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AD HOC COMMITTEE TO STUDY THE  
PEACEFUL USES OF THE SEA-BED AND  
THE OCEAN FLOOR BEYOND THE LIMITS  
OF NATIONAL JURISDICTION

Note by the Secretary-General

1. In accordance with operative paragraph 3 (a) of General Assembly resolution 2340 (XXII) of 18 December 1967, the Secretary-General by note verbale of 5 January 1968, transmitted the text of the resolution to all Member States in order to seek their views on the subject of the study to be prepared by the Ad Hoc Committee referred to in operative paragraph 1 of the resolution. The Secretary-General stated that as the Ad Hoc Committee would hold its first session from 18 to 22 March 1968, he would be grateful to receive the views of Member Governments by 15 February 1968.
2. As at 8 March 1968, the Secretary-General has received replies from nineteen Governments. The substantive parts are reproduced in the present document in the order of their receipt for the information of members of the Ad Hoc Committee. When further replies are received, they will be communicated to the Committee in an addendum to the present document.

Replies by Member Governments

MADAGASCAR

[Original: French]  
26 January 1968

The Malagasy Government acceded, by decree of 27 February 1963, to the international Conventions concluded at Geneva on the Territorial Sea, on the High Seas, on the Continental Shelf and on Fishing, and it intends to comply with the provisions of those Conventions.

The Malagasy Government is of the opinion that the continental shelf should not extend beyond a depth of 200 metres and that beyond that point the ocean floor and its sub-soil should remain res nullius.

If this limitation is imposed, the Committee should consider the advisability of concluding international conventions under the auspices of the United Nations fixing the limits within which the ocean floor and sub-soil could be used by all, without appropriation of any kind.

Although the Malagasy Government does not feel that it is necessary to establish international jurisdiction over the areas situated beyond the limits of national jurisdiction if the ocean floor is declared res nullius, the Committee could also take up the question of what advantage there would be in giving consideration to the establishment of an international body to supervise and oversee activities on the ocean floor and make certain that they do not violate such rules as are adopted at the international level.

With regard to the use of the resources of the ocean floor in the interests of mankind, the Malagasy Government is of the opinion that an international convention could fix the percentage of income to be paid into a joint fund for the purpose of promoting the development of poor countries which are financially and materially unable to undertake the extremely expensive task of exploiting the resources in question.

The Malagasy Government would be grateful if the Committee took up, in connexion with the utilization of the ocean floor for peaceful purposes, the special case of the movement of submarines at increasingly great depths and measures for supervising their temporary stationing.

MEXICO

[Original: Spanish]  
30 January 1968

The Mexican Government's views on the study concerning the sea-bed and the ocean floor which has been entrusted to the Ad Hoc Committee set up under resolution 2340 (XXII) were outlined by the Mexican representative in his statement of 15 November 1967 in the First Committee during the consideration of item 92 at the twenty-second session of the General Assembly; in that statement, the Mexican representative expressed the view that a study of this type should deal, inter alia, with the following subjects:

(1) The legal status of the resources of the sea-bed and its sub-soil; the absence of any definition of the status of these resources is, as the Secretary-General has pointed out, a major gap in present-day law.

(2) The form and means of ensuring that these resources are used for the benefit of mankind and, in particular, of the developing countries, and consideration of the advisability and feasibility of placing them under the control of an international body.

(3) The most suitable and effective procedures for ensuring that the sea-bed and its sub-soil are used exclusively for peaceful purposes and that the installation of nuclear weapons in them is expressly prohibited.

(4) The present situation with regard to contamination of the sea-bed as a result of the dumping of radio-active wastes.

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SUDAN

[Original: English]  
5 February 1968

... has the honour to set out hereunder the principles the Sudan Government believes the Ad Hoc Committee should take into account in its study of the peaceful uses of the sea-bed and ocean floor.

1. The Sudan Government firmly believes that the sea-bed and ocean floor should be reserved exclusively for peaceful purposes.

2. The Sudan Government is of the opinion that the exploitation of the sea-bed and ocean floor beyond the limits of present national jurisdiction should be oriented towards the benefit of mankind as a whole and to these ends the Sudan Government considers that the Ad Hoc Committee should study the possibility of recommending:

(a) Ways and means whereby the United Nations can act to forestall the development of international tension resulting from appropriation of the sea-bed and ocean floor, the sub-soil or the resources thereof, for military purposes.

