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Chairman: Mr. Piero VINCI (Italy).

AGENDA ITEM 26

Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (*continued*) (A/7230, A/C.1/973, A/C.1/L.425 and Add.1-5, L.426 and Add.1, L.427 and Corr.1, L.428, L.429)

1. The CHAIRMAN: Before calling on the first speaker on my list for this morning, I wish to inform the Committee that Costa Rica has become a co-sponsor of the draft resolution contained in document A/C.1/L.425 and Add.1-5, thus bringing the number of co-sponsors to fifty-two.

2. Mr. CUHRUK (Turkey) (*translated from French*): Mr. Chairman, since I am speaking here for the first time, I should like to begin by extending to you the Turkish delegation's warm congratulations on your unanimous election to the Chairmanship of the Committee. We also congratulate the Vice-Chairman and the Rapporteur. Your vast experience and your wide knowledge of the problems of our time are excellent guarantees for the success of our Committee's work. I am sure that with such experienced officers, our work will be brought to a successful conclusion in the most constructive manner.

3. Barely a year has gone by since the outstanding initiative taken by the delegation of Malta¹ and the adoption of General Assembly resolution 2340 (XXII). Our Committee is now discussing the report of the *Ad Hoc*

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

Committee [A/7230] which was set up pursuant to that resolution. Last year, when we began to consider the problems of the sea-bed and ocean floor, we all believed that our subject had in it many unknown factors. We knew that there was wealth in this area; that some research and exploration was being carried on and that discoveries were being made at a more rapid rate than in the past, but we were also aware that we lacked sufficient knowledge of the area and its problems.

4. Still, we felt that in our scientific age, when science and technology are making such rapid strides, we should make an effort to go forward in this field. This was a joint effort of importance to everyone.

5. The *Ad Hoc* Committee's report has now shown us how right and legitimate was our concern. In resolution 2340 (XXII), the General Assembly requested the *Ad Hoc* Committee to study the scope and the various aspects of an item entitled "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind," and to submit a report to the twenty-third session.

6. To this end, the *Ad Hoc* Committee was requested to prepare, in co-operation with the Secretary-General, a study which would include a survey of past and present activities on to the sea-bed and the ocean floor, a consideration of the scientific, technical, economic, legal and other aspects of the item, and an indication regarding practical means of promoting co-operation in the exploration, conservation and use of the sea-bed and the ocean floor, and the subsoil thereof.

7. As the length of the text of these terms of reference indicates, the *Ad Hoc* Committee was entrusted with accomplishing a series of difficult, delicate and complex tasks, from establishing facts to formulating suggestions for international co-operation. Today we are pleased to note that with the effective assistance of the Secretariat, the *Ad Hoc* Committee has performed these tasks in an outstanding way in the limited time it was allotted. The report before us is noteworthy not only because of the wealth of its contents, but also, and especially, because of the high quality of the work performed by the *Ad Hoc* Committee.

8. My delegation wishes to pay a sincere tribute to the outstanding Chairman of the *Ad Hoc* Committee, Mr. Amerasinghe, the representative of Ceylon, and to his collaborators Mr. Benites, the representative of Ecuador, and Mr. Denorme, the representative of Belgium, who with competence presided over the Legal Working Group and the

Economic and Technical Working Group, respectively. I also wish to express our warm thanks to the *Ad Hoc* Committee's excellent Rapporteur, Mr. Gauci, the representative of Malta.

9. I should now like to make a few brief comments on some of the matters studied by the *Ad Hoc* Committee and to state the position of the Turkish delegation with respect to them.

10. In the preliminary phase of the activity undertaken last year, the Economic and Technical Working Group studied the numerous complex problems mentioned in paragraph 3 of its report [see A/7230, annex I], which I need not examine in detail here. Nevertheless, it is appropriate to bring out the main points of some of the conclusions reached by the Working Group. It found that there exist on the continental shelf and beyond substantial resources which can be exploited, but that present knowledge in this area is still limited and incomplete. Further, there is an area of the sea-bed and the ocean floor beyond the limits of present national jurisdiction whose boundaries must be fixed and in which all mankind has a stake. The need for greater international co-operation with regard to maritime mineral resources was also emphasized. It was pointed out in particular that this co-operation must benefit mankind through the establishment of an international régime to be decided upon.

11. In connexion with the development and exploitation of the resources of the ocean floor, the need to support research and exploration activities in order to fill the extensive gaps in present knowledge was recognized. My delegation is in full agreement with these conclusions of the Economic and Technical Working Group.

12. The Legal Working Group studied several equally new and complex questions concerning the legal principles which should govern the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction, their use for peaceful purposes, their use in the interests of mankind, the freedom of scientific research, pollution, etc. Although this study was of a preliminary nature, it made it possible to point to the important problems in this field and to set forth relevant opinions and considerations concerning these problems.

13. The need to develop legal principles designed to govern the activities of States in their use of the sea-bed and ocean floor, the reservation of this area exclusively for peaceful purposes, its exploration and use in the interests of mankind, its status as a common heritage of mankind, and the freedom of scientific research and its relationship to freedom of the seas are among the most important of these considerations. When these have been taken up again, studied and subsequently further developed at the Committee level, and incorporated in various proposals to be put before us, they will have my delegation's full support.

14. I should now like to make a few brief comments on the *Ad Hoc* Committee's report and the proposals made in annex III.

15. The *Ad Hoc* Committee stressed the need for promoting and strengthening international co-operation in

the field of scientific research and study of the marine environment. My delegation shares this view. We are all aware that oceanography has been recognized as a science for barely a quarter of a century. Our actual knowledge of the marine environment is extremely sketchy. However, we feel that with the advance of science and technology these gaps will soon be filled.

16. In this connexion, my delegation supports the Secretary-General's proposal for an expanded programme of international co-operation [see E/4487 and Corr.1 to 3 and 5 and 6, chapter III], aimed at promoting better understanding of the marine environment. However, we have doubts with regard to broadening the base of the Intergovernmental Oceanographic Commission in order to enable it to formulate an expanded programme of scientific co-operation. However compelling the arguments in support of this proposal may be, we feel that at the present time it is premature.

17. On the other hand, we are fully in agreement with the United States Government's proposal for an international decade of ocean exploration to stimulate research and to promote international co-operation in the exploration and use of the sea-bed and ocean floor. My delegation therefore supports this proposal, as well as the relevant draft resolution contained in annex III of the *Ad Hoc* Committee's report.

18. I come now to the proposal and draft resolution concerning the creation of a standing committee on the peaceful uses of the sea-bed and ocean floor which were put forward so ably and persuasively by the representative of Belgium, Mr. Denorme [1588th meeting]. The draft resolution contained in document A/C.1/L.425 is now sponsored by fifty-two delegations, including my own.

19. We feel that the proposal to replace the *Ad Hoc* Committee with a standing committee is an essential step. The *Ad Hoc* Committee's report makes it quite obvious that the over-all question of practical methods of co-operation in the exploration, conservation and use of the sea-bed and the ocean floor calls for wider study.

20. Furthermore, it is certain that the problems of the sea-bed and ocean floor will continue to preoccupy the United Nations for some time to come. We are also aware that the activities of the United Nations family in this field are disparate and fragmentary and that no co-ordinating machinery exists. Hence, the creation of a standing committee will be of enormous assistance in solving these problems.

21. My delegation agrees with the terms of reference proposed for this standing committee, as they are indicated in paragraph 2 of the draft resolution. We also agree that the creation of a new committee with the terms of reference proposed will not lead to any conflict of competence with the other United Nations organs which have already been given responsibilities in this matter or to any duplication of their activities.

22. Sub-paragraph 2 (f) and paragraph 4 of the draft resolution, taken together, confirm this opinion. The duties described in sub-paragraphs 2 (c), (d) and (e) should be

essentially subsidiary. It is with these thoughts in mind that my delegation has asked to be included among the sponsors of this draft resolution which will, we hope, receive unanimous support from our Committee.

23. We know that during the course of its work, the *Ad Hoc* Committee also examined the feasibility of formulating general principles regulating the régime of the sea-bed and the ocean floor. In this connexion, various proposals were discussed.

