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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, L.474 and Add.1)

1. Mr. CVOROVIC (Yugoslavia): Enormous riches and natural resources are hidden in the sea-bed and the ocean floor and the subsoil thereof. The development of science, as well as of technical and technological capabilities, is making it possible to gain greater knowledge of those riches and of their location. Actually, as we are told, there are no insurmountable obstacles or unsolvable technical problems standing in the way of the exploitation of the resources of the greater part of the sea-bed.

2. It is also a fact that the exploitation of some resources of the sea-bed by certain developed and technologically advanced countries is already taking place far beyond the limits of the present national jurisdiction. Does that mean that we are on the threshold of a new appropriation of the earth's riches, despite the efforts of the United Nations to regulate on the international level the exploration and exploitation of those resources in the interests of mankind as a whole?

3. My delegation is firmly convinced that solutions favouring only some countries, primarily the developed and technologically advanced ones, while ignoring the interests of the developing and small countries, could lead to the introduction in this new area of a régime favouring the

strong and of a pattern of relationships in which the poor and small would have no chance. That would result in the strengthening of other tendencies which, in the final analysis, would not be in anyone's interest. It is precisely for these reasons that the question of the peaceful uses of the sea-bed and ocean floor beyond the limits of national jurisdiction was brought to the attention of the United Nations and that consequently, a committee of the General Assembly was established to deal with the matter.

4. The report before us [A/7622 and Corr.1] reflects the hard work of the Committee during its three sessions in 1969. Although that report represents mainly a compilation of similar, different or opposing views on many issues, and particularly on certain crucial aspects, its value lies in the fact that for the first time many important problems in economic as well as in legal fields were discussed and positions made clearer. One can only ask whether it was not possible to accomplish more in that broad area. In our opinion, that should not be viewed as a weakness of the report or as a failure of the Committee, but only as a reflection of the first phase of our efforts to seek the best possible solution for this complex problem.

5. We must look upon the entire matter through the prism of a new and fresh political approach, and more precisely, of creating a climate in which it would be possible to evolve international relations founded upon equality of opportunity and providing a possibility for all countries to share in the benefits. That would mean the application in practice of the concept of international co-operation, based on the principles of the United Nations Charter, by all States without exception.

6. International law today is insufficient for that purpose as it reflects the prevailing inequalities and situations which we should like to avoid transplanting to relationships in this new area. Accordingly, we need to formulate new legal principles and to adopt such concepts as would prevent the sanctioning of the exploration, exploitation and use of the sea-bed and its resources for the benefit of the richer and technologically more advanced countries.

7. It is not sufficient to state that the whole problem of the sea-bed is a most important political, economic and legal issue with many other aspects, military, scientific, and so on. The international community is called upon to create new relations among States for the exploration and exploitation of this enormously rich last frontier of the earth, free from the division and obstacles which burden present-day relations among States. Therefore, all countries in their activities must bear in mind the efforts undertaken by the United Nations with a view to creating an international régime for the exploitation of the sea-bed in the interests of mankind as a whole.

8. We are gratified that the concept that the sea-bed and its resources beyond the limits of national jurisdiction are the common heritage of mankind, has gained wide support in the Sea-Bed Committee. However, we have to admit that some of the major developed countries are still reluctant to accept that concept. It is extremely important to preserve the sea-bed and its riches from national or other appropriation and to use it only for the benefit of all mankind. It is extremely important also to recognize not only the freedom of access to the riches of the sea-bed and equality of opportunity in its exploitation, but also the right of all States to participate equitably in sharing the benefits derived therefrom, as well as the right of all States to participate through an appropriate international machinery in the regulation and administration of the use of the sea-bed in the interests of mankind as a whole, taking into account the specific interests and needs of the developing countries. If to that we add the most important aspect, the preservation of the sea-bed exclusively for peaceful purposes we have some of the main elements of the widely shared notion of the common heritage of mankind.

9. We also hope that the progress made at the Conference of the Committee on Disarmament at Geneva in the consideration of the prevention of the extension of the arms race to the sea-bed will help us in furthering our aim of the preservation of the sea-bed for peaceful purposes only. That would offer us better elements in the formulation of the declaration of principles and in the elaboration of an international régime for the exploration and exploitation of the sea-bed and its riches.

10. My delegation would like to reiterate that the basic goal to be reached is the development and formulation of a stable system of rules regulating the rights and obligations of those involved in the exploration, exploitation and use of the sea-bed and its resources, in particular, their obligations towards the international community. We also have to establish the rights and obligations of the developed and developing countries through appropriate ways and means for sharing in the benefits derived therefrom. My delegation is also aware of the importance of the question of the limits of national jurisdiction. We should like to see these and other problems examined, should this prove desirable, at a United Nations conference that would be prepared well in advance. We are convinced that these and other tasks of the Committee offer further opportunities for drawing closer the views and interests of the developed and developing countries.

11. It is obviously necessary to create an adequate international machinery for the implementation of an international régime for the exploration, exploitation and use of the sea-bed and its resources. My country was one of the many sponsors of General Assembly resolution 2467 C (XXIII), requesting the Secretary-General to undertake a study concerning the establishing of such machinery in due time. The study, contained in annex II of document A/7622 and Corr.1, is valuable and merits our full attention. We must continue to exert efforts aimed at finding the best solution to this vital aspect of the comprehensive question of the international regulation of the sea-bed.