(b) The recommendation of measures (including a declaration or treaty) designed to prevent national appropriation of hitherto unclaimed areas of the sea-bed and ocean floor and the sub-soil thereof by governmental acts declaring possession or jurisdiction.

(c) The institution of an international agency to regularize the exploitation of the resources of the sea-bed and ocean floor with special reference to the needs of the developing countries.

The Sudan Government is convinced that the responsibility of the United Nations for the maintenance of world peace and security and its commitment to the economic and social advancement of mankind as a whole enjoin appropriate and decisive action with the regard to the reservation of the sea-bed and ocean floor exclusively for peaceful purposes.

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## TURKEY

/Original: English/  
13 February 1968

It will be recalled that Turkey had co-sponsored the resolution adopted by the General Assembly on the "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the sub-soil thereof, underlying the high seas beyond the limits of present national jurisdiction and the uses of their resources in the interests of mankind". The views of the Turkish Government on the subject were expressed in the statement made by the Turkish representative at the 1528th meeting of the First Committee.

Further to the points raised in that statement, the Turkish Government wishes to point out that the term national jurisdiction in resolution 2340 (XXII) also covers continental shelf by virtue of article 2 of the Convention of 1958 relating to Continental Shelf which extends national jurisdiction to the continental shelf in addition to territorial waters. It appears that the term sea-bed, as it has been used in resolution 2340, may lend itself to interpretation so as to include continental shelf.

Since recent advances in technology have brought within the realm of possibility the extension of the exploitable areas to much greater depths, the stretching of the continental shelf beyond the 200-meter depth limit to areas where exploitation has been found possible raises certain problems which require attention of the Ad Hoc Committee. It would be desirable for this Committee to seek more stable and permanent factors than exploitability in the determination of the continental shelf beyond the 200-meter depth limit.

In the view of the Turkish Government the preservation of the jurisdiction of States over their continental shelf should be the most important factor to be safeguarded in the deliberations of the Committee.

The principles to be evolved as a result of the study of the Ad Hoc Committee must of necessity encompass the sea-bed and the ocean floor stretching beyond the continental shelf of coastal countries.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

/Original: English/  
15 February 1968

Her Majesty's Government welcome the survey proposed in paragraph 2 (a) of the resolution of past and present activities of international organizations concerning the sea-bed. Her Majesty's Government believe that prior progress on this survey will greatly assist subsequent work on the points covered in paragraph 2 (b) and (c) of the resolution. Her Majesty's Government would like further to propose that it would be of value to complement the survey of the activities of international organizations by a survey of national activities on the basis of information to be provided by Governments.

Her Majesty's Government may wish in due course to make additional proposals when they have had the opportunity to give further study to this matter, and to examine the proposals put forward by other Governments in response to the Secretary General's Note of 5 January.

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JAMAICA

/Original: English/7  
16 February 1968

The Government of Jamaica concurs with the terms of reference of the  
Ad Hoc Committee as set out in resolution 2340 (XXII).

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SOUTH AFRICA

/Original: English/  
19 February 1968

...South Africa as one of the signatories of the 1958 Geneva Convention on the Continental Shelf and as a country whose citizens have already made a modest beginning in the exploration of the resources of the Seabed off its shores, although not a member of the Ad Hoc Committee appointed in terms of resolution 2340 (XXII), will be following the study which the Committee has been called upon to undertake with interest.

In response to the Secretary-General's request for comments, the South African authorities recommend that the Ad Hoc Committee should include in its study of the economic aspects of this question, the effects of large-scale exploitation of the resources of the ocean of such minerals as manganese, cobalt and nickel on existing world markets for these minerals, and the effects thereof on the economy of the presently producing countries.

Though paragraph 3 (c) of the relevant resolution refers only to Inter-governmental bodies the South African authorities recommend further that the Ad Hoc Committee might wish also to consult with the International Council for Scientific Unions concerning work which has already been performed by this Organization's Special Committee on Oceanic Research.

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NIGER

/Original: French/  
19 February 1968

The Government of the Niger approves of the terms of resolution 2340 (XXII), and in particular the decision to establish an Ad Hoc Committee to study the peaceful use of the sea-bed and the ocean floor beyond the limits of national jurisdiction.

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DAHOMÉY

/Original: French/  
19 February 1968

The Government of Dahomey would wish the use of the sea-bed and the ocean floor, and the sub-soil thereof, underlying the high seas, to be effected by means of an international convention. It considers that the resources of the sea-bed and the ocean floor should contribute above all to the campaign against under-development, and thereby further the advancement of the peoples of the Third World.