24. The *Ad Hoc* Committee in general recognized, as the terms of General Assembly resolution 2340 (XXII) implied, that there was an area of the sea-bed and the ocean floor beyond the limits of present national jurisdiction. The existence of such an area inevitably raised the question of defining its status and of laying down principles to guarantee the orderly development of man's activities in this area. Various proposals of principle have been submitted in this connexion to the *Ad Hoc* Committee. They can be divided into two basic groups which have many elements in common: the proposals of the Latin American countries, and the proposals worked out by a group of Western European countries. We think that these two groups of principles must be studied and combined in such a way that they can be adopted by the General Assembly in the form of a declaration.

25. The following are the most important principles which my delegation would like to be studied for inclusion in such a declaration.

(a) The sea-bed and ocean floor, as referred to in the title of the item, are the common heritage of mankind, and no State may claim or exercise sovereignty over any part of the area mentioned in resolution 2340 (XXII);

(b) The exploration, use and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, shall be carried on exclusively for peaceful purposes;

(c) The exploration, use and exploitation of this area, and the subsoil thereof, shall be carried out for the benefit and in the interests of mankind;

(d) The exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, and the exploitation of their resources shall be carried on in accordance with the principles and purposes of the Charter of the United Nations and an international régime to be established with the purpose of contributing to the maintenance of international peace and security;

(e) The international régime to be established shall also examine methods for the most appropriate and equitable use of benefits obtained from the exploration of the sea-bed and the ocean floor, and the subsoil thereof, through a suitable international machinery, for the economic, social, scientific and technological progress of the developing countries.

26. The delegation of Turkey feels that the time is ripe for formulating the principles to be adopted by the General Assembly, and that it is especially urgent to do so. Thus, we are of the opinion that every effort should be made to

formulate principles and to promulgate them as soon as possible, since this concerns the common interest of all mankind and the legitimate long-term interests of all States.

27. The CHAIRMAN (*translated from French*): I thank the representative of Turkey for the congratulations he so kindly extended to the Chair and to the other officers of the Committee.

28. Mr. DIACONESCU (Romania) (*translated from French*): Last year, when the Government of Malta took the most commendable initiative of drawing to the attention of the United Nations the question of reserving the sea-bed and the ocean floor beyond the limits of national jurisdiction exclusively for peaceful purposes, all of us realized the special scope and significance of this question. The importance of the proposal put forward by Malta went far beyond that of just another item on the agenda of the General Assembly. It opened up a new field for international co-operation in a vast unknown area covering nearly two thirds of the area of our planet.

29. At the same time, the proposal pointed to the existence on the sea-bed and ocean floor and the subsoil thereof of vast reserves of mineral resources on which mankind will very probably have to rely to ensure the continuing progress of a world demanding rapid development and whose normal resources are not unlimited.

30. Lastly, the proposal made by Malta emphasized that it is in the interest of all countries, and indeed their duty, to join in a special effort of international co-operation, first in the field of research and exploration and then in the field of the exploitation and peaceful use of the sea-bed and ocean floor beyond the limits of national jurisdiction. Such co-operation, which meets the urgent need to achieve progress and peace, requires States to refrain from using this area of the globe for selfish interests and from turning it into another area for military competition.

31. In the light of the novelty and complexity of the questions which this proposal raised, the General Assembly, in its resolution 2340 (XXII) of 18 December 1967, unanimously decided to set up an *Ad Hoc* Committee entrusted with studying, in co-operation with the Secretary-General, various aspects of the peaceful uses of the sea-bed and ocean floor beyond the limits of national jurisdiction. The *Ad Hoc* Committee was also requested to include in its survey an indication of practical means of promoting international co-operation in the exploration, conservation and use of this area and its resources.

32. Discussions in the *Ad Hoc* Committee, of which Romania was a member, kept in mind a few basic principles which guided its work throughout and which formed the main guidelines for its activity.

33. I have in mind, first, the incontrovertible fact that beyond the limits of the national jurisdiction of States there is and will continue to be a vast area of sea-bed and ocean floor. Lying outside the limits of any national control, this area cannot be claimed or appropriated in any way. However, in the *Ad Hoc* Committee and during the course of our discussion here, some fears have been expressed that in the vagueness of existing international law

as regards the limits of the national jurisdiction of coastal States over their territorial waters and continental shelf there lies the risk that the area concerned might become the subject of disputes between various States.

34. In another connexion, now that we are proposing to draw up the principles designed to form the basis for sound international co-operation in the peaceful use of the sea-bed and ocean floor beyond the limits of national jurisdiction, we are right to ask ourselves what exactly is the area to which these principles will be applicable. Various suggestions have been put forward on how to eliminate such vagueness and work out a clearer definition of what we mean nowadays by "limits of national jurisdiction". We are of the opinion that this question, which would entail changing the present definition of the continental shelf as set forth in the 1958 Geneva Convention² dealing with this question, should be dealt with in accordance with the provisions laid down in that Convention.

35. As for the substance of the problem, I should like to emphasize that in our opinion any changes in the present definition of the continental shelf must be based on the fundamental criterion already laid down in the Geneva Convention and in legal texts dealing with maritime law, according to which the continental shelf consists of "the sea-bed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea". We have no doubt that through a detailed analysis of the problems involved in the delimitation of this area we could eventually reach useful conclusions with regard to jurisdiction over, for example, continental shelves which do not sheer off into the abyssal depths, volcanic cones rising from the ocean floor to less than 200 metres below the surface, or islands rising out of the continental shelf itself and which therefore have no continental shelf properly so-called.

36. Another basic factor is that the exploration and use of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction must be reserved exclusively for peaceful purposes in the interest of all mankind, and with regard to the special needs of developing countries. In our opinion, the principle of using this area exclusively for peaceful purposes—a principle which is explicit in the wording of the proposals submitted by Malta—is a pre-condition for any positive international co-operation in this field. That is why the Romanian delegation is firmly in favour of any measures designed to prevent the dissemination of weapons on the sea-bed and the ocean floor; here at the United Nations, we are eager to guarantee this area a status which will foster peace and international co-operation, and will ban the use of the area for military purposes. That is also why my delegation has supported proposals to the effect that the disarmament aspects of the question before us should be studied by the Conference of the Eighteen-Nation Committee on Disarmament, which is the negotiating body entrusted with this subject.

37. Thirdly, we hold to the premise that the activities of States with regard to the sea-bed and the ocean floor beyond the limits of national jurisdiction must be carried out in accordance with the unanimously accepted principles

² Convention on the Continental Shelf; see United Nations, *Treaty Series*, vol. 499, 1964, No. 7302.

of international law, including the United Nations Charter. Obviously, those activities must not infringe upon the recognized freedoms of the high seas, such as freedom of navigation, fishing, and the laying of underwater cables and pipelines. In that spirit, at meetings of the *Ad Hoc* Committee the delegation of Romania supported measures designed, *inter alia*, to prevent pollution of the marine environment resulting from the exploration and use of the sea-bed and ocean floor and the subsoil thereof.

38. In the same spirit, we are wholeheartedly supporting the initiative taken by Iceland [*see A/7230, annex III*] concerning a study of means of reducing to a minimum the risks of pollution of the marine environment which might arise from the exploration and exploitation of the sea-bed and ocean floor and the subsoil thereof. My delegation is highly appreciative of this initiative, which is aimed at fostering international co-operation in the conservation of marine resources, and we are happy to co-sponsor the draft resolution on this subject which will be submitted in the near future.³

39. The *Ad Hoc* Committee's report on the work of its three sessions gives integral effect to the terms of reference which the General Assembly entrusted to it in resolution 2340 (XXII). It gives me great pleasure to take this opportunity to express the Romanian delegation's gratitude to the Chairman of the *Ad Hoc* Committee, Mr. Amerasinghe, and to his close collaborators, the Chairman of the Legal Working Group, Mr. Benites, and the Chairman of the Economic and Technical Working Group, Mr. Denorme, for the skill and devotion they brought to the accomplishment of the complex task entrusted to the *Ad Hoc* Committee.

40. In this connexion, the assistance provided by the Secretary-General was also of great value, and I should like to take this opportunity to express to him my delegation's appreciation of the dispatch and devotion with which the Secretariat responded to the *Ad Hoc* Committee's numerous requests.