12. We fully support the proposal to have the Sea-Bed Committee study in depth the status, structure, functions

and powers of the required international machinery for the sea-bed beyond the limits of national jurisdiction, which may be able to regulate, co-ordinate, supervise and control all activities relating to the sea-bed. The study should be based on the concept of the exploration, exploitation and use of the sea-bed and its riches for the benefit of mankind as a whole, irrespective of the geographical location of countries, taking into account the special interests and needs of the developing countries.

13. An international machinery would serve as both cornerstone and framework for the exploitation of the sea-bed and its resources for the benefit of mankind. The international organization that we hope to establish should also constitute a medium for accommodating the interests of the developed and developing countries, maritime and landlocked, big and small, as well as of those countries having different socio-economic systems.

14. My delegation hopes that this General Assembly will provide fresh impetus for the Committee and, fully appreciating the problems facing it, my delegation supports the extension of the time for its sessions in the coming year. We appeal to all countries to extend their valuable assistance in formulating a comprehensive declaration of general principles and in elaborating an international régime to be implemented through an international machinery concerned with the exploration, exploitation and use of this vast and promising region.

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

15. Mr. SOLOMON (Trinidad and Tobago): The Trinidad and Tobago delegation was privileged to be designated a member of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction which was established pursuant to General Assembly resolution 2467 (XXIII). That Committee has completed its first year of work and has produced a comprehensive report, contained in document A/7622 and Corr.1, which is now before us for our consideration.

16. My delegation should like to associate itself with the tributes paid by other delegations that have preceded us in the debate, to the Chairman of the Main Committee, the two Sub-Committees, their Vice-Chairmen and Rapporteurs, for the invaluable work that they have accomplished in directing the affairs of the Committee.

17. We have participated actively in the work of the Committee and have, in co-operation with others, been engaged in a search for a set of balanced and interrelated principles which will provide an adequate régime for regulating activities in the marine environment and for ensuring the orderly development of sea-bed resources.

18. In its quest for a comprehensive declaration of principles, the Committee has recorded little, if any, progress. Some may even hold the view that the Committee's report is disappointingly inadequate. My delegation does not share that view. The difficulties facing the Committee were tremendous and stemmed from two main factors.

19. The first is that the subject matter is novel and opens out a vista of unparalleled magnitude, the exact extent of

which has not yet been fathomed and the consequences of which are known but vaguely, if at all. In the circumstances, it was natural that delegates should be cautious and slow in making decisions. People would have liked to take into consideration all facets of the problem and to understand as clearly as possible what were the opposing points of view.

20. Secondly, because of the obvious importance of the subject, there was bound to be a little preliminary sparring until suspicions were laid to rest and there emerged a better understanding of the reasons behind conflicting points of view. If the Committee has done nothing more, it has at least succeeded in having opposing points of view clearly aired and identified, so that after a period of rest and reflection it should not be unduly difficult, when we resume our task next year, to proceed with greater dispatch and arrive at a wider agreement more swiftly. Yet there have been some positive results, some crystallization of ideas, and a consensus, or near consensus, has emerged on several important points.

21. It has been clearly stated that "there is an area of the sea-bed and ocean floor and the subsoil thereof which is beyond the limits of national jurisdiction", even though there was no agreement with regard to the establishment of a precise boundary for this area. Further, there was wide acceptance of the view that this area is the common heritage of mankind and was not subject to national appropriation or sovereign rights or claims by any State.

22. Despite this, however, differences of opinion emerged in discussing the question of the acquisition of property rights over any part of the area. This is possibly due to misinterpretation or to differences of legal definition in accordance with different legal systems. What, after all, is meant by property rights? A man who holds a lease for 10 years has property rights for the period of 10 years under the conditions of the lease. A man who holds freehold rights enjoys them in perpetuity. But even the enjoyment of freehold rights may be limited by covenant. For example, land in a residential area may, in some cases, be used only for the erection of dwelling houses and the owner may be restricted by covenant from using it to erect a dance hall or other place of amusement, or even a place of public worship. The term "property rights" is not absolute, and if there are differences of opinion it should be a simple matter to have a clear definition of the phrase. What is necessary is not a set of words which are susceptible of varying interpretations, but rather a set of clearly defined principles which are not subject to ambiguity. It should not be beyond the competence of the Committee to elaborate such a set of principles.

23. Despite the fact that the concept of the common heritage of mankind is widely supported, delegations have continued to argue that it is without specific legal content, that it is novel, that it lacks precision and that it has political overtones. These objections have been adequately answered by several delegations in the Sea-Bed Committee, including my own, and more recently by the representative of Brazil in his intervention on 31 October [1674th meeting] in this present debate. My delegation is also quite pleased at the support given to the concept in yesterday's debate by the representative of Norway [1676th meeting]

who is himself an eminent jurist and a celebrated scholar, and who in his writings and pronouncements has inspired our own scholars and has dedicated his life to the progressive and evolutionary development of the law. The concept, as I said, is indeed novel and has to date not been enshrined in any declaration or treaty which would give to it the legal content that some find lacking at present. New concepts must evolve to meet new situations as they arise in the changing structure of the international community, if the law is to reflect the principles of the social order that it seeks to regulate.

