



CONTENTS

Agenda item 92:

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 (*continued*)
Consideration of draft resolution A/C.1/L.410 (*continued*)

Page

1

Chairman: Mr. Ismail FAHMY
(United Arab Republic).

AGENDA ITEM 92

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 (*continued*) (A/6695; A/C.1/952; A/C.1/L.410)

**CONSIDERATION OF DRAFT RESOLUTION
A/C.1/L.410 (*continued*)**

1. Mr. TSURUOKA (Japan): First of all, I should like to express the Japanese delegation's deep respect and gratitude to the representative of Belgium for his lucid and indeed brilliant introduction and explanation [*1542nd meeting*] of draft resolution A/C.1/L.410, which is co-sponsored by a number of delegations including Japan.
2. My delegation had the honour to serve on the Working Group which has had the task of trying to achieve a consensus on the best means of dealing with the question concerning the sea-bed and the ocean floor, which is the subject of item 92 on our agenda this year, and which was proposed and brilliantly introduced by the representative of Malta. [*1515th and 1516th meetings.*]
3. As a member of the Working Group, my delegation can testify as to how very difficult it was to achieve the compromise text contained in document A/C.1/L.410. At the same time, it is only fair to say that because of the great complexity and the unprecedented depth of this question, it would have been virtually impossible to satisfy the desires of all participants in the Working Group. We fully appreciate and understand many of the views expressed by a number of representatives in the Working Group that may not find an exact reflection in the draft resolution before us.
4. But because of the great complexity and difficulty of the task confronting the Working Group, and also because

of the pressure of time, it was really inevitable that certain viewpoints put forward by representatives were either not touched upon or were not fully spelt out in detail in the compromise draft resolution that emerged. For the same reasons, it was inevitable that there should be a certain degree of apparent vagueness in the draft resolution.

5. My delegation, in such circumstances, is very pleased that it was finally possible to work out a compromise draft. That it was possible to do so is due in large measure to your own great efforts and remarkable guidance, Mr. Chairman. My delegation expresses its high respect and deep gratitude to Ambassador Fahmy.

6. I think that it might not be altogether inappropriate for me to say again this time, as I indicated on 15 November in this Committee, [*1529th meeting*] that Japan, as one of the world's leading maritime nations, has a vital interest in problems concerning the sea-bed and the ocean floor. We have developed high standards of oceanographic research in my country. We have endeavoured to co-operate fully with other countries and with the United Nations and the specialized agencies in this field, and to play an active role in the various activities being carried out by them. It is, of course, our intention and our earnest desire to continue to contribute all that we can to future developments in this field with the broadest interests of humanity in mind.

7. Because of the great importance we attach to this question, and in the same spirit of co-operation and compromise that characterized the efforts of the Working Group, Japan has decided to co-sponsor the draft resolution. We believe that it is the best approach in present circumstances to the problem before us, and we hope it will be unanimously approved.

8. Finally, I should like to add that Japan would be prepared, if deemed appropriate, to serve as a member of the proposed *ad hoc* committee.

9. Mr. EL BOURI (Libya) (*translated from French*): Since I come after the representative of Belgium, who explained to us in detail, in a most lucid and convincing manner [*1542nd meeting*], the aim and scope of draft resolution A/C.1/L.410, I shall be as brief as possible.

10. Let me say first of all that we are honoured to be among the sponsors of this resolution, since we are firmly convinced that there can be no peaceful and rational exploitation of the abundant resources of the sea-bed and ocean floor unless the international community decides to try to exploit those resources for the benefit of mankind as a whole. This premise is the essential starting-point for any concrete programme designed to cope with the complex legal, economic and technical problems which abound in

the body of this draft resolution. In this connexion my delegation is gratified to observe that during the preliminary debate on this far-reaching question, no-one expressly rejected the fundamental thesis that the resources of the sea-bed and the ocean floor must be exploited for the benefit and good of all countries.

