclude the possibility of the very existence of areas that are beyond national jurisdiction. Article 1 states that “term ‘continental shelf’ is used as referring (a) to the sea-bed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the sea-bed and subsoil of similar submarine areas adjacent to the coasts of islands.”

108. This is not, I think, the time to go into a detailed examination of the problems arising out of the interpretation of that text. Nor are we in a position to take a stand at this time on the view put forward by some speakers that the interpretation could be entrusted to the International Court of Justice or could be the subject of a conference convened specially to revise the 1958 Geneva Convention. I shall merely recall, for the time being, that Venezuela is a party to that Convention, and until such time as an agreement is reached on the subject, Venezuela reserves whatever rights it may have under the Geneva Convention and the present rules of international law. These rights cannot, of course, be tampered with or whittled away without the express and formal consent of those who hold

¹⁰ *Ibid.*, vol. 499 (1964), No. 7302.

them. We could therefore not countenance the absence of a definition being used as a pretext to begin operations for the exploration and exploitation of resources in areas allegedly free.

109. Once the areas of the sea-bed and ocean floor beyond the limits of national jurisdiction are defined, their legal régime would have to be decided. In that connexion we share the view of many countries that these areas must be the common heritage of mankind. It has been said that the expression has no precise meaning in law; but in our view the criticism is groundless. As Mr. Hambro of Norway said in his excellent statement on Tuesday last [*1676th meeting*], new juridical concepts need new terms. I would venture to add that in the systems based on Roman law at any rate, the expression is perfectly understandable. It is possible to speak of heritage because the reference is to resources that can be evaluated economically, and there is no difficulty whatsoever in assigning title to this heritage, which is the sum and legal synthesis of the riches involved, to mankind as a whole, that is to say to all the human beings now inhabiting the earth and to future generations.

110. By its very nature, this heritage must be inalienable. Consequently there is no room for exclusive appropriation of any kind by States or persons under public or private law, nor for the granting of rights of usufruct which in practice may be tantamount to appropriation.

111. If we start out from these ideas, we are bound to conclude that the profits or benefits derived from the resources in these areas belong to all mankind and must be used for the benefit of all States, even landlocked States, according to their needs, for reasons of international social justice. In this way, the resources would help to bridge the gap between developing and industrialized countries.

112. It is equally evident that the administration of this heritage must be entrusted to an organ representative of mankind. This organ, we feel, should be the United Nations, although we are not yet able to say what type of machinery would be the most suitable to perform the task satisfactorily.

113. Theoretically, it is possible to imagine the exploration and exploitation of the resources being carried out directly by the Organization; but practical considerations lead us to believe that it must be done through States or public or private institutions. It is therefore necessary to decide as to the legal basis of the relations between the Organization and the bodies entrusted with the exploration and exploitation. Here problems arise such as the nature, scope and duration of any rights granted to these institutions, the possible holders of the rights, and the grounds for acquiring and losing them.

114. All these problems call, of course, for thorough discussion. However, I venture to state here and now that, in our opinion, real rights, even of limited duration, must in no case be granted. They must be simple personal or credit rights, granted in virtue of contracts designed to ensure the best use of the resources of the areas without having a

depressing effect on markets, and subject to rational conservation measures.

115. We fully appreciate the merits of the proposal to limit the holders of such rights to States capable of exercising them alone, either through State or private entities; but we feel that this requires more thought and thorough study.

116. With regard to the grounds for acquiring and losing the rights, it seems to us essential to determine them precisely. It is particularly important to establish the grounds on which the rights would lapse or cease in the event of title-holders failing to comply with their obligations or exercising their rights contrary to the interests of mankind, e.g. by using methods or systems of exploitation that affect other resources; by neglecting conservation measures; by creating obstacles to the freedom of shipping; by polluting the waters, and so on. At the same time, appropriate machinery must be established to cope with any disputes that arise. As regards the scope of the rights, we are inclined to favour limiting them to specific substances or products, unless there are serious reasons that make the joint exploitation of certain products desirable in particular circumstances.

117. We share the very real concern of not a few States that the inevitable delay in considering and solving these problems may serve as a pretext for a new race by the great Powers to colonize the new frontier. For this reason we are prepared to support any measure aimed at a declaration of the general will not to recognize claims based on effective occupation or exploitation of these areas using the pretext that there are no international rules of law prohibiting them.

118. Another point I would like to emphasize is that, whatever régime is established, exploitation of these resources must not have the effect of accentuating and widening the gap between the few developed countries and those still a long way from reaching the same levels. For example, to exploit resources produced today on or below the surface of the earth, or in sea areas under national jurisdiction, for the purpose of causing the markets to fall and exerting intolerable pressure on the producing countries, would aggravate the present state of affairs and cause further deterioration in the terms of trade. Naturally, we give our unqualified support to the idea that these areas should be used exclusively for peaceful purposes, and we reserve the right to refer to this subject at length when the time comes.

119. I would like before I conclude to express our gratitude to Mr. Amerasinghe, the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, to the Chairmen of the Legal Sub-Committee and the Economic and Technical Sub-Committee, Mr. Galindo Pohl and Mr. Denorme, and to the Rapporteur, Mr. Gauci and the members of the Committee, for the report submitted to us.

The meeting rose at 1.5 p.m.