24. The concept of the common heritage remains for my delegation the focal point around which any international régime must necessarily revolve. To remove it would be to destroy the very basis on which the activities of this Committee are founded, and remove the hope that this new area can be utilized to redress the imbalance which so obviously exists between the richer and the poorer countries. This is one of the very few opportunities that developing countries will ever have of getting aid with no strings attached. Some have preferred to use the term "common patrimony". As far as we are concerned, it matters little what terminology is employed, so long as provision is made that the vast resources of this area shall not be monopolized by any one State or group of States to the detriment of other members of the international community.

25. Following from the principle of common heritage or common patrimony, we naturally maintain that there should be equitable participation by all States in the administration of the area, as well as in the benefits to be derived from the exploitation of its resources. Our view goes further. There should be an obligation on the part of those who exploit or explore to make it possible for representatives of less developed countries to participate in the actual process of exploration or exploitation, and to assist in the training of nationals of developing countries in the techniques necessary to this exercise.

26. There was also wide agreement on the need for the establishment of international machinery for the control and regulation of activities within the area. This again is a necessary corollary of the common heritage concept. The Minister of External Affairs of Trinidad and Tobago stated last September in the general debate [1764th plenary meeting] that our delegation noted with concern the intransigent position of some States on the question of international machinery, and that, while he understood the seriousness of the economic and strategic interests involved, he did not believe that these could or should override the general interests of all mankind. We are pleased to note that the report of the Secretary-General [A/7622 and Corr.1, annex II] on the question of the establishment of international machinery has had a considerable and beneficial influence on the attitudes of some delegations towards this question. We hope the General Assembly will endorse the recommendation of the Sea-bed Committee, and that the Secretary-General will be requested to continue in depth the study of the establishment, in due course, of appropriate international machinery, concentrating on the following areas: (a) the status of the machinery; (b) the structure of the machinery; (c) the powers and authority to be given to this machinery; and (d) the activities and

functions of the machinery. My delegation will support any draft resolution which incorporates the text of this recommendation.

27. However, pending the establishment of a legal régime, it is important that a declaration be made on the legality or otherwise of activities on the sea-bed and ocean floor beyond the limits of national jurisdiction. It is generally agreed that existing international law does not at the moment provide substantial rules for regulating such activities, and rules governing the area will therefore have to be, in the main, *ex ferenda*.

28. Some relevant principles are, of course, already in existence, in particular those regarding the freedom of the high seas, that are applicable to the area beyond national jurisdiction. It would be foolish, however, to attempt to stretch the freedom of the high seas to include in its parameters the freedom to explore and the freedom to exploit the sea-bed and the ocean floor. We have said before, and we repeat, that silence in the law does not amount to permissiveness, and that the absence of a prohibition does not constitute tacit consent.

29. Laws are not made *in vacuo*. With the advent of high-powered motor vehicles, giant ocean-going liners and passenger planes, it became necessary to make laws regulating traffic on land, on the high seas, and in the air. It has now become necessary to frame a set of laws to govern activities on the deep sea-bed and ocean floor.

30. Meanwhile, pending the establishment of a legal régime with adequate regulatory powers, it is incumbent on the General Assembly to take measures to safeguard the area against unilateral exploitation by States or their nationals who have the technology at the moment to farm the resources of the area. Once we have accepted General Assembly resolutions 2340 (XII) and 2467 (XXIII), which have reaffirmed that exploration and exploitation of the resources of the area should be carried out for the benefit of mankind as a whole, taking into special consideration the interests and needs of the developing countries, we must of necessity take steps to declare that exploration and exploitation within the area are not permitted, pending the establishment of an international régime. Failure at this stage to take this tentative, precautionary step to protect our common heritage from the grasp of the technologically advanced may well produce results inimical to the long-term interests of mankind.

31. It has also been generally agreed that the sea-bed and ocean floor shall be reserved exclusively for peaceful purposes, and yet there has been no agreement as to the manner in which this principle should be applied, or the extent to which prohibition of activities should be enforced. In the interim some sort of bilateral understanding has emerged between the two super-Powers—the United States of America and the Soviet Union—the terms of which are yet to be considered by any United Nations body.

32. My delegation expresses the hope that these two super-Powers will not expect that an agreement suitable to themselves must, of necessity, be acceptable to the rest of mankind. We hope we shall not be subjected to the kind of

pressure which was exerted during the last session to have us accept, willy-nilly and without change, their version of a nuclear non-proliferation treaty.

33. Acceptance of the fact that there is an area of the sea-bed and ocean floor beyond the limits of national jurisdiction did not include agreement on the procedure to be adopted, now or later, with regard to the establishment of a precise boundary for this area. There are some who maintain that the establishment of an international régime should await the precise delimitation of the outer limits of the continental shelf.

34. My delegation does not accept that view. Once we have agreed that such an area does exist—and heaven knows it is large enough, encompassing, as it does, most of the earth's surface—we can surely proceed to establish a régime to control it and define at a later date what are its precise outer limits. There is nothing very novel in this. A state of anarchy would exist in many parts of the world today if States could make no laws to govern society until the precise delimitation of their national boundaries had been completed. It is unrealistic to expect that agreement on the outer limits of the continental shelf will be reached in a short time once a decision is taken to hold a new conference on the law of the sea for the express purpose of reviewing the Convention on the Continental Shelf of 29 April 1958.¹ My delegation has outlined the urgent need for delimitation of the outer boundaries of the continental shelf, and we cannot accept the view, expressed by some delegations, that there should be no limit on the sovereignty of coastal States and that only the principle of exploitability should apply.