41. One of the main conclusions reached in the *Ad Hoc* Committee's report emphasizes that present knowledge of the mineral resources of the sea beyond the continental shelf is limited and very incomplete. This situation calls for an intensification of activities involving basic research and detailed exploration, as well as for the development of new techniques for filling in the sizeable gaps in our knowledge. According to the report, the best way to achieve this goal would be to establish international scientific co-operation.

42. With this in mind, the Romanian delegation has already stated its support for the idea of an international decade of ocean exploration which would form part of a long-term programme of oceanographic research and exploration.

43. Although the studies carried out by the *Ad Hoc* Committee over the past year have greatly contributed to elucidating the subject we are concerned with, we feel that the whole question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction and the use of their resources in the interests of

³ Subsequently circulated as document A/C.1/L.431.

mankind should be given more intensive study. Consequently we feel that the General Assembly should take the steps necessary for that purpose.

44. That is why the delegation of Romania has had no hesitation in supporting the proposal submitted by Belgium [*A/C.1/L.425 and Add.1-5*], calling for the establishment of a United Nations standing committee entrusted with seeking the best answers to the complex problems of the peaceful uses of the sea-bed and ocean floor beyond the limits of national jurisdiction. I am hopeful that the consultations being held among various delegations concerning the terms of reference planned for this committee, in order that it may function most effectively and in everyone's interests, will soon result in a generally acceptable agreement.

45. While I am on the subject of consultations and generally acceptable agreements, I should like to reiterate that my delegation feels it to be of the utmost importance that the actions and recommendations of the proposed committee should reflect the opinion of all member countries. I need hardly recall how effective the practice of consensus has proved to be in the work of a body very closely related to the one we are proposing to establish, namely the Committee on the Peaceful Uses of Outer Space.

46. As I said at the beginning of my statement, the Romanian delegation is firmly convinced that international co-operation in the use of the sea-bed and the ocean floor beyond the limits of national jurisdiction must be based on principles which guarantee all States equal access to the mysteries and riches of the sea. The discussion which took place on this subject during the meetings of the *Ad Hoc* Committee, and the present discussions in particular, will be of great value in drawing up a body of rules based on a full understanding of the issues involved and designed to regulate the legal status of the sea-bed and the ocean floor beyond the limits of national jurisdiction and the activities of States in that area.

47. In conclusion, I should like to assure the Committee that Romania is prepared now and in the future to make an active contribution to all efforts designed to foster international co-operation in the area we are now discussing.

48. Mr. ÅSTRÖM (Sweden): Mr. Chairman, first of all let me offer you and the other members of the Bureau the most sincere congratulations of the Swedish delegation. My delegation feels that the Bureau, which is now serving so skilfully and courteously with you at its head, will be a great asset in the work of the Committee and will ensure that its work will be carried out in a spirit of co-operation and with maximum speed and efficiency.

49. One year has now passed since the representative of Malta made his statement [*1515th and 1516th meetings*], which we may now well call historic, on the question of the sea-bed and ocean floor and proposed to this Committee that the United Nations initiate a broad study of the question [*1516th meeting, para. 15*]. The range and complexity of the problems raised by Malta make it understandable that only a preliminary discussion could take place during the twenty-second session of the General Assembly.

Now, as we resume the debate, we have much firmer ground to stand on.

50. This is of course due to the commendable work done by the *Ad Hoc* Committee established last year under its able and skilful Chairman and also the research and studies which have been undertaken outside the United Nations, although in many cases they have been inspired by our debate here. We are now made fully aware of the various problems that confront us and which must be solved if the purposes behind the Maltese initiative are to be furthered and fulfilled. Especially in the economic and technical fields, the members of the *Ad Hoc* Committee have provided us with a set of agreed facts which would seem to form an acceptable basis for international co-operation for research and exploration in the years to come. In addition, the Committee has presented in its report [*A/7230*] certain principles proposed by various countries or groups of countries which vary in scope and objectives but nevertheless show that there is wide agreement on the necessity of establishing a system of internationally agreed principles to guide our future activities in this field.

51. It might be said that through the work done by the *Ad Hoc* Committee we have taken a vitally important first step to reach the first plateau of international co-operation in this field. We must now decide about the next step. We must do this in full recognition of our responsibilities towards ourselves and towards the future generations. Approaching the last frontier for natural resources on our planet, we should indeed proceed with determination but also with great caution, always seeking to forestall any action which might be detrimental to, or in any way prejudice our common interests in the ocean floor, an area which has been so appropriately characterized by many delegates as a "common heritage of mankind."

52. When preparing for the next step we think it essential therefore that certain priorities should be kept clearly in mind and that certain basic guidelines should without delay be established for our further work. With regard to priorities it is important that we keep in mind that the sea-bed item as originally conceived by Malta is at this time first and foremost a problem of overriding political, military and legal importance and implications.

53. While we think that increased international co-operation for the exploration and use of the sea-bed and ocean floor are of fundamental importance and of incalculable long-term interest for all countries, we feel that this aspect of the problem should not be allowed to overshadow other aspects. No doubt human inventiveness and skill spurred on by economic and military interests will soon create the tools which will permit the hitherto unfathomed progress in deep-sea exploration and exploitation. We know how far advanced such plans are already today in a few technologically highly developed countries. International co-operation in this field is likely even more to speed up this development.

54. We believe that progress in the fields of technology and science must be accompanied by energetic efforts to work out a generally agreed political and legal framework for all activities in this area. We also believe that there is no time to lose in this race between technological advance and

general regulatory principles. As we know, different sets of principles or guidelines were proposed during the deliberations of the *Ad Hoc* Committee but none of them were found generally acceptable. The *Ad Hoc* Committee limited itself to listing the various proposals made without making any recommendations.

55. The draft resolution now before us [*A/C.1/L.425 and Add.1-5*] confirms that there is still no wide agreement on the formulation of the principles involved. It is certainly understandable that the sponsors of the draft resolution have to avoid certain issues for the sake of compromise in order to gain the widest possible support. Like many of those who have taken the floor already in this debate, we find it highly important that the mandate should reflect the principles outlined in paragraph 88 of the report of the *Ad Hoc* Committee. We would thereby, among other things, avoid repetition of what has already been said in the *Ad Hoc* Committee on this subject and save precious time.

56. Which are, then, the issues and principles that might be incorporated in the resolution already before us, or possibly, in a separate draft resolution? It was agreed by members of the *Ad Hoc* Committee that there exists an area of the sea-bed and ocean floor which is not subject to national jurisdiction. No agreement, however, could be reached as to the precise limit of this area in respect of the continental shelf over which States have the right to claim national sovereignty in accordance with the Convention on the Continental Shelf,⁴ done at Geneva in 1958. We find it imperative that the Committee to be set up make it one of its first tasks to work out proposals for a solution of the problem of establishing exact boundaries. It will be necessary in this context to take into account existing international law, including in particular the Geneva Convention which must perhaps be amended so as to avoid all ambiguity as to its proper interpretation. We do not believe that the Committee could carry out its mandate satisfactorily without making progress regarding this basic problem. In our view a reference hereto should be made in the draft resolution.

57. Pending such agreement on precise boundaries we should like to stress again how important it is that in the meantime States refrain from any action which would impair the extent of the area presently beyond the limits of national jurisdiction. We called last year for a gentlemen's agreement on the freeze of national claims to the sea-bed and the ocean floor. We continue to think that some such agreement or moratorium is called for. It may indeed be more urgent than last year since, otherwise, States in the light of our deliberations might be tempted to extend unduly the areas now under their national jurisdiction. We wish in this context to say that the concept of adjacency contained in the Convention on the Continental Shelf should be interpreted restrictively. This concept precludes in our view all excessive claims based on the present working of that Convention and helps avoiding that the establishment in due time of the precise boundary be prejudiced by prior exploitation of the natural resources of the ocean floor by coastal States.

58. We think that any set of principles should affirm that this area beyond national jurisdiction, the exact boundaries

⁴ United Nations, *Treaty Series*, vol. 499, 1964, No. 7302.

of which remain to be defined, should be considered the common heritage of mankind and should as such be used in the interest and for the enrichment of all countries with special regard for the needs of the developing countries.

59. The concept of common heritage clearly indicates that there should be some kind of institutionalized international supervision or regulation of the use by States of this common heritage. A leading role for the United Nations in this matter seems called for.