11. Once this basic premise is accepted, we shall no doubt be able to come a good deal closer to our goal of setting up institutional machinery for the peaceful and orderly exploitation of the resources of the high seas through the application of modern techniques and the development of international co-operation. We are convinced that by following this path steadfastly, we shall be able to learn from past mistakes and make plans for solving the urgent problems raised by the progress of modern oceanography.

12. The essential purpose of the draft resolution before us is to formulate a series of principles and to define a policy designed to induce the international community to undertake the collective exploitation of the resources lying below the high seas. To this end, the first four preambular paragraphs expressly lay down the principle that these resources shall be used for the benefit of all mankind, and note that developing technology is making the sea-bed and ocean floor, and the subsoil thereof, accessible and exploitable for scientific, economic, military and other purposes.

13. In the other preambular paragraphs, stress is laid also on the traditional freedom of the high seas and the need to foster international co-operation and co-ordination in the efforts to cope with the many complex problems of the peaceful exploration and use of the high seas. On this point, the draft resolution recalls that surveys are already being prepared by the Secretary-General in response to resolutions of the General Assembly and the Economic and Social Council. During the preliminary stage of discussion of the question, the *ad hoc* committee to be established in accordance with operative paragraph I would constitute interim machinery for international action and consultation. The succeeding paragraphs are designed to furnish the *ad hoc* committee with the necessary information and to submit proposals to it concerning the best ways and means of establishing an appropriate institutional framework. Once the *ad hoc* committee has transmitted the information and proposals to the General Assembly, we shall no doubt be in a better position to decide on the details of this complex but highly intriguing question. We may even be in a position to reach agreement on certain concrete provisions defining the direction and scope of future action in this field. At any rate we cannot take another step forward until we have performed the task defined briefly in the draft resolution. That is why we feel it is important to adopt the resolution without further delay. Let us make this our minimum goal for the present session.

14. Even at this preliminary stage of discussion of the question, we ought to be able to agree on the declaration of principle and the programme of action outlined briefly in the draft resolution. Neither the declaration nor the programme is really controversial; yet if we adopt them and apply them conscientiously, they will undoubtedly open up for us a new era of development, on the threshold of a new world, exciting and full of promise.

15. It is with these things in mind that my delegation has taken an active interest in this question from the outset and

has asked to be one of the sponsors of the draft resolution. We warmly recommend it to the Committee, which we hope will adopt it unanimously.

16. Mr. VEGA GOMEZ (El Salvador) (*translated from Spanish*): The delegation of El Salvador did not participate in the general debate on the item before the First Committee today, namely, the peaceful uses of the resources of the sea. However, we did follow the statements on this question with particular interest. We agree with all the delegations which have recognized the exceptional importance of this new item so appropriately brought before the General Assembly at this time by the delegation of Malta, and we wish to join in the many and well-deserved congratulations addressed to that delegation, and especially to Ambassador Pardo, for the comprehensive, well-documented study with which he presented this item [*1515th and 1516th meetings*].

17. The brilliant statement made by the representative of Malta has awakened the hope that the time is not far off when mankind may be able to enjoy the benefits of the vast resources of the sea-bed, which should be considered a heritage and reserve of incalculable value for the entire world.

18. It has been said that perhaps the estimates quoted in the speech by the representative of Malta are over-optimistic. It might be said just as rightly that his assessment of the marine resources may fall short of the fantastic reality we may some day discover. For the truth is that we cannot yet determine the amount or extent of those resources. We need only recall in this connexion that the oceans cover three quarters of the earth's surface, and the ocean floor has not yet been explored, let alone exploited. Therefore, it is natural and logical to suppose that it contains an incalculable variety and quantity of resources.

19. My delegation feels that the study of this matter cannot be termed premature, nor can the wish to initiate a system of regulation designed to assure all countries that marine resources will be exploited for peaceful purposes and for the benefit of all mankind.

20. We are perfectly aware that some countries have already begun to exploit the marine resources near their territories, and we should make it our concern, as soon as possible, to ensure that both the exploration and the utilization of those resources take place within a legal framework which will prevent any possible abuses.