35. If we do not reject that view, we may one day be faced with a situation where, by a series of unilateral declarations, the coastal States of the world will have claimed the entire area which we now declare to be the common heritage of all mankind, leaving nothing whatsoever beyond the limits of national jurisdiction. But we know that delimitation cannot be completed immediately, and we do not feel that a review of the Convention on the Continental Shelf should be undertaken to the exclusion of all other relevant conventions on the law of the sea.

36. The General Assembly has recognized, in resolution 798 (VIII), that the problems relating to the high seas, territorial waters, the contiguous zones, the continental shelf and the superjacent waters are closely linked together juridically as well as physically. Because of this intimate relationship, we see the need to review the question as a whole by calling for a conference on the law of the sea to revise and bring up to date all the relevant Geneva conventions on this subject.

37. In principle, my delegation has no objection to the Maltese draft resolution contained in document A/C.1/L.473. We strongly support preambular paragraphs 3 and 5 noting, on the one hand, that developing technology is making the entire sea-bed and ocean floor progressively accessible and exploitable for scientific, economic, military and other purposes and stressing, on the other, the urgent necessity of preserving this area from an encroachment

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

which is inconsistent with the common interest of mankind. But, in operative paragraph 1, my delegation wishes to propose an amendment to the text presented by Malta, which, after amendment, would read as follows:

“1. *Requests* 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 all the relevant Geneva conventions on the law of the sea and, in particular, the Convention on the Continental Shelf of 29 April 1958, 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;”.

38. Such an amendment to operative paragraph 1 would consequentially need an additional preambular paragraph as a basis for its inclusion, as follows:

“*Having regard* to the fact that the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf and the superjacent waters are closely linked together juridically as well as physically,”.

This new preambular paragraph should precede the second preambular paragraph in the text of the present draft resolution.

39. The Committee also expressed general agreement with regard to the protection of the interests of States in the exercise of the freedom of the high seas, the question of pollution and other dangers and the obligations and liabilities of States in respect of any operations they may undertake in the area. These are important questions which must not be ignored if the benefits to be derived from the new environment are not to destroy what we have already achieved in other areas.

40. We recognize the enormous importance of the ocean and its resources in the immediate future of mankind. My delegation welcomes the initiative taken by the United Nations in promoting a comprehensive long-term programme of oceanographic exploration and research—the Expanded Programme. We see as the main purpose of the Expanded Programme co-operative scientific investigation of the marine environment in order to increase knowledge of the ocean and enhance utilization of the area and its resources for the benefit of mankind. In achieving its purpose, the needs and interests of the developing countries must be taken into account. The desirable long-term objective of the Expanded Programme should be the participation, on an equal footing, of scientists from the developing countries and their counterparts from the developed countries in marine scientific investigations.

41. We see the international decade of ocean exploration—which, we hope, is to begin in 1970—as a useful focus for accelerating oceanic investigations and strengthening international co-operation. We see this as the first phase of the Expanded Programme. In that first phase, one of the main priorities must be assistance to the developing countries, which so far have had only limited opportunities

to make use of the ocean and its resources. Some seventy developing countries represented in this Organization border the oceans. We developing countries therefore have a special interest in participating fully and effectively in the Expanded Programme and applying the results of so-called “purely scientific” research for our benefit and development.

42. But we need facilities for training our marine scientists and oceanographers, preferably in our own countries so as not to accelerate the brain drain. It is not enough for data and the results of scientific research to be made available or accessible to us. It is not enough for samples which are not feasible to duplicate to be taken from areas under our jurisdiction, lodged in foreign museums and merely made accessible to us. They should remain with the coastal State. In short, we must be full partners in this enterprise in which we are so vitally interested and, to the extent that there are gaps in our knowledge and our facilities, the more fortunate countries should assist in bridging these gaps.

43. In conclusion, my delegation would submit that the Committee has in fact done a great deal of useful work; that it has cleared the air of many misconceptions; that it has arrived at an understanding on certain, though not too many, basic principles; that it has provided an opportunity for better understanding by all of us of the problems involved and the difficulties which lie ahead. All this having been done, I think it will be safe to conclude that, from now on, any movement will represent progress.

44. Mr. SCOTT (New Zealand): The New Zealand delegation greatly appreciates this opportunity for a general discussion of the 1969 report of the United Nations Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction.

45. New Zealand is not a member of the Sea-Bed Committee. As a coastal State whose interests are directly involved in this item, New Zealand hopes, however, to take a turn on that Committee in the near future, in accordance with the rotational understandings outlined by the Chairman of the First Committee, Mr. Vinci, on 19 December 1968.² Our delegation has, nevertheless, been able to follow the proceedings of the Committee as an observer during its meetings this year. No one who attended those meetings could refrain from paying tribute to the energy and devotion shown by the Chairman, by its officers and, indeed, by the Committee itself, as also by its Sub-Committees, in coming to grips with one of the most difficult subjects now claiming the attention of the United Nations.

46. As we will know, in addition to these regular meetings, members of the Committee spent some weeks between sessions this summer in informal consultations. The fruits of this unremitting endeavour are particularly evident in that part of the report relating to legal principles, which contains a synthesis [A/7622 and Corr.1, Part Two, paras. 83-97] that has helped to define further the legal issues still facing us.