60. Like many others who have spoken before us in this debate, we express the sincere hope that it will prove possible to accommodate the differing opinions regarding principles to govern our activities in the exploration and exploitation of the sea-bed and ocean floor. It is our conviction that only on such an agreed basis could a permanent committee successfully tackle the complicated question of working out an agreement which could, one might hope, one day become—and may I state the possible title of such an agreement—the international treaty on principles governing the activities of States in the exploration and exploitation of the sea-bed and the ocean floor. The problems to be solved are great, but so are the rewards if we succeed.

61. I should now like to turn to the military aspects of the problem; but before doing so, let me say, in this context, that the Swedish delegation wholeheartedly supports the draft resolution originally proposed by Iceland [*see A/7230, annex III*] regarding the necessity of taking action, as a matter of urgency, in order to prevent pollution of the sea as an undesired side-effect of the work or the exploration and the exploitation of the sea-bed and the ocean floor. I should like to add that this is one aspect of a larger problem which is before the General Assembly at this session, namely, the problem of the preservation and betterment of the human environment as a whole. That problem concerns, of course, not only the oceans, but also the quality of the surroundings of man on land, be it the fresh water in rivers and lakes, the complex biological processes that regulate the productivity of the soil, or the very special problems that arise out of the process of rapid urbanization, especially in the developing countries. The purpose of the item on the human environment is precisely to encourage work of the kind envisaged in the Icelandic draft resolution, by Governments and international agencies, and to give it a common direction and outlook.

62. There is increasing awareness of the potentialities for war opened up by the exploration and exploitation of the deep sea. These potentialities could indeed become one of the main components of military capabilities in the future. So much the more important is it to try, through workable international agreements, to forestall the establishment under the deep seas of various military installations. Such agreements would be of the same conflict-preventing type as the Antarctic Treaty⁵ of 1959 and the outer-space Treaty of 1967,⁶ serving as what has been called a non-armament measure.

63. As is evident from the report of the *Ad Hoc* Committee, two different solutions have been suggested in

⁵ *Ibid.*, vol. 402, 1961, No. 5778.

⁶ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly resolution 2222 (XXI), annex).

order to arrive at a prohibition of the use for military purposes of the sea-bed and the ocean floor. The widest in scope would prohibit all military uses of the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States. The less far-reaching solution would prevent the use of the sea-bed and the ocean floor for the emplacement of weapons of mass destruction. This latter formula leaves open—presumably for decision in another context—the vital question of the delimitation of the geographical area where the prohibition is to be applied. May I recall that the Eighteen-Nation Committee on Disarmament touched upon this subject during its brief session last summer. The report of the Eighteen-Nation Disarmament Committee states that

“Several suggestions were made concerning the problem of prevention of an arms race on the sea-bed. The Committee concluded that this new subject would be a fruitful area for its future work.”⁷

64. The debate we are now engaged in here in the General Assembly will, we hope, give further guidance for the continued work both within the new committee set up by the General Assembly and in the Conference of the Eighteen-Nation Committee on Disarmament.

65. There seem to exist different views as to the most appropriate forum for discussion of the military and disarmament aspects of the sea-bed item. We feel that, in fact, those views are not necessarily in conflict. It would seem natural that the new committee should continue and bring to a successful conclusion the important task of defining, and making concrete suggestions on, all aspects of the matter. It is possible, and to us it seems highly desirable at the same time, to let the Conference of the Eighteen-Nation Committee on Disarmament, within the framework of its particular competence, focus its attention on the military and disarmament aspects in order to try to arrive speedily at a solution acceptable to all its members. The necessary co-ordination can be achieved by the General Assembly upon receipt of their respective reports.

66. The problems involved can be divided, it seems to us, into three categories:

First, what is the scope of the prohibition to be arrived at? Or more specifically, what weapons or measures should be prohibited?

Second, how, in this context, should the prohibited area be delimited?

Third, how should the control be arranged?

67. As to the scope of the prohibition, we should, in the view of the Swedish delegation, aim at the widest possible formula, that is, a complete demilitarization of the sea-bed. This goal necessitates an agreed set of definitions as to what is meant by expressions such as “for peaceful purposes” and “military installations”, etc. Such agreed definitions will also be needed for the purpose of control.

68. Unless we seek to achieve a complete prohibition in this respect, the matter of control will obviously be particularly complicated.

69. I am sure that it will be possible to arrive at some agreed definitions, if experts from the various interested countries could be given a mandate to sit down together to work on the problem. The prohibition of the instalment of all weapons of mass destruction, specifically nuclear weapons, will, of course, be a necessary ingredient, but to limit the agreement to these weapons would not, in our opinion, be going far enough. “Conventional” types of explosives—to use this now habitual but still somewhat ironic sounding expression—may create much the same political hazards, if installed on the sea-bed, as nuclear explosives and might be just as harmful to commercial ships and other peaceful users of the sea-surface. Far-reaching military observation posts or communication centres, installed on the sea-bed, might do as much harm to the political climate as actual weapons. This seems to us to be a forceful argument for a conclusion that the sea-bed should be free of all military installations.

70. As to the geographical limits of what should constitute the prohibited area in this connexion, we should, in the view of my delegation, try to win acceptance of as wide and as broad a definition as possible. May I say here that if the nationally controlled or claimed parts of the continental shelf should be left outside the proposed prohibitory agreement, the result would be that the international water areas adjacent to the coasts of my country, both in the Baltic and in the North Sea, would not be covered by the agreement. As a matter of fact, no part at all of these two considerable and important sea areas would be covered. The same situation would arise in many other parts of the globe. Such a non-armament agreement would be only of limited value. We should aim at a prohibition of all military installations beyond the limits of the territorial waters of coastal States.

71. It is certainly a matter of concern in this, as in many other contexts, that the world community has not been able to arrive at a common position as to what should constitute the outer limit of the territorial waters of a coastal State. If, for this reason, it would prove difficult to provide for demilitarization according to a formula based on the limit of territorial waters, perhaps it might be possible to agree on a line at a fixed distance from the coastal base lines.

72. I finally come to the matter of control. In this field we can look to two important precedents, the Antarctic Treaty of 1 December 1959 and the outer space Treaty of 27 January 1967. The Antarctic Treaty provides in its article VII that in order to promote the objectives and ensure the observance of the treaty provisions, the parties have the right to carry out inspections through designated observers. These observers shall have complete freedom of access at any time to any area of Antarctica. The right of inspection extends over all stations, installations and equipment within Antarctica, as well as all ships and aircraft at points of discharging or embarking cargoes or personnel therein. Aerial observation may be carried out at any time over it. The parties are further obliged to notify each other of all expeditions and stations within Antarctica, as well as of military personnel or equipment that they intend to introduce there.

73. The control arrangements foreseen in the outer space Treaty are less far reaching. In article XII of that Treaty it

⁷ See *Official Records of the Disarmament Commission, Supplement for 1967 and 1968*, document DC/231, para. 29.

is stated that all stations, installations, equipment and space vehicles on the moon and other celestial bodies shall be open to other parties to the Treaty on a basis of reciprocity. Before a projected visit can take place, reasonable advance notice shall, however, be given and appropriate consultations be held to assure safety and to avoid interference with normal operations in the facility to be visited.

74. The right of inspection contained in the Antarctic Treaty does not contain similar conditions. In our view, therefore, it would seem preferable to use its relevant provisions as a model for the inspection system to be provided for in a treaty on the prohibition of any military uses of the sea-bed and the ocean floor.

75. If general agreement could be found around the kind of ideas I have just outlined, I do not think that the drafting of a full treaty text would present any major difficulties.

76. I wish to end this intervention by sounding a note of urgent warning. The international community will have to fulfil in the near future the task of reserving the sea-bed and the ocean floor for exclusively peaceful purposes. If we do not succeed in this, the world may be facing within a few years an intermingling of civilian and military activities in the same stretches of the oceans and on their floor which could lead only to dangerous friction and suspicion between nations. Beyond such a stage we can already see looming the still greater danger of intensive deployment of undersea weapons and operational military craft, capable of utilizing the ocean floor as a base for their activities. If we act now and with the right foresight such a nightmarish development can be avoided and instead an immense part of our globe be freed from means of warfare.