21. Firstly, we should like to point out that, naturally, part of these resources are being tapped in areas near the coasts, since it is there that access to them is easiest and since the development of technology, although considerable, still does not permit exploitation of the depths underlying the high seas. And it is natural that we should be concerned and endeavour to make sure that those activities do not interfere with or diminish the resources which legitimately belong to our countries.

22. The item submitted by the delegation of Malta—which deserves high praise, as we said before—seems to guarantee the sovereignty of States in its reference to “the sea-bed and the ocean floor and the subsoil thereof, underlying the

high seas beyond the limits of present national jurisdiction . . .”.

23. The representative of Honduras [*1527th meeting*] has made a detailed study of the various legislations at present in force on this question. The countries of America, in particular, have considerably extended the distance in which they exercise their sovereignty over the territorial sea, the ocean floor and the continental shelf. I must state that my delegation unswervingly upholds the principle that coastal States have superior and exclusive rights to the utilization of the resources of the continental shelf which belong to them under the Geneva Convention¹. I shall not dwell on this point. I merely wish to explain the legislation of my country on this matter.

24. In accordance with the article of the Salvadorean Constitution cited by the representative of Honduras, which is exactly the same as article 8 of the present Constitution of 8 January 1962:

“The territory of the Republic within its present boundaries is irreducible. It includes the adjacent seas to a distance of two hundred sea miles from low water line and the corresponding air space, subsoil and continental shelf.

“The provisions of the foregoing paragraph shall not affect the freedom of navigation in accordance with the principles recognized under International Law.”

25. That is the position of El Salvador, which we wish to set forth clearly and categorically. It is a point on which we admit of no discussion whatever, since it concerns our sovereignty exclusively. I must say that this constitutional declaration coincides with other, similar statements made by other countries of America some years ago, and that they constitute the basis of a new international law of the sea.

26. With this sole reservation in mind, we share the desire of the delegation of Malta to ensure that the resources of the ocean floor are reserved for peaceful purposes and utilized for the benefit of all mankind, particularly in the developing countries which are those that need them most.

27. We are aware that this is a very complex question with political, economic and legal implications. We share the view that the study of it should be undertaken with due care and without haste, which is usually prejudicial, but we also believe that this should be done as soon as possible.

28. Nor are we unaware of the fact that studies on this subject have already been undertaken by specialized and intergovernmental agencies, as the Secretary-General has pointed out in document A/C.1/952. However, this does not mean duplicating efforts, but co-ordinating them and making new efforts which may lead to satisfactory results. When studying the exploration and peaceful utilization of outer space, the General Assembly adopted measures which produced excellent results, so much so that today we can refer with pride and satisfaction to the signature of the 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*).

29. As a result of the debates on this item, we now have before us a draft resolution sponsored by thirty-nine countries (*A/C.1/L.410*).

30. My delegation has studied this draft with close attention, and we find it to be of great value, but we would have preferred the resolution adopted to read “the limits of present national jurisdictions” in the plural, as a number of other delegations have requested earlier, rather than “the limits of present national jurisdiction”.

31. It is by no means my intention to open a debate on this question. I believe that this change would not have affected the draft, but that it would actually have made the meaning of the expression completely and unequivocally clear.

32. I should now like to express publicly the thanks of my delegation to the Working Group which has laboured to give us a viable draft resolution, and whose efforts have produced the document I referred to above and which we now have before us.

33. In conclusion, I should like to say that, having set forth the principles upheld by my Government—and which I mentioned in my statement—my delegation will be happy to support the draft resolution on which we are to vote shortly.