47. Again, some excellent work has been done in the Economic and Technical Sub-Committee. Notably, in that

² Official Records of the General Assembly, Twenty-third Session, First Committee, 1648th meeting, para. 39.

forum, several important statements of national attitude have been made on the nature of appropriate international controls for the deep sea-bed. It is normally invidious to single out names, but if it is true that Mr. Denorme, the Chairman of this Sub-Committee, is not able to occupy this position again, we may be forgiven for recognizing his zeal and infectious enthusiasm in the cause of his Committee.

48. This year, despite the bulky nature of the report, the Sea-Bed Committee has demonstrated only interim progress, and has not been able to achieve finality on any major aspect of its work. Nevertheless, for our part, my delegation is not inclined to draw a pessimistic conclusion from the report. One of the world's great architects, who died this year, is credited with saying that, with the best will in the world, "you cannot invent a new architecture every Monday morning". Similarly, the devising in advance of an international structure for the greatest untapped area of planetary resources now remaining is a project requiring, even with our best efforts, a certain minimum expenditure of thought and time. The Sea-bed Committee's report, encouragingly enough, shows, in our view, that a good deal of progress has already been made. But the time taken in essential studies of this kind brings other advantages, because it provides opportunity for the necessary evolution of Government policy in what is, by any standard, a new environment. It also provides encouragement for the recognition and accommodation of many differing views.

49. We note from paragraph 31 of the report of the Economic and Technical Sub-Committee that "man's knowledge of the sea-bed and its environment has considerably increased but must still be considered inadequate and of an approximate nature". The report also says that "basic data or documents relating to some regions of the ocean floor are practically non-existent or are sparse". There is therefore a basic lack of sufficiently reliable information. Furthermore, the web of policy considerations seems even to transcend the factors which frustrated attempts to secure international agreement on another complex of legal issues at the second Geneva Law of the Sea conference in 1960.

50. It is not surprising, therefore, that with the desire, which my country certainly shares, to see the deep sea-bed regulated as speedily as possible by an adequate international régime, we do not have the desired conclusions immediately in our grasp. Even so, however, there has been a rapid and significant growth of new doctrine relating to the sea-bed, and the emergence of several legal concepts which are now not seriously open to challenge. These are, fortunately, familiar enough to need no repetition.

51. My Government cannot help but be interested in this subject, because New Zealand is an island State set in the world's largest ocean. We are among the most geographically isolated of maritime countries. Our nearest neighbour is well over 1,000 miles distant, and other neighbours are even more remote. Living, as we do, in a completely oceanic environment in the middle of the South Pacific, and subject to the normal disadvantages that stem from such isolation, New Zealand has fairly exiguous land resources to sustain the future population of this area.

52. For these reasons, it will be obvious that, as we pointed out last year, New Zealand has perhaps as large a

stake as any country in the development of the régime for the ocean depths. It is therefore natural for us to recall the interests of coastal States as these studies of the deep sea-bed assume more definite shape. We believe that such studies need to take into account not only the facts of geography, of land and sea formation, but also other diverse factors affecting the relationship of sea and land. There seem to us to be interests of coastal States which are common across the whole spectrum of countries, whether developed or developing. In that regard, we hope that a fair and honest balance will be held between the protection of the reasonable need of States to benefit from their own natural environment.

53. This year, there has been a good deal of debate in the Economic and Technical Sub-Committee on arrangements to regulate the exploration and exploitation of the deep sea-bed. A valuable document was prepared for the discussion in the shape of the Secretary-General's study [*A/7622 and Corr.1, annex II*]. This study identifies and examines three possible kinds of what could loosely be called the legal régime and associated machinery for regulating the exploitation of the resources of the deep sea-bed beyond the limits of national jurisdiction. After examining this study, the Economic and Technical Sub-Committee has, in its report, provided further material of great interest.

54. It would be impossible to comment in detail on this material in the brief period allowed for our debate. However, the Sea-bed Committee should obviously be assisted by an exposition of the views of Governments on the question of the régime. We hope it will be especially helpful to the Committee to learn the standpoint of countries not represented on it whose position has hitherto not been specifically indicated. On behalf of the New Zealand delegation, I am able to say that, assuming an equitable agreement is reached on the boundary of the deep sea-bed area, there seems to us to be no good reason why any régime and associated machinery should not be of a fairly rigorous and comprehensive kind. A simple system of registration or, for that matter, a licensing system operating, overtly or in practice, on a first-come-first-served basis, does not attract us. It would, in our opinion, tend to work to the benefit of only a few countries having the capacity to take advantage of it. It would, in any case, encourage exactly the kind of competitive scramble to carve up the deep sea-bed that it is in everybody's interest to avoid.

55. As for the other possibilities, I wish to stress that New Zealand's present policy is one of willingness to consider sympathetically, and without prejudgement, what they are. Our view is that neither a well-controlled licensing system nor the exploitation of the resources of the deep sea-bed under the direct control of an international agency should be excluded from examination by the United Nations. We have found the debate on these possibilities interesting and stimulating, and we are encouraged, even at this early stage of the debate, by the number and variety of specific suggestions that have been put forward.

56. It seems to my delegation that the Sea Bed Committee, in 1970, while continuing its efforts to make progress on all the issues before the Committee, should give special attention to settling the nature of the international régime for the deep sea-bed and the associated machinery.