77. The CHAIRMAN: I thank the representative of Sweden for the congratulations he extended to the Chairman and the other members of the Bureau.

78. Mr. SCHUURMANS (Belgium) (*translated from French*): Nearly a year has gone by since the First Committee recommended to the General Assembly and obtained its approval for the creation of an *Ad Hoc* Committee instructed to undertake a survey of the various aspects of a question which intrigued and, in some cases, confused the majority of delegations owing to its novelty, its scope and its many implications. Our colleague from Malta, Mr. Pardo, opened the discussion in a brilliant manner by making a statement [1515th and 1516th meetings] which was remarkable for its wealth of information and insight. Much hard work by the Secretariat and three fruitful sessions of the *Ad Hoc* Committee were needed to provide this Committee with an all-round picture showing the various factors involved in the use of the sea-bed and the ocean floor for peaceful purposes and in the exploration of the resources thereof.

79. Today, we have this picture before us in the form of a very substantial report which described—without solving, for that was not part of the *Ad Hoc* Committee's mandate—the numerous problems raised by the “silent world” which has lain hidden from man for so long.

80. I have no intention of dwelling on every aspect of this fascinating project. I should merely like to emphasize some

of the salient features of this report, whose author, Mr. Victor Gauci, deserves our gratitude and admiration.

81. Anyone who undertakes a study of this problem is at once faced with a preliminary dilemma: is there an area of the sea-bed and ocean floor which is not subject to national jurisdiction? The very wording of resolution 2340 (XXII) gives, at least implicitly, an affirmative answer to this question. However, the very broad interpretation which can be given the criterion of “exploitability” which appears in the first article of the 1958 Convention on the Continental Shelf⁸ would seem to justify a careful examination of this question.

82. This is how the continental shelf is defined in the Geneva Convention:

“... the sea-bed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of superjacent waters admits of the exploitation of the natural resources of the said areas”.

One interpretation—that could certainly be challenged—of this article could lead to an extreme extension of the sovereign rights of the highly industrialized coastal States, particularly if it were admitted that the criteria for determining the limits of national jurisdiction were, in the last analysis, a country's capability and means for exploration or exploitation.

83. On the other hand, a riparian State less advanced in scientific knowledge, or lacking the necessary technological and financial means, might find itself excluded or at the very least hindered from deriving any benefits from the marine resources of its continental shelf, unless it became dependent on the aid and support of more powerful States. There is no need to stress how much more seriously such a situation would affect the interests of landlocked States.

84. The vague wording of the text of the Convention I have just quoted shows why there is no precise definition of the area we are discussing.

85. In practice, until new regulations are laid down, any State will be free to undertake at will the exploration and development of the resources of the sea-bed and ocean floor and the subsoil throughout the regions adjacent to its coast. However, such freedom, apart from the fact that it might create chaotic conditions, would at the very outset compromise the success of any programme designed to raise the economic level of the world's population as a whole—especially of the peoples in developing countries—through the development of marine resources.

86. The Belgian delegation cannot agree to any legal provision, or to any other measure, which would result in widening the already considerable and dangerous gap separating the highly developed countries from the less favoured ones. For this reason, it deems it essential that the international community should decide without delay that beyond a fixed limit to be agreed upon a régime should be established which would guarantee the use of this area in the interests of all mankind.

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

87. The *Ad Hoc* Committee's report states that:

"An internationally acceptable definition of the precise limits of the area under consideration was regarded by several delegations as central to the whole question and one which required careful study as it was highly complex. The view was, however, expressed by certain delegations that it went beyond the *Ad Hoc* Committee's terms of reference" [A/7230, para. 49].

88. I wonder whether it might not be well to return to the suggestion made here by Mr. Amerasinghe, the able Chairman of the *Ad Hoc* Committee. In his statement before this Committee on 28 October, he noted that:

"... any review might well produce results that will prove even more beneficial... than the present ambiguity and uncertainty that surround this matter. It is important that action be initiated without delay for the convening of a third conference on the law of the sea at the earliest and most appropriate date with the express purpose of reconciling any provisions of international law relating to the continental shelf with the objectives of the item before us" [1588th meeting, para. 147].

89. The question certainly deserves to be raised once again so that we may consider the various arguments put forward. Which criterion should we accept when a precise limit must be put to the continental shelf: that of depth or that of distance? Although the first idea has its supporters, and although it is true that it appears in a number of international instruments, we must not overlook the fact that there are States whose coastlines are too abrupt for them to be in a position to accept the bathymetric criterion.

90. This brings me to the legal system which should apply to the area of the sea-bed and the ocean floor.

91. The Legal Working Group of the *Ad Hoc* Committee, under its enlightened Chairman, Mr. Benites, noted that existing international law did not deal satisfactorily with many of the problems connected with the sea-bed and the ocean floor. The Working Group concluded that, in the interest of all mankind, legal principles should be formulated to regulate the activities of States with regard to the exploration and use of this area. Unfortunately, it has thus far been impossible to reach agreement on the wording of the rules agreed upon.

92. Belgium favours the speedy formulation and adoption by the General Assembly of a "declaration of principles" which can eventually form the basis of a true international instrument. A sufficiently large majority should be able to reach agreement on general principles fairly quickly. At this juncture, such a procedure might be the best means of making effective progress in the codification of international law.

93. Of course, the formulation of precise conventional regulations, embodied in one or more conventions to be presented to States for signature, should be kept in mind for the future. We, for our part, are prepared to do so. However, before turning towards this difficult and complex problem of codification as such, we think it especially important that the world community should define certain

principles which would not only to some extent form the basis of such a codification, but which would, at the same time, enable us to forestall the appropriation of submarine regions by any one Power and to restrict the sea-bed and the ocean floor to peaceful purposes.

94. The legal régime in this area is not the only matter in question: rules will also have to be established to govern the exploitation of its resources. The report of the Economic and Technical Working Group emphasizes that:

"To regulate the exploitation of mineral resources of the sea-bed and ocean floor beyond the limits of national jurisdiction, various régimes can be conceived;

"It will be necessary to study carefully the economic merits and demerits of these systems. The requirements which must be met by any possible régime should be spelled out without delay" [see A/7230, annex I, para. 61 (c) and (d)].

The time has come to study these factors and to make a comparative study of these various formulae. Without needing to go into detail, I should like to state that the Belgian delegation endorses the suggestion to conclude international agreements designed to reduce the danger of disrupting the world market by the exploitation of marine minerals [ibid., para. 38 (d)].

95. We also feel that the deleterious effects on traditional maritime activities such as navigation and fishing which might be feared from the exploitation of marine mineral resources should not discourage the development of these resources, "but rather bring about efforts to reconcile the conflicting interests in the regulatory framework to be set up for the purpose of mineral development" [ibid., para. 48 (c)].

96. From the outset, Belgium supported the reservation of the ocean depths exclusively for peaceful purposes. On 15 November 1967, I stated here:

"... The principle of using the sea-bed and ocean floor exclusively for peaceful purposes is therefore assured of our wholehearted support."

And I added:

"... the implications of such a measure must be studied with the utmost care" [1529th meeting, para. 54].

97. The Belgian delegation still holds this view. We are happy to note that today every delegation seems to agree that an extension of the arms race to the ocean floor must be avoided at all costs.

98. It stands to reason that this particular aspect of the question should be brought to the attention of the Eighteen-Nation Committee on Disarmament so that its experts can consider it carefully and draw up an agreement on the subject. The problem of reserving the area in question exclusively for peaceful purposes is still included in the agenda of the General Assembly. The committee which, we hope, will be set up at this session of the General Assembly to study the peaceful uses of the sea-bed and ocean floor must obviously have an awareness of the surveys which are made and of any international negotiations that are held, regardless of the context in which these surveys and negotiations take place. It will have to make

recommendations to the General Assembly concerning the political decisions it feels should be taken.

99. The Belgian delegation noted with interest the ten-Power draft resolution on the international decade of ocean exploration [A/C.1/L.429]. My country looks very favourably upon this initiative taken by the United States Government. As part of a long-term programme for world-wide ocean exploration, and assisted by the co-ordinating activity of the Intergovernmental Oceanographic Commission, the decade should serve to augment considerably the exchange of data gathered by national programmes and should also bring about an increase in the research capabilities of all the countries concerned. However, it must be noted that the proposal for an "expanded programme" of which the decade will be a part was submitted in resolution 2172 (XXI) and that it should therefore come under item 41 of the current General Assembly agenda—in other words, it is an item for the Second Committee.