CUBA

/Original: Spanish/  
13 February 1968

...although we are as yet unable to transmit to you our views on the matter, the question is being studied in its various aspects.

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UNITED STATES OF AMERICA

/Original: English/ 7  
26 February 1968

The memorandum contains observations and suggestions for the members of the Ad Hoc Committee. It is not to be considered as committing the United States Government to any specific organizational change or programme, or to any proposal which would result in increased expenditure.

MEMORANDUM

The United States welcomes the adoption by the General Assembly of resolution 2340. The establishment of an Ad Hoc Committee to review questions concerning the ocean floor is of substantial significance in terms of future General Assembly activity and in terms of the future exploration and use of the ocean environment. Pursuant to resolution 2340, and in response to the Secretary-General's inquiry of 5 January, the United States is pleased to present its views regarding the study to be prepared by the Ad Hoc Committee.

The preamble to resolution 2340 provides the Ad Hoc Committee with guidance regarding the nature and direction of its work. In particular, the preamble recognizes the common interest of mankind in the ocean floor environment; the applicability of the principles and purposes of the Charter of the United Nations to the exploration and use of the ocean floor; and that such exploration and use should be carried on in the interest of maintaining international peace and security and for the benefit of all mankind. The preamble also emphasizes the importance of international co-operation by expressing the General Assembly's desire to foster greater co-operation and co-ordination in the further peaceful exploration and use of the ocean floor environment.

On the basis of the purposes expressed in the preamble, the General Assembly established an Ad Hoc Committee of thirty-five members to study the scope and various aspects of this subject. The effort of the Committee is directed toward three basic objectives.

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The first objective of the Committee is substantially informational in nature and is designed to provide a factual basis for future General Assembly action in this area. It involves a survey of past and present activities of the United Nations, the specialized agencies, the IAEA, and other inter-governmental bodies. It requires, as well, a survey of existing international agreements. A listing of these international agreements should include those dealing exclusively with the ocean floor as well as those which relate in a more general way with marine questions. These agreements grant important rights to States and the nature of these rights and their relationship to future activities on the ocean floor must be considered. The survey is one which the office of the Secretary-General is well qualified to carry out and submit to the Ad Hoc Committee and its members for comment and possible collaboration. It can draw upon the work - now almost completed - which the Secretary-General has undertaken pursuant to General Assembly resolution 2172 (XXI) and Economic and Social Council resolution 1112 (XL) and which is to be placed before the Ad Hoc Committee.

The second major task for the Ad Hoc Committee is to provide an account of the scientific, technical, economic, legal, and other aspects of this subject. In effect, the Ad Hoc Committee is being asked to provide information and pose issues to which the General Assembly should address itself, if it is to deal constructively with the problems of the ocean floor. Such an account can be expected to throw light on the potential for economic exploitation of the ocean floor's resources. A clear analysis will be helpful in paving the way for agreement on the legal status of the ocean floor and the legal principles which should guide States and their nationals engaged in activities in this environment. It will contribute to an understanding of the problems of arms control.

Finally, the analysis requested of the Ad Hoc Committee can help to define the nature and objectives of future international co-operation and the role of international institutions in future marine activities.

In rendering the account required by resolution 2340, the Ad Hoc Committee should draw upon the knowledge and experience of specialized agencies and other appropriate bodies. For example, the Intergovernmental Oceanographic Commission could be requested to assist the Ad Hoc Committee in preparing an account of the scientific aspects called for under the resolution. In fulfilling the requirements

of paragraph 2 (b) of resolution 2340, the Ad Hoc Committee should consider questions such as the following:

A. Scientific

(1) Which geographic areas of the ocean basins and continental margins have been surveyed and scientifically investigated, and to what extent?

(2) Which geographic areas should be surveyed next, and which scientific problems should be investigated next? What scientific factors should be considered in establishing priorities?

(3) What is known of the interactions between the dynamics and chemistry of ocean waters and the composition of ocean sediments?

(4) What is known of the composition and structure of the sediments and rocks beneath the ocean?

(5) What organizational and procedural arrangements should be made for Member States to have access to scientific data already available and to become available through new scientific programmes relating to the ocean floor?

B. Technical

(1) What technology is available or needs to be developed for the investigation and surveying of the ocean floor?