34. Mr. KJARTANSSON (Iceland): When my delegation spoke on this item a few weeks ago [*1528th meeting*] here in the Committee we welcomed the initiative taken by the representative of Malta in bringing this question to the attention of the General Assembly. Like many others, we were keenly aware that we are faced with an entirely new question with complex and far-reaching implications. We therefore felt that it might be advisable to give Governments of Member States some time to study the problem before calling on the General Assembly to make any recommendations which might have implications affecting future action or progress in this field. My delegation, therefore, expressed doubts as to the necessity of appointing a committee at this stage to deal with the question.

35. My delegation followed the work of the informal Working Group with keen interest. The wide exchange of views and the submission of several draft texts were both constructive and informative. We wish to pay a tribute to you, Mr. Chairman, and to the members of the small drafting group for your patience and tireless efforts which made possible the emergence of the single draft resolution now before us.

36. In the Working Group a clear majority opinion soon crystallized in favour of the establishment of an *ad hoc* committee now, whose task it would be to study and define the scope and various aspects of this item and to report to the twenty-third General Assembly. Several delegations, moreover, stressed the urgency of the matter and felt that the establishment of a committee would expedite the necessary preparatory work and make it easier for the General Assembly to come to grips with the substance of the question at the next session.

¹ Convention on the Continental Shelf (United Nations, *Treaty Series*, vol. 499 (1964), No. 7302).

37. In deference to these views my delegation is ready to go along with the establishment of the *ad hoc* committee and will vote in favour of the draft resolution. At the same time my delegation has certain difficulties in accepting the several allusions in the resolution to the title of the item by the phrase “as contemplated in the title of the item”, since this alludes to the term “present national jurisdiction” in the title. We have, however, taken due note of the understanding agreed on in the Working Group and clearly expressed in the lucid and accurate introduction of the resolution made by the representative of Belgium this morning that this reference in the title of this item does not prejudice in any manner present or future territorial jurisdiction or claims of individual States, nor does it reflect any view on the part of the General Assembly regarding the same.

38. We wish to place on record that it is on this clear understanding that my delegation will vote in favour of the resolution.

39. Finally, my delegation wishes to place on record again our particular concern regarding one aspect of the problem raised by the Maltese item. Increased exploitation of the resources of the sea-bed will be accompanied by growing dangers of pollution and by serious damage to the living resources of the marine environment. When the time comes to study the legal aspects of this problem and to elaborate a new régime to govern the economic development of the ocean-bed, in our opinion it will be necessary to take into consideration also the marine environment and to study anew the question of national jurisdiction over the superjacent waters in the light of this new situation. We hope that this will be borne in mind by the *ad hoc* committee when it turns to the task of defining the legal aspects of the problems involved.

40. Mr. RUDA (Argentina) (*translated from Spanish*): The Argentine delegation feels that the initiative of Malta at the present session of the General Assembly in submitting the item referring to “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” gives us an excellent opportunity to analyse this important problem at a time when marine technology is beginning to yield promising results.

41. Since, therefore, this new item appears on the agenda of the Assembly, my delegation preferred to listen carefully to the statements of other representatives before making its comments on any specific proposal that may be introduced in our Committee.

42. My country's interest in the exploration of the sea-bed is based on the presence of the broad continental shelf adjacent to our coasts which is one of the widest in the world, as is shown in the relief maps of the South Atlantic made by various institutions. It is a shelf which belongs to us in accordance with the norms in force under present international law. To appreciate our interest, suffice it to refer to the complete and recent chart of the South Atlantic prepared, with the scientific collaboration of my country, by the Lamont Observatory of Columbia Uni-

versity and published in 1962 by the Geological Society of America.

43. My country has made many geological and oceanographic studies of this extensive continental shelf. In particular, on the occasion of the International Geophysical Year, oceanographic vessels of the Argentine fleet made a major contribution to the geological study of the South Atlantic.

44. These recent precision studies have shown that the Argentine continental shelf extends even beyond 250 sea miles off the coast in some places, and occupies an area of almost 1 million square kilometres. At the same time, it has been demonstrated that the relief of our continental shelf is extremely even and flat, and for the most part appears to consist of submerged irregularities in what was formerly coastline.