100. Like the expanded programme, the decade is designed to foster a better knowledge of the marine environment in general through the use of science and to assist study and training programmes in the marine sciences. Thus its goals go beyond the terms of resolution 2340 (XXII), which deals only with the sea-bed and the ocean floor and the subsoil thereof, and their resources beyond the limits of national jurisdiction. I was very much interested in the very pertinent comments which were made here by the Brazilian and Austrian representatives, among others.

101. The Second Committee has decided to wait until the First Committee concludes its discussion of item 26 before beginning its consideration of the question of marine resources. Should not our Committee return that courtesy by refraining from trespassing on the jurisdiction of the Second Committee and confine itself to asking it that the IOC report on the oceanographic activities undertaken as part of the expanded programme and the decade should be simultaneously referred to the committee on the peaceful uses of the sea-bed and ocean floor? In this way, the latter could study the chapters of this report which come under its terms of reference and could perform the co-ordinating role which the sponsors of draft resolution A/C.1/L.425 and Add.1-5 wish it to have.

102. In this connexion, my delegation wishes to state that in its opinion the role given the IOC in this draft resolution does not appear to be incompatible with the maintenance of the Commission's present status. As the representative of France indicated, the IOC can

"...continue to exercise and develop its functions within the scientific sphere assigned to it without having to be burdened with the administration of funds provided by Member States" [1591st meeting, para.101].

103. On the other hand, I share the views expressed by our colleague, Mr. Pardo, when he emphasized that an expanded and strengthened IOC ought not to become a specialized agency. In this connexion, I shall not attempt to conceal the surprise with which I read a note circulated by the Secretary-General [A/C.1/973] at the request of the Director-General of UNESCO, summarizing the principal conclusions and recommendations drawn up by a group of

consultants brought together by the Bureau of the IOC. Among other things, it states that "A step by step procedure for the establishment and review of the expanded programme was agreed"; that "some of the above steps"—mentioned in the note—"are already scheduled to be taken," and that it had been "agreed, as an interim step, to keep the constitutional and administrative base of the IOC in UNESCO."

104. This document's publication is illustrative of the way in which some consultants are taking it upon themselves to decide the future of the IOC. The representative of UNESCO will allow me to remind him that decisions are taken by Member States alone and drawn up by their accredited representatives. To my knowledge, the "expanded" oceanographic programme and the increase in the base of the IOC are at this stage merely recommendations of the Economic and Social Council or proposals of the Secretary-General upon which the General Assembly will have to decide at its current session.

105. As for the Icelandic draft resolution on preventing marine pollution,⁹ it is a very timely addition to resolution 2340 (XXII) in so far as it concerns essentially the danger of pollution which might arise from the exploration and exploitation of the sea-bed and ocean floor. It should therefore be submitted to the General Assembly through the proper channel, that is, through the Committee on the Sea-Bed. If draft resolution A/C.1/L.425 and Add.1-5 is adopted at the current session of the General Assembly, one of the tasks of the proposed committee according to paragraph 2 (e), will be to:

"...examine proposed measures of co-operation to be adopted by the international community in order to prevent the marine pollution which may result from the exploration and exploitation of the resources of this area."

106. However, at present pollution is a problem which is basically caused by the deliberate or accidental dumping of radio-active and chemical waste into the sea, more than by any sort of exploration or exploitation of marine mineral resources. After all, pollution is primarily dangerous to the sea's living resources.

107. Moreover, the study called for in the proposal of Iceland ought to take into consideration the importance of minimizing conflicts between the many methods used to extract the ocean's wealth.

108. In this connexion, the proposal would seem to go somewhat further than the item on our agenda, since that item is limited to the sea-bed and ocean floor and does not cover the ocean areas as a whole. Thus, here again we wonder whether the proposal of Iceland—of which Belgium is in favour—might not better fit into the broader framework of item 41, leaving the Committee on the Sea-Bed to deal solely with these special aspects which fall within its purview. It would then be a simple matter for its wording to take into account the very sensible suggestion made by the representative of Malta [1589th meeting] aimed at expanding its scope to include "pollution due to accidents or deliberate acts that are not related to either exploration or exploitation."

⁹ Subsequently issued as document A/C.1/L.431.

109. In conclusion, I should like to say a few more words about draft resolution A/C.1/L.425 and Add.1-5 which originated in a working paper submitted to the *Ad Hoc* Committee by the Belgian delegation [*see A/7230, annex III*], and which now has some fifty sponsors. This text deals with the establishment of a committee to study the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction, and also attempts to lay down its terms of reference.

110. The submission to the Assembly of a report which has been received with widespread satisfaction, as preceding speakers have made clear, marks in its way the end of the first phase of this most interesting undertaking which we have begun. Three sessions of intensive work by the *Ad Hoc* Committee, the most recent of which was held, thanks to the hospitality of Brazil, in that country's fascinating capital, have enabled us to draw up a balance sheet and to make an analysis of the many and complex problems raised by this new phase in the exploration of our globe. The international community must now find solutions to these problems based on justice, human solidarity and impartiality. If the Belgian delegation is hopeful about this second stage, it is because we feel that the results obtained and the experience gained over the course of this first year of work augur well for the future. As for my delegation, we consider it an honour to be able to continue to lend our wholehearted co-operation to a task which all of us, I believe, unanimously recognize as being of interest to the world of the future and to the well-being of those who will inhabit that world.

111. The CHAIRMAN: The representative of UNESCO has expressed a desire to make a statement and I invite him to do so.

112. Mr. DE SILVA (United Nations Educational, Scientific and Cultural Organization) (*translated from Spanish*): First of all I want to thank you, Mr. Chairman, for giving me the floor and allowing me to refer to the comments made and the questions put by various speakers, in particular the questions asked by the representative of India [*1591st meeting*], and the comments made just now by the representative of Belgium.

113. Less than ten years ago scientists from all over the world met in this very room to examine the state of the world's knowledge of the sea. At that time, which now seems to us so long ago, less was known about the floor of the Indian Ocean than about the visible half of the moon.

114. The following year saw the creation in UNESCO, that is to say, within its legal framework, of the Intergovernmental Oceanographic Commission (IOC) set up "to promote scientific investigation with a view to learning more about the nature and resources of the oceans, through the concerted action of its members".¹⁰

115. Since that time we have witnessed a speeding up in the acquisition of knowledge about the sea and its resources, and we have also watched the crystallization of the international will to guarantee the peaceful uses of the sea-bed and ocean floor and the sub-soil thereof, underlying the high seas.

116. Actually, it might well be asked whether this awareness of the extraordinary potential of what the representative of Belgium has just called this silent world, so long inaccessible, could be used in the interests of mankind without such an increase in scientific knowledge.

117. Be that as it may, the impressive increase in the knowledge now available to the international community has also highlighted the need for a multi-disciplinary approach; and for this reason the Directors-General of UNESCO, FAO and WMO felt it desirable to prepare measures in keeping with the recommendations adopted by the Economic and Social Council in resolution 1381 (XLV), which the Secretary-General is now submitting to the General Assembly [*A/C.1/973*].

118. In particular, they felt they should consider ways and means of implementing the proposal that the General Assembly recommend Member Governments, UNESCO, FAO, WMO and such other organizations of the United Nations family as may be concerned, to agree as a matter of urgency to broaden the base of IOC so as to enable it to formulate and co-ordinate the expanded programme of international co-operation in order to contribute to a better understanding of the marine environment through science [*E/4487 and Corr.1-3 and 5-6*].

119. The representative of India and other speakers referred specifically to the measures described in document A/C.1/973, submitted by the Secretary-General at the request of the Director-General of UNESCO. The document sums up the main conclusions and recommendations made at a meeting organized by the Bureau of the Intergovernmental Oceanographic Commission of UNESCO with a view to analysing the functional, statutory, administrative and financial implications for the Commission and the agencies concerned of an expanded programme of international co-operation to increase the knowledge of the marine environment through science.