We therefore appreciate and support the proposal given in Part One, paragraph 19, of the report contained in document A/7622 and Corr.1, that this question be further studied during its sessions in 1970. We hope that it will be approached with vigour.

57. On this same topic it is true, as we all realize, that we have a "chicken and egg situation". In the end result, it is extremely difficult to finalize the international régime until we know, from some future settlement of the boundaries question, to what area the deep sea-bed controls will apply. And on the other hand States will be unwilling to set definite limits to the area of their own national jurisdiction until assured that a just, equitable and efficient régime will operate in the mid-ocean area. It must operate, as many countries in this Committee are rightly insisting, to give adequate effect to the concept of the "common heritage of mankind", a notion which, like the representative of Norway, we have no difficulty in accepting.

58. For the immediate future my delegation believes that despite the interdependence of the two questions of the boundary and the régime, the latter should be given primary consideration. It seems to us that progress on the régime and machinery can be expected to improve the climate in which the boundary of the deep sea-bed area may eventually be settled.

59. Apart from the question of international machinery, and the question of boundaries, the report of the Sea-bed Committee also contains, in the report of the Legal Sub-Committee, an account of the current state of agreement reached on a possible declaration of legal principles. It is our duty to see these endeavours in a wider perspective. We should not lose sight of the possibility that international agreement or a specific treaty could be secured both on a boundary and on an international régime and machinery without the interim step of a formalized declaration of legal principles. It would be convenient, and it would be tidy in formal terms, to have such a declaration. But there is nothing imperative in the outer space precedent, and indeed a declaration of principles intended to form the basis of future work will lose much of its point if agreement on it cannot be achieved reasonably quickly, as seemed probable at one stage in 1968.

60. If, however, the devising of a declaration of legal principles continues to command attention, then my delegation would hope that some middle ground might be found between those who want an entirely general statement and those who want a comprehensive and detailed list of legal principles. We hope that in 1970 due and sympathetic consideration will be given to proposals aimed at bridging conflicting opinions on the contents of a declaration of legal principles.

61. These remarks represent the general views of the New Zealand delegation at this point in the discussion. We would reserve the right to comment on specific proposals later on. With perseverance, and certainly with the forward-looking spirit evidenced in the Sea-Bed Committee and in this debate, the chances are surely good that we can ensure that the abundance hidden in the ocean depths will contribute to the abundance of life on earth. The United Nations Charter calls us all, in its preamble, towards "better

standards of life in larger freedom". That objective remains valid now when we grapple with this strange new world of which the founders of the Charter were hardly aware.

62. Mr. BAROODY (Saudi Arabia): Among the salient characteristics that distinguish man is his persistent and insatiable curiosity. The animal's curiosity, on the other hand, is limited to serving its instinctive needs. Once those needs are attained, it relaxes and becomes contented; but not so man. Endowed as he is with the faculty of thought and imagination, he not only learns through memory from past experience, but projects himself into the distant future.

63. Many centuries ago the Arabs beguiled their idle moments with tales of the magic carpet or the "carpet of the wind", as it was literally called by them. And a hundred years ago or so, none other than Tennyson, in a poem entitled "Locksley Hall", sang of "argosies that filled the air", which he hoped one day would usher in universal peace. The magic carpet of the *Arabian Nights* and Tennyson's air argosies, once confined only to the realm of fantasy, became a reality. Today we know very well that by the ingenious curiosity of man many an incredible fantasy can be translated into palpable fact.

64. My colleagues may well be already curious as to why I started my statement on the peaceful uses of the sea-bed—and I will not go into the sub-soil because it is understood in the title, and it is a very long title—with such words. It is simply because the exploitation of the sea-bed for the welfare of mankind is to a large extent contingent on the success of the United Nations, by way of an iron-clad treaty, in preventing the use of the high seas for naval aggression.

65. The aeroplane has been used for destruction. The high seas, in times of conflict, are still used for purposes of destruction. If we do not have a treaty to ensure that the high seas will not be infested with submarines, then we may very well nip in the bud any project of exploiting the high seas and what lies beneath them, the subsoil, for the welfare of mankind.

66. Curiosity is the cornerstone of knowledge, but knowledge, as we very well know, can be used for the destruction of man as well for his welfare and edification. First and foremost, there should be an agreement on principle regarding the exploration and exploitation of sea-beds before delving deeply into the substance, the more so because oceanography is a science that is still in its infancy, and we should not be rushed into rigid conclusions at this early stage.

67. Furthermore, we should leave the question of regulating active participation in developing the resources of sea-beds and ocean floors to the Legal Sub-Committee or legal body, hoping that this work will not be trammelled by ideological considerations. We should not mix politics with our economics. This is a very important point that we should take into consideration. In other words, the Legal Sub-Committee should concern itself primarily with setting forth rules and regulations that will take into account the question of how to farm out appropriately the sea-beds and ocean floors for the benefit of mankind, with due regard to

equitable remuneration to the countries or corporations willing to contribute their capital and technical knowledge towards that end.

68. Many of my colleagues have neglected this aspect of the exploitation of sea-beds and ocean floors, namely, that any enterprise needs capital, whether the exploitation is by a State belonging to a so-called socialist ideology or a State belonging to a capitalist ideology. We cannot fry eggs without butter. People are subject to taxation, whether they are in the capitalist system or in the socialist system, and we know very well that in both those systems capital should produce gains, regardless of whether the economy is one of etatism or whether it is a so-called liberal economy.