(2) What technology is now available, or may be available in the near future for the exploration and exploitation of minerals on and under the ocean floor? What is currently known about the distribution and extent of minerals, including petroleum and gas, which are likely to be exploitable, given the availability of technology?

(3) What is the outlook for future technological capabilities to explore at great depths and to exploit minerals at those depths?

C. Economic

(1) What are the economic factors in exploiting minerals of the ocean floor (a) just off the continental shelf and (b) at great depths? What are the capital and operating requirements? What would be the current costs and how will these costs be affected by future technological developments?

(2) What is the prospect for profitable exploitation of minerals, including petroleum and gas, from (a) just off the continental shelf and (b) the deep ocean floor? What type of activity might be profitable now; what type of activity offers prospect at some future time?

D. Legal

(1) To what extent do existing international arrangements and treaties adequately cover present and prospective ocean floor activity?

(2) What are the outstanding legal problems which deserve attention by the General Assembly and the international community? In the near term? In the long term? What steps might be taken to find solutions to such problems?

(3) In principle, what are the possible solutions to the legal problems raised?

(4) Should a more precise legal meaning be ascribed to terms used with reference to the ocean environment such as ocean floor, sea-bed, subsoil, deep ocean floor, and continental shelf?

E. Other

One other aspect of the item in addition to those listed above is the implication for international peace and security of the peaceful use of the deep ocean floor. In studying this question, the Ad Hoc Committee should consider:

(1) The relationship of the deep ocean floor to the marine environment as a whole, and, in turn, to the present political and security situation in the world; and

(2) The principles which might best assure that exploration and use of the deep ocean floor will be conducted in accordance with the principles and purposes of the Charter and will help maintain international peace and security.

The third task assigned to the Ad Hoc Committee by the resolution is to provide the General Assembly with indications regarding practical means to promote international co-operation in the exploration, conservation, and use of the ocean floor.

In this connexion, President Johnson, in his State of the Union message on 17 January, expressed the intent of the United States to "launch with other nations an exploration of the ocean depths to tap its wealth and its energy and its abundance". Such an effort on the part of the international community could hold great promise for the future welfare and well-being of the world's population and for a more profound understanding of the earth's environment. The United States proposes, therefore, that the Ad Hoc Committee recommend development of a broad international programme for the exploration of all aspects of the marine environment, including its living and mineral resources.

A second practical measure which the Ad Hoc Committee might recommend is the early development of general principles to govern the activities of States and their nationals in the exploration and use of the ocean floor. As Ambassador Goldberg stated on 8 November to the First Committee of the General Assembly, it is important to study how States "might best conduct their activities on the deep ocean floor so as to maintain international peace and security and promote international co-operation, scientific knowledge and economic development". The Ad Hoc Committee could also consider what principles might be agreed upon to help conserve the living resources of the seas, to prevent pollution, and to avoid disturbance of the biological, chemical, and physical balances of the sea. The development of such principles would effectively implement the high purposes expressed in resolution 2340. They would be directly relevant to any broad international co-operative effort in the exploration of the ocean floor by setting standards of behavior and articulating the broad objectives of co-operative activity. Such principles might also establish guidelines relevant to the exploitation of the mineral resources of the ocean floor.

In connexion with future efforts by the General Assembly to promote international co-operation, the United States recalls the proposal made by Ambassador Goldberg on 8 November 1967, that the General Assembly establish a Committee on the Oceans. He stated that such a Committee could:

- "act as a servant of the General Assembly in considering all proposals placed before the Assembly on marine questions, and make recommendations on such proposals to the Assembly for action;



- "assist the General Assembly in promoting long-term international co-operation in marine science; and,
- "assist the General Assembly in considering questions of law, including such matters as rights of use and exploration, arms control, and problems of pollution."

The task before the Ad Hoc Committee is complex and extensive. A thorough and objective report on the facts concerning the environment can materially assist the future development of the ocean and the ocean floor. A careful and precise definition of the problems involved and the framing of the relevant questions will provide the General Assembly and its Member States with the perspective necessary to make careful decisions on what is best for each Member State and for the international community as a whole with respect to the future of the ocean floor. Finally, by a decision to embark on a broad co-operative programme to study the ocean environment and on the development of principles to guide States in the exploration and use of the ocean floor, the General Assembly will be able to begin now to foster the acquisition of the information and establish the rules relevant to deliberate, rational, and beneficial exploration and use of the ocean environment.