45. Therefore, Argentine scientific circles, and international ones as well, believe that within the global, worldwide context, the Argentine continental shelf is not only one of the richest, but also one of those offering the greatest and best prospects of exploitation.

46. For these reasons, my country has taken and continues to take a great interest in all these recent studies relating to the utilization of the sea-bed and the ocean floor.

47. Our satisfaction with the item submitted is all the greater as it is confined to areas lying outside the limits of the present national jurisdiction of each country. To discuss this problem without detailed preparation beforehand might lead to a repetition of the rather discouraging experience of the Second United Nations Conference on the Law of the Sea of 1960.

48. Thus, since the item is limited to the area lying beyond national jurisdiction, my country would like to make some general comments, before going on to analyse the draft resolution submitted for consideration in this Committee.

49. First of all, my Government believes that we should act with prudence concerning the legal principles to be applied to these marine and ocean areas.

50. For technological reasons, the need to introduce legislation for governing the system applicable to this area is only beginning to emerge. The freedom of the high seas, because of which no State can legitimately claim sovereignty over any part of them, is established in current international law. However, except for the freedom to lay undersea cables and pipes, many or most of which rest on the sea-bed, the only freedoms of the high seas that have been specifically recognized are the freedom of navigation, fishing and overflight.

51. Although it is true that other freedoms recognized by the general principles of international law may be exercised, and that they shall be exercised with due regard for the interests of various States, we have not yet begun to establish the rules which should govern the exploitation of the sea-bed and the subsoil lying beyond the limits of

national jurisdiction. As in the case of the Antarctic and of outer space, regulation by treaty must come—and did come—only when the possibility of exploration and utilization of that southern region and of outer space was imminent. The results, as we all know, were the Antarctic Treaty of 1959² and, last year, the 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*). Neither of these two documents established a body of detailed norms, but both—that on the Antarctic and that on outer space—did at least outline the basis for carrying on both national and international activities in outer space and in the Antarctic for the benefit of all concerned.

52. It would seem that in the mid-twentieth century, with the discovery of new fields of action for man's productive activities, we are going back in some ways to establishing norms as was done at the time of the discovery of new lands in America.

53. But the prospect opened up by the sea-bed is perhaps more complex than the discovery of new lands and the conquest of the Antarctic, and of outer space. In the view of my delegation, it is more complex because, on one hand, there is a greater possibility of obtaining extremely valuable resources in the sea-bed and, on the other, because it is believed in some circles—as was clearly reflected in the introductory statement made by the representative of Malta, for example—that the sea-bed may be of great strategic military significance. In these circumstances, and with reference to the latter point, the precedents for the use of the Antarctic and of outer space for peaceful purposes are perfectly applicable, in our delegation's view, to the sea and ocean areas, particularly in view of the danger of nuclear missile attacks launched from them.

54. Another matter my delegation feels must be carefully explored is the principles that are to regulate the economic exploitation of the ocean floor. The vital interest of the coastal States in the utilization of the resources of the sea-bed should be recognized without, however, disregarding the interest of all nations in ensuring that such exploitation is for the maximum benefit of all. At the same time, we must bear in mind particularly that the legal system to be established should not hinder the possibility of rapid progress, which may require not only highly developed techniques but also and especially large capital investments as well.

55. Within the context of these general ideas, my delegation considers it desirable to set up a special committee as suggested in document A/C.1/L.410. We also feel it is essential to appoint to this committee the States whose interests are involved, especially those whose economic existence could be affected by the legal system which may be established in the future.

56. We also think that the United Nations should act on this matter, within the special committee to be set up, with prudence and only after careful study and reflection. Of course, we should like our work to be successful as soon as possible; at the same time, however, in view of the

importance and novelty of this question, we believe that a detailed analysis should be made of the most significant precedents on the subject, both national and international, and that all its scientific, technical, economic, legal and other aspects must also be studied, as specifically suggested in the draft resolution submitted to us.