69. Let there be a warning to those who think that they can get something for nothing that life is not that way. One has to contribute his capital, and his capital means what? It means his savings, the savings of the individual or the savings of the State. On the other hand, if he has no capital he may contribute what is called "know-how" or the techniques of doing things.

70. Special care should be taken not to deplete the yield in certain regions, nor to endanger by contamination the survival of marine life, whether animal or plant, both of which are interdependent and interconnected. Hence, the ecological factor should figure high on the list of the Legal Committee in devising machinery which is imperative for safeguarding the perpetuity of marine resources. No gap should be left open for any *laissez-faire* policy in production, as unfortunately has been the case on land, when, for example, deforestation was allowed without any controls to the detriment of whole populations in certain regions of the world.

71. Nor should the Committee neglect the question of marine pollution by coastal sewers and poisonous chemical wastes wantonly emptied into the seas and oceans, for who knows but that if teeming populations continue to empty their personal filth and industrial refuse into the seas they might cause, by infestation, diseases which might spread on an epidemic scale among the fishes and other edible marine creatures, thus creating a real problem for the consumer. It is not beyond the realm of possibility that plagues might spread amongst the creatures of the seas and oceans as they have spread amongst men. Therefore, intensive research should be carried out in the field of marine microbiology, if I may call it that, to find out whether the diseases are endemic to the oceans or seas or unwittingly induced by man from the outside.

72. I am, I think, like most of you sitting in this Committee, a layman on this question. We should not be presumptuous and chart out principles without being experts. However, through our common sense and through our humble knowledge of what has taken place on land, we can point the way to how the sea-beds and ocean floors should be farmed out for the welfare of mankind. We are for the establishment of an international régime to act as a regulatory body for the exploitation of marine resources on the high seas and the subsoil for the common heritage of mankind.

73. One last word about this question. Unless war on the high seas is outlawed by way of treaties or any other

multilateral or bilateral arrangement, I do not think anyone would risk capital to exploit the resources of the sea-beds and the ocean floors. Therefore, let us not rush into popularizing the possibilities until we find out whether or not, when we come to disarmament, the treaty that has to do with this question will one day be ratified and implemented.

74. Mr. RANARISON (Madagascar) (*translated from French*): My delegation, which is a member of the Committee and which has several times had the occasion to state its views in the course of the three sessions of the Committee, as well as in the Legal Sub-Committee and the Economic and Technical Sub-Committee, does not deem it necessary to take up in detail here all the arguments it adduced in the course of the study of the matter before us.

75. We shall, therefore, limit ourselves to referring to what we believe the First Committee might recommend to the Committee in the light of the progress made by it and in the light, too, of the mandate it has received from the First Committee and of the views expressed by a number of delegations in the debate, without, however, ignoring all the individual and other opinions that have been voiced. A wider debate would doubtless allow us better to understand the import of the trends, to examine certain ideas more closely and to be more specific in our definitions and proposals. This work of clarification is far from being an easy task, but it is necessary if we are to prepare a declaration of balanced principles acceptable to all.

76. On the legal level, two essential points must still be studied, namely the international machinery and the expanded long-term programme of oceanographic exploration and research. On the question of international machinery we have the advantage of having received from the Secretary-General an extremely interesting study (*ibid.*) which deserves the attention of all Governments regardless of the initial position adopted on the question of the creation of such machinery. Preliminary positions on this matter have been outlined and the Secretary-General might well consider enlarging and making more thorough the study that has been prepared in connexion with the basic options that some of us consider indispensable.

77. Turning to specific points, still within the legal framework, we are happy that the delegation of Malta raised at the outset the question of the exact delimitation of the sea-bed and ocean floor areas and of their subsoil beyond the limits of national jurisdiction. The views on these matters are divergent and it is worth noting the scope of the Convention on the Continental Shelf of 29 April 1958.³ A conference of plenipotentiaries might be the appropriate body to examine such a question but we believe that such a redefinition could be undertaken only if some minimum preliminary agreement was reached on what was to be the legal régime of the above-mentioned area.

78. This brings us to the legal status of the sea-bed and ocean floor. It is now generally accepted that there can be no appropriation and no exercise of sovereignty or claim of sovereign rights over any part of the area under consideration. The Committee would have to define the notion of

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

property in this context and to see what place these ideas would occupy in the future régime.

79. There is still, of course, the difficult question of "the common heritage of mankind". To those who entertain any doubts regarding the legal content of the expression, I would recall the position that my delegation had originally adopted on the matter. At first we had primarily in mind the idea of non-appropriation and of no claims to sovereign rights. We had therefore felt that the expression *res nullius* might validly meet our concern. In due course when we took part in the work of the Committee, we realized that that legal notion, regardless of its advantages, would have to be completed if we agreed that the exploration and exploitation of the sea-bed were to be carried out for the benefit of mankind as a whole. This last principle is, I believe, accepted and therefore it should not be too difficult to support the idea of the common heritage of mankind.

80. With regard to the application of international law to the sea-bed, difficulties lie primarily in the fact that since there is no specific régime or any kind of machinery, it is difficult to define the scope of existing international law. This is further proof that consideration by the Committee of the questions of international machinery and the régime to be applied is a matter of urgency.