AFGHANISTAN

/Original: English/  
25 February 1968

...the general views of the Afghanistan Government on the subject matter of the above-mentioned note were expressed by the representative of Afghanistan in the First Committee when it was considering agenda item 92 of the twenty-second session of the General Assembly.

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SWEDEN

[Original: English]  
29 February 1968

Some preliminary remarks

According to operative paragraph 2 (c) of resolution 2340 (XXII) the Ad Hoc Committee established by the resolution shall, when preparing its study on the subject, take into consideration "the views expressed and the suggestions put forward by Member States during the consideration of this item at the twenty-second session of the General Assembly". The Swedish position regarding this subject was expressed by the Swedish representative in the First Committee, Her Excellency Mrs. Alva Myrdal, on 14 November 1967. In this connexion the explanation of vote made by Mrs. Myrdal in the same Committee on 7 December 1967 should also be mentioned.

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The Mandate of the Ad Hoc Committee enables it to start a comprehensive survey of all the aspects of the subject. Even if it works rapidly and intensively the comparatively short time at its disposal for preparing the study will not, it seems, permit the Committee to penetrate fully the many problems — that the Ad Hoc Committee reaches a consensus on the interpretation of this basic part of the Geneva Convention. Without establishing just how far coastal States, according to international law, may extend their national jurisdiction over the sea-bed and sub-soil of the submarine areas, adjacent to their coasts, the Ad Hoc Committee would encounter great difficulties in indicating practical means of promoting international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor.

2:o) The reservation of the area for peaceful purposes

It would be paradoxical if the tendency to abolish foreign bases on land were to be matched by an opposite propensity for establishing fixed military installations on the ocean-bed. The consequences of such a development might evidently be far-reaching.

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Furthermore, a prohibition against the use of the ocean-bed for any kind of military undertaking would undoubtedly lessen the temptation of extending national jurisdiction over that area. The resistance towards the internationalization of the ocean-bed would also become much weakened if it were to be used only for peaceful purposes.

### 3:o) International Régime

The Swedish Government supports the proposal that the resources of the ocean-bed should be used in the interests of mankind as a whole. This would necessitate, it seems, that its exploration and exploitation will be subordinated to an international régime. The priority of the interest of the international community must be recognized to safeguard the ocean-bed against utilization for purely national interests.

Through an international régime an orderly system could be established by which the exploitation of the ocean-bed could be organized in the most economic way. It would also create guarantees against use of the resources of the ocean-bed that would be inconsistent with the principles and purposes of the United Nations Charter or in a manner causing unnecessary obstruction or pollution of the oceans by oil or by radio-active material, etc.

There are several ways of establishing such an international régime. It must be considered one of the most important tasks of the Ad Hoc Committee to explore the most suitable solution of this problem.

### 4:o) Freezing of the present situation

Even though the Mandate of the Ad Hoc Committee requires it to prepare its study for consideration by the General Assembly at its twenty-third session, it could not reasonably be expected that all the complex problems to which the subject gives rise will be solved in such a relatively short time. The longer the period that will elapse before solutions are reached, the greater the risk will be that national claims are made to portions of the ocean-bed. If left to themselves, even for a limited time, developments might well reach a point of no return. Appropriations for national use might create situations which later will prove hard to undo.

Accordingly, it is of great importance that the Ad Hoc Committee consider appropriate measures aimed at freezing the present situation to avoid claims on the ocean-bed and activities thereon - except scientific ones - until the work of the Committee has been successfully brought to an end.

NETHERLANDS

[Original: English]  
4 March 1968

General

The Netherlands Government wishes at this stage to make some tentative observations on the above subject and reserves the right to further define or to reconsider its standpoint in the light of further developments.

Broadly, there are two aspects to the subject, namely (1) the security, or disarmament, aspect and (2) the aspect of economic exploitation for the benefit of all mankind. Convinced that the first aspect should properly be dealt with by the agencies concerned with arms control and disarmament, in particular the Eighteen-Nation Disarmament Committee, the Netherlands Government is confining its present comment to the second aspect and submits for consideration the following outline of an international system of control over the economic exploitation of the sea-bed and the ocean floor.