57. My delegation considers it important, before beginning this work, to wait for the studies which the Secretariat has undertaken pursuant to resolutions 2172 (XXI) of the General Assembly and 1112 (XL) of the Economic and Social Council.

58. My delegation will follow this question with the greatest attention, feeling as we do that this study will serve, first of all, to facilitate the use for peaceful purposes of the sea-bed and the ocean floor; and, secondly, in order that this work may serve—without, of course, disregarding national interests—to ensure that the sea-bed and the ocean floor are used in such a way as to cause no prejudice or damage to the common interests of mankind.

59. Before concluding, I should like to add the voice of my delegation to the comments made here concerning the work carried out by the Working Group set up to co-ordinate and harmonize the various proposals which have been advanced. We have been informed of the efficiency and intelligence with which you, Mr. Chairman, conducted this work, which culminated in document A/C.1/L.410 so concisely presented to us at the preceding meeting by the representative of Belgium.

60. Mr. MALITZA (Romania) (*translated from French*): The Romanian delegation has the honour to join the sponsors of draft resolution A/C.1/L.410 on the item "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the uses of their resources in the interests of mankind."

61. Our firm support for this draft resolution reflects the importance my delegation attaches to the initiative shown by the representative of Malta, to whom I wish to pay a very sincere tribute. We regard his initiative as one of a series of proposals put forward in increasing numbers in recent years with a view to enlarging and expanding the areas where the rules of international law and inter-State co-operation must replace or prevent the arms race and cut-throat competition.

62. This is akin to other schemes aimed at opening up new avenues for peaceful international co-operation.

63. For example, in 1959 we welcomed the conclusion of the Treaty on the Prohibition of Atomic Weapons in Antarctica.

64. Similarly, in 1966 we welcomed the signing of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

65. The Maltese proposal would seem designed to add a new domain to those areas of exclusively peaceful co-opera-

² United Nations, *Treaty Series*, vol. 402 (1961), No. 5778.

tion—that of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction.

66. There is no doubt that the rapid development of science and technology already allows us a glimpse of the time when mankind will be able to turn the vast resources of the ocean floor, that “last frontier for natural resources on our planet”—as the representative of Sweden, Mrs. Myrdal, so eloquently called it this morning—into a potent means of satisfying the growing needs of modern progress and civilization. Hence it is very appropriate that we should begin now to pave the way for peaceful activities by man on the sea-bed and the ocean floor and to lay the foundations for future international co-operation in this sphere. As has been stressed more than once during the current debate, the task to be performed is as extensive and complex as the area we propose to explore and the questions raised by the Maltese initiative.

67. Before we are in a position to choose the most appropriate way of achieving this objective we must undertake preliminary surveys and carry out the preparatory work essential for any action, plan or project. That is precisely the purpose of the draft resolution so ably presented this morning by the representative of Belgium on behalf of the sponsors.

68. Romania, a member of the Advisory Committee of the Inter-governmental Oceanographic Commission of

UNESCO and the host to many international meetings on maritime research, the most recent being the Conference on the Mediterranean, is ready to give its full support to all efforts to implement the provisions of this resolution.

69. In conclusion, Mr. Chairman, I should like to say how much my delegation appreciates the competence and tact you have shown in successfully carrying out the delicate task which has resulted today in draft resolution A/C.1/L.410.

70. Mr. KANE (Senegal) (*translated from French*): Mr. Chairman, I should like to ask you to add the name of Senegal to the list of sponsors of the resolution. Senegal was a member of the committee which drafted the text, but we were unable to attend the final stages of the drafting. That is why the name of my country does not appear among the sponsors of the draft resolution.

71. The CHAIRMAN: The name of Senegal will be added to the list of co-sponsors.

72. The Committee will meet tomorrow in the afternoon, after the General Assembly has concluded its consideration of the item which concerns the Committee. I should like to remind members of the Committee that I intend to put the item relating to the sea-bed and the ocean floor to the vote tomorrow.

The meeting rose at 4.15 p.m.