81. In that connexion my delegation believes that the Committee must, among other priorities—since the need to set up a régime seems to be agreed on—consider the most appropriate way of ensuring that the developing countries will obtain a fair profit out of the exploration, exploitation and utilization of the sea-bed. And we should say that we see those three terms—exploration, exploitation and utilization—as part of a single whole and it would not be in our interest to try to divorce one from the other.

82. Another problem that the Committee will have to clarify is that of the rights of coastal States and particularly the creation of buffer areas. My delegation is interested in this specific aspect of the relative regulation of the sea-bed and we trust that the matter will be solved—in principle by the Committee, and in practice by the conference, which may be held as a result of the proposal made by the Maltese delegation last Monday [A/C.1/L.473].

83. We are purposely refraining from speaking on the reservation of the sea-bed exclusively for peaceful purposes until we can study the final report during the discussion of another item on our agenda.

84. Thus three basic tasks still remain to be discussed by the Committee: the definition and delimitation of the area, the legal régime to be applied, and the international machinery. We trust that the comments made in the course of debate in the First Committee will allow it to decide on the directives to be given to the Committee in these fields or, if we deem it necessary, to adopt certain measures forthwith that will remove the difficulties the Committee came up against in its last three sessions.

85. On the economic and technical level, the Committee has studied a wide range of activities and problems concerning international co-operation and the exploitation

of resources of the sea-bed. Opinions on these two specific aspects were not markedly divergent. My delegation would like merely to stress the following points.

86. A systematic geological prospecting operation of the sea-bed should be carried out. This prospecting can be done only by intensifying the various oceanographic research programmes.

87. The developing countries wish to contribute to the co-ordination and improvement of the study of the geological structure of the sea-bed and ocean floor. Since they lack the technological means of doing so, my delegation believes that ways of assisting them could include the training of their nationals and making the results of scientific research accessible to them.

88. A parallel evolution of investments in technological progress would be desirable, both at the research and the exploitation levels which, we repeat, must take into account the interests and need of the developing countries.

89. With regard to the international machinery, the Committee should, on the technical and economic levels and after the excellent analysis carried out by the Secretary-General, begin defining the basic options. Complex financial questions have to be solved, technical, technological and scientific requirements have to be met and, in certain cases, strong prejudices have to be overcome.

90. So far as my delegation is concerned, and putting it briefly, the legal status, the régime and the machinery are interdependent and the progress we make in one field is bound to affect the other. To try to seek priority for one over the other might not be the best of solutions, and at the present stage in the Committee's work it might be inadvisable to try to make a distinction between two systems of regulation at any cost, though their respective merits might well be discussed.

91. What is essential, if we accept the idea of the common heritage and welfare of mankind as a whole, is that we should eventually be able to work out an adequate system whereby the international community would be able to supervise, control and, if necessary, regulate all activities bearing on the exploration and the exploitation of the sea-bed and ocean floor.

92. Such machinery must promote exploitation operations and should therefore be effective, rational, equitable and remunerative. What is more, it must be acceptable to all, and in that connexion we believe that it should have a certain flexibility as regards the means used and the ends to be achieved.

93. The considerations I have put forward on behalf of my delegation lead us to believe that the Committee still has many points to elucidate. We shall not, however, give way to pessimism, since the observations, the information supplied and the informal reports contained in the final report of the Committee prove that the results are far from negative. It is with this thought in mind that we wish to pay tribute to the Chairman of the Committee, the Chairmen of the two Sub-Committees and the other officers of those three Committees, whose dedication and great competence

have enabled us to exchange and compare ideas with most rewarding results.

Organization of work

94. The CHAIRMAN: When I announced at the opening of yesterday's meeting that the list of speakers had been closed in accordance with the Committee's decision of last Friday more than 50 delegations were already inscribed. Between then and 6 p.m. five more delegations requested inscription on the list, among them small delegations which had not heard of the closure time. I assume that the Committee will have no objection to my adding these five delegations to the list.

95. However, to allow such exceptions to become a practice would, I believe, defeat the useful procedural purpose served by fixing a definite time for closing the list of speakers. I would strongly hope, therefore, that in future delegations will co-operate by inscribing their names in good time so that the Committee may adhere strictly, save in exceptional circumstances, to the closing time decided upon by it. If I hear no objection, it will be so decided.

It was so decided.

96. The CHAIRMAN: Members will recall the statement I made yesterday concerning the Committee's programme of work. At that time I suggested the possibility of holding a night meeting on Thursday, that is, tomorrow. I added that a decision would be taken today after ascertaining the number of speakers who might be ready to take the floor at the night meeting. I regret to say that the response to my suggestion has not been encouraging. So far, there is only one speaker who has volunteered to speak on Thursday night. In the circumstances, I suggest that instead of a night meeting the afternoon meeting on Thursday be an extended one, that is, up to, say, 7.30 p.m., so that we may hear as many speakers as possible at that meeting.

97. There will be two meetings tomorrow: eight speakers are listed for the morning meeting and the same number for the afternoon. As we are likely to have more time at the afternoon meeting to hear additional speakers, may I appeal to those delegations which have inscribed their names for Friday morning to take the floor on Thursday afternoon so as fully to use the time up to 7.30 p.m.

The meeting rose at 12.30 p.m.