Outline

1. It may be assumed that the exploitation of the natural resources of the sea-bed beyond the continental shelf is likely to become both technically feasible and economically attractive in the foreseeable future.
2. Theoretically there are three ways of regulating exploitation:
  - A. Exploitation under the sovereign rights of the nearest coastal State (the system of the Geneva Convention on the Continental Shelf).
  - B. Exploitation under the sovereign rights of the State which first undertakes it (whether or not by means of a private concessionary) ("first come first served" or "occupation" system).
  - C. Exploitation under the supervision of the United Nations as the agent of the community of nations.
3. What follows is based on the assumption that "... the uses of (the) ... resources (of the ocean floor) in the interests of mankind" (G.A. res. 2340 (XXII)), which includes aid to developing countries, can only be assured by system 2C, even though this system may contain elements from systems 2A and 2B.

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4. In such a system there would have to be:

I. A rigid limit set to the area in which the coastal State has rights under the Geneva Convention on the continental shelf;

II. A double-concession system for exploitation outside the area referred to under I, so that the United Nations would give "concessions" to States which would act as a sort of "administering authority" in respect of any exploitation concession they might grant to enterprises; the "Government take" of the United Nations is intended for aid to developing countries.

III. (Probably) some provision for certain priorities, privileges or special rights or titles of the nearest coastal State or States, where the exploitation concerns areas which (though not a continental shelf as referred to under I) are relatively near a coastal State (distance limit); these special rights would, however, remain within the system described under II.

5. The United Nations concession (or "mandate" or "trust") which could be subject to a time-limit, would be required for the following purposes:

(a) Aid to developing countries;

(b) Ensuring reasonable exploitation, both to avoid the area being left undeveloped and to prevent distortion of the market by overproduction or to compensate for the economic effects of overproduction;

(c) Preventing of too great a concentration of power;

(d) Safeguarding the freedom of the high seas superjacent to the ocean bed;

(e) Ensuring equality of economic access to the natural resources of the ocean bed as they become available;

(f) Ensuring a rational relation between "Government take" (including "United Nations take") and private profit (if any).

6. In principle, the United Nations concession would be granted to a State on condition:

(a) That exploitation is undertaken within a reasonably short time by the State itself (if a State enterprise is involved) or through a bona fide concessionary (exploitation obligation) and,

(b) That the State is able and willing to exercise effective jurisdiction and control in administrative, technical and social matters connected with the exploitation.

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7. The United Nations concession could be rescinded (i.e., control could be assumed by the United Nations or transferred by the United Nations to some other State) if the concession conditions were not fulfilled. The United Nations would be authorized to carry out inspections for the purpose. No such rescission could be issued until (if the concessionary State so desired) an advisory opinion had been sought from the International Court of Justice, which would then be binding on both parties under the terms of the concession.

8. Provision would have to be made in the United Nations concession conditions for a fixed percentage of the "Government take" (royalties plus taxes) to be paid by the concessionary State (possibly in the form of an annual lump-sum) into a United Nations fund for aid to developing countries.

9. The objectives named in 5 (c) above would, in principle, have to be safeguarded by means of the policy governing the granting of United Nations concessions. The objectives in 5 (b), (e) and possibly (f), could be served by authorizing the United Nations, in the concession conditions, to issue instructions on these matters. It would seem desirable that there should be a special procedure for appeal or the settlement of disputes in these matters of economic policy. Point 5 (d) could be effected by incorporating a few general clauses in the concession conditions, coupled with the obligation to accept the jurisdiction of the International Court of Justice in any dispute with another State, or alternatively a suitable arbitration procedure.

10. The United Nations would have to exercise its authority as contemplated above:

(a) Through the General Assembly when formulating general rules;

(b) Through an organ comparable to the Trusteeship Council as regards the principles governing its composition (equal distribution of seats between States with and without concessions) when exercising supervision to ensure that the conditions of the concession are complied with;

(c) Through the General Assembly, on the recommendation of an ad hoc body composed according to the Security Council formula, when taking decisions on applications from States (where rights as referred to in paragraph 11 below are involved, applications could only be rejected after a procedure as outlined in 7 above).

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11. Some of the special rights or titles referred to in 4 (III) above might be:

(a) Priority (option) of a coastal State; provided, of course, that the "eligibility" conditions in 6 above were fulfilled;

(b) The right to a seat on the Council referred to in 10 (b) above;

(c) The right to participate in an advisory capacity in dealing with applications submitted to the organ referred to in 10 (c).

(If more than one coastal State were situated within the prescribed distance from the concession area they would all have rights under (c), they would have to exercise jointly the right under (b) and the priority under (a