120. It may be appropriate to make it clear that although these conclusions and recommendations represent the position of the Director-General of UNESCO and his opposite numbers in FAO and WMO, no statement has as yet been made on the subject by the governing bodies of the three organizations, and hence they retain their freedom of decision.

121. The two questions asked by the representative of India are: first, what is the scope of the programme which the Intergovernmental Oceanographic Commission is contemplating in collaboration with other agencies? and second, how is it proposed that the programme should be financed and, in particular, what is to be the source of the funds and how are they to be used? [*1591st meeting, para. 52*].

122. With reference to the first question, it might perhaps be premature at this moment to try to formulate in detail all the programmes which could be entrusted to the Intergovernmental Oceanographic Commission of UNESCO for implementation. Furthermore, its Chairman will be back in New York when item 41 of the Assembly's agenda is resumed in the Second Committee, and he will be able to do it more appropriately and in a more technical way.

¹⁰ See *Intergovernmental Oceanographic Commission (Five Years of Work)*, UNESCO, 1966, p. 37.

However, I can inform the representative of India about one of the programmes already being planned.

123. This is the Integrated Global Ocean Station System, better known by its acronym IGOSS. This world-wide system of oceanographic information and forecasting will use coastal stations, lightships, manned marine platforms, meteorological oceanographic ships, automatic buoys, drifting icebergs and satellites and research vessels. Its network is designed to provide a basis for forecasting the behaviour of the ocean by means of accurate measurement of the density and temperature of the water, currents, waves and movements of great masses of water, zooplankton, and even pollutants. This ambitious task would be very closely co-ordinated with the World Weather Watch plan.

124. The Intergovernmental Oceanographic Commission will furnish the standing committee now under consideration with the results of the efforts being made under the IGOSS programme, in other words, of both its studies and its activities as such; and it is to be hoped that the standing committee will wish to look into other international efforts of the kind undertaken by IOC.

125. The second question asked by the representative of India was how the programmes were to be financed, where the funds were to come from, and how they would be used.

126. With regard to the reinforcement by IOC of the support programmes of the participating international agencies, UNESCO will continue to give financial aid, but it is hoped that other organizations such as FAO and WMO, which under these proposals would be participating organizations, will also be able to make a substantial new financial effort. To put it another way, a joint secretariat only makes sense if there is a community of effort and sacrifice for the programme.

127. As regards the funds needed for the operations of IOC, they would be assessed by the Commission itself in consultation with the inter-institutional board which it has been agreed to set up [see A/C.1/973]. This would recommend appropriate financing by the participating organizations and supervise the utilization of the funds supplied. Provision might also be made for the financing of specific projects through voluntary contributions by the member States. In this event any such trust fund would be administered by UNESCO in accordance with the conditions stipulated by the contributors.

128. Finally, national programmes such as those carried out in connexion with the International Indian Ocean Expedition (1959-1965)¹¹ under the co-ordination of IOC would continue to be financed with national funds.

129. I have just mentioned the International Indian Ocean Expedition, which as the members of the First Committee are well aware, is only one of the significant international achievements of the Intergovernmental Oceanographic Commission. There can be no doubt, as many speakers have confirmed in the last few days, that the Commission set up in UNESCO, i.e. within its legal framework, has demonstrated what international co-operation can do to promote scientific oceanographic research.

¹¹ *Ibid.*, p. 13.

130. Basic multi-disciplinary research, in which IOC is engaged, is the very sphere covered by the constitutional function of UNESCO in relation to science in all its branches. Thus there is harmony between the work of IOC and UNESCO's scientific work in general. It is therefore logical that IOC should be part of UNESCO.

131. This threefold connexion, historical, legal and scientific, will be duly taken into account when the statutory changes which might be required for the expansion of IOC, administratively and financially, are discussed. In any event, no such changes could take place without the express approval of the General Conference of UNESCO, where the representatives of the member States determine UNESCO's policy and lay down general guidelines.

132. As I have already said, document A/C.1/973 represents the common view held today by the Directors-General of UNESCO, FAO and WMO. It has already been submitted to the Administrative Committee on Co-ordination, since it is of interest to other organizations within the United Nations system, and it has also been brought to the notice of the General Conference of UNESCO, which is holding its fifteenth session at the present time in Paris.

133. The document was also submitted for information to the General Assembly in connexion with resolutions 2172 (XXI) and 2340 (XXII); and due attention will be paid to the very important and interesting observations that have been made in this Committee and those that will surely be made in the Second Committee, where the economic, technical and scientific aspects of the resources of the sea are to be examined.

134. In view of the goals of UNESCO and its Intergovernmental Oceanographic Commission, the clear intention manifested in the Commission to work in close co-operation with the agencies belonging to the United Nations system so as to avoid duplication and overlapping of activities is a matter for gratification.

135. In giving his views on UNESCO's contribution to peace, international co-operation and security through education, science and culture, the Secretary-General of the United Nations said in his letter of 18 March to the Director-General of UNESCO:

"As for the oceans, unless there is far-reaching international co-operation in this area, serious tensions are, I believe, likely to arise in the years ahead when technological advance makes exploitation of the resources of the oceans and the ocean floor economically feasible. UNESCO and the United Nations are already working closely together on oceanographic issues, and this collaboration will need to be strengthened in the years to come."¹²

136. UNESCO will co-operate fully in the achievement of this new stage in the work of the United Nations, within the limits of its scientific and technical competence, combining its efforts and those of its Oceanographic Commission with those of the Organization.

137. The magnitude and complexity of the task call for this, and UNESCO's status as a specialized agency requires it of us.

¹² Quoted in English by the speaker.

138. Mr. MATSEIKO (Ukrainian Soviet Socialist Republic) (*translated from Russian*): Mr. Chairman, as my delegation is speaking here for the first time, I should like to begin by congratulating you on your election to the high post of Chairman of the First Committee and express the hope that under your guidance the Committee will achieve good results. Our congratulations and good wishes are also addressed to the other officers of the Committee—Mr. Galindo Pohl, the representative of El Salvador, and Mr. Zollner, the representative of Dahomey.

139. The *Ad Hoc* Committee's report and the debate on it testify plainly to the increasing attention now being paid to the question of the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. This is not surprising, since the question concerns the interests of all States, great and small, developed and developing, coastal and land-locked.

140. As we know, the matter has arisen owing to the development of science and technology and the increased scope of scientific exploration of the sea-bed and the ocean floor. That great poet, Byron, had every reason to say in his day that man's control stops with the shore. But that day is long past. The scientific and technical knowledge available today permits the power of man's reason to extend to this previously inaccessible area, and opens up new possibilities of gaining access to the sea-bed and the ocean floor at great depths, engaging in scientific exploration, and making use of the latest technical equipment and devices to explore and exploit their natural resources.

141. At the same time, the progress of science and technology makes it possible to utilize the sea-bed and the ocean floor for military purposes. The vast submarine reaches beyond the territorial waters of States, which constitute the greater part of the Earth's surface, may thus become an arena for a dangerous arms race, a development that would affect the interests of international peace and security and of all mankind.

142. When, on the initiative of the Maltese delegation, the question of the utilization of the sea-bed and the ocean floor was placed for the first time on the General Assembly's agenda at the last session,¹³ the *Ad Hoc* Committee was asked to make a preliminary study of it. Bearing in mind that the problem was new and complex, the General Assembly gave the Committee relatively limited terms of reference. By resolution 2340 (XXII), the Committee was instructed to examine the factual data, make a survey of the past and present activity of the United Nations and other international organizations and also of existing international agreements concerning these areas, prepare an account of the scientific, technical, economic, legal and other aspects of the problem and, finally, indicate to the extent possible practical means of promoting international co-operation in this field.

143. In following these instructions, the *Ad Hoc* Committee accomplished some useful work. I must pay a tribute both to the Committee itself and to its officers—Mr. Amerasinghe, its Chairman, Mr. Gauci, its Rapporteur, Mr. Benites, the Chairman of its Legal Working

Group, and Mr. Denorme, the Chairman of its Economic and Technical Working Group.

144. The Committee had a voluminous documentation at its disposal, some prepared by the United Nations Secretariat and some provided by a number of the specialized agencies. In the course of its three sessions, the Committee discussed a broad range of questions—scientific, technical, economic, political, military and legal.

145. In particular, the Economic and Technical Working Group held a preliminary exchange of views on such problems as evaluation of the extent and geographical disposition of marine mineral resources, the present state and future development of technology for the exploration, evaluation and extraction of useful minerals from the ocean floor, the possibilities of exploiting such mineral resources from the points of view of technological progress, profitability and security of investment, the possible economic effect of the exploitation of marine mineral resources on world markets and prices, its possible effect on other uses of the seas and the oceans, etc.

146. The Legal Working Group had equally important and complex problems to deal with. It discussed such matters as the legal status of the sea-bed and the ocean floor under the high seas beyond the limits of existing national jurisdiction, the reservation of the sea-bed and the ocean floor in those areas exclusively for peaceful purposes, the use of their resources in the interests of all countries, the freedom of scientific research, due regard for the interests of other States in exercising the freedom of the high seas, etc.

147. This mere listing clearly illustrates the variety and complexity of the problems which call for further serious study.

148. The *Ad Hoc* Committee has, of course, made only a preliminary study. In our view, however, its work is of practical significance in that it represents a first and useful stage in a comprehensive study of the problem. The Committee held a useful exchange of views, in which the positions of the different States were made clear, and a number of draft resolutions and declarations were submitted which reflect the different approach of their sponsors to the main aspects of the problem.

149. We note with satisfaction that there has been a definite rapprochement on certain questions. All delegations agreed that it is most important to study the sea-bed and the ocean floor and to expand oceanographic exploration accordingly. It was emphasized in this connexion that such exploration will lay the groundwork for future fruitful utilization of marine resources.

150. It was recognized in the Committee (as stated in paragraph 20 of its report) that a fundamental principle to be observed is the freedom of scientific investigation and research.

151. It was also agreed that the activities of all organs within and outside the United Nations which are concerned with the scientific exploration of the sea-bed and the ocean floor and their resources must be co-ordinated.

152. In that connexion, many delegations remarked that the Intergovernmental Oceanographic Commission must

¹³ Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 92, document A/6695.

play an important role in organizing and developing international co-operation in the study of the sea-bed and the ocean floor and their natural resources.

153. My delegation for its part fully shares this approach and favours expanding the activities of the Intergovernmental Oceanographic Commission to enable it to work out and co-ordinate an expanded programme of oceanographic research.

154. The Ukrainian Soviet Socialist Republic has been actively engaged in developing scientific research of the world's oceans and the ocean floor. Three scientific institutes of the Academy of Sciences of the Ukrainian SSR are carrying on this work in our country: the Institute of South Sea Biology, the Marine Hydro-Physical Institute, and the Institute of Geological Sciences. In carrying out the national program of oceanographic studies, these institutes are conducting research in the Indian and Atlantic Oceans to determine their biological resources, both in the water and on the ocean floor, to evolve measures for their conservation, to work out scientific principles of ocean management—in other words, to develop aquaculture. Studies are also being made of the transformation processes of ocean deposits with time and the data obtained are used to probe into the laws of the formation and disposition of useful minerals produced by ancient and contemporary deposits on the ocean floor.

155. In carrying out its national programme of oceanographic research, my country as a member of the Intergovernmental Oceanographic Commission and its Consultative Council, directly participates in international scientific exploration. In particular, it took part in the joint international study of the tropical Atlantic. After investigatory expeditions, agreement was reached on preparing an atlas of the area. The atlas prepared by the Ukrainian scientists was deemed to be the best and selected for publication.

156. At the fifth and latest session of the Intergovernmental Oceanographic Commission, the Ukraine was elected to the Working Committee on an integrated global system of oceanic stations.

157. Our experience of national research programmes and our participation in international programmes lead us to believe that the important political questions and points of international law relating to this sphere must be settled before any further progress is made in studying the sea-bed and the ocean floor. My country favours regulation under international law of the rapidly expanding activities of States in the exploration and exploitation of the sea-bed and the ocean floor. Naturally, when any such action is taken, the complexity and many-sidedness of the problem must be borne in mind.

158. One matter which requires serious attention is the determination of what parts of the sea-bed and the ocean floor lie beyond the limits of national jurisdiction.

159. The *Ad Hoc* Committee has recognized what was implicit in resolution 2340 (XXII)—the existence of an area of the sea-bed and the ocean floor that lies beneath the high seas and beyond the limits of national jurisdiction. At the

same time, as stated in paragraph 49 of its report, many delegations agreed that measures must be taken to define the limits of that area. We believe that the question calls for further serious study. Simple logic tells us that if we continue to extend national jurisdiction indefinitely, in the end no part of the sea-bed and the ocean floor will be outside its limits.

160. Everyone in the *Ad Hoc* Committee recognized that the sea-bed and the ocean floor must be used exclusively for peaceful purposes, although no agreement was reached on the boundaries beyond which this principle would apply and on its precise contents. My delegation is in favour of using the sea-bed and the ocean floor exclusively for peaceful purposes beyond the limits of the territorial waters of States.

161. In our opinion, the Eighteen-Nation Committee on Disarmament is an appropriate and competent organ to study this question and promote an agreed solution.

162. As may be seen from the *Ad Hoc* Committee's report, there are a number of other as yet unsettled questions relating to the legal aspects of the exploitation of the sea-bed and the ocean floor. We believe that these as well as all other relevant questions should be referred to the committee whose establishment on a permanent basis is being proposed in draft resolution A/C.1/L.425 and Add.1-5.

163. My delegation is not opposed to the idea of setting up such an organ, provided that its terms of reference are appropriately defined. In our view, the standing committee should examine the economic, technical and legal questions relating to the exploration and exploitation of the sea-bed and the ocean floor beyond the limits of national jurisdiction.

164. The standing committee's terms of reference are of paramount importance, as they will determine the entire course of its future work. We trust that the consultations now going on will make it possible to arrive at a mutually acceptable decision. If the committee is to be successful in its work, there must be fruitful collaboration even at this stage, in defining its terms of reference.

165. In that connexion, I should like to comment on paragraph 2 of the amendment in document A/C.1/L.426 and Add.1, which proposes that the Committee should consider the establishment of international machinery for the exploration and exploitation of the resources of the sea-bed and the ocean floor.

166. We consider this amendment to be unacceptable, for the following reasons.

167. The creation of international machinery for the exploration and exploitation of marine resources presupposes supranational or international ownership of the vast reaches of the sea-bed and the ocean floor; but no such ownership exists or can exist.

168. Our world comprises States with different economic and social systems and different forms of ownership. It contains socialist States, capitalist States, and countries

which are building their national economies while struggling against colonialism and neo-colonialism. In the circumstances, any attempt to create some form of common ownership of the sea-bed and the ocean floor, and then to establish a supranational organ to administer them, would be entirely unrealistic. The establishment of any such organ would not promote international collaboration on an equal footing in the exploration and exploitation of the sea-bed and the ocean floor; on the contrary, the inevitable result would be that the top command posts in this body would be seized by those forces which are working not to benefit mankind as a whole, but to reap maximum profits—the capitalistic monopolies of certain imperialist States. They would then make use of this machinery in their own interests, to the detriment of the interests of other States.

169. After all, mankind has only just set its feet on the long and arduous, but promising, road of international co-operation in gaining mastery over the sea-bed and the ocean floor. The question now is how this co-operation should be organized so that the vast areas in question which are beyond the limits of national jurisdiction may be opened for exploration and exploitation by all nations, in accordance with international law, of which the United Nations Charter is a part.

170. If we are to succeed we must even at this, essentially preliminary, stage carefully take into account the various views and proceed in a spirit of workmanlike co-operation and mutual understanding with regard both to the scientific, technical and economic aspects and to the legal aspects, including the formulation of mutually acceptable rules of law applicable to the sphere in question. Only then can this complex problem be successfully solved.

171. In conclusion, I would express the hope that our Committee, in that spirit of goodwill and mutual understanding which has already given us our first results, will take decisions that will facilitate constructive and fruitful co-operation in settling the complex questions of the exploration and exploitation of the sea-bed and the ocean floor in the interests of strengthening international peace and security and in the interests of all countries, great and small alike.

172. The CHAIRMAN: I thank the representative of the Ukrainian SSR for the congratulations he extended to myself and my colleagues of the Bureau.

The meeting rose at 1.5 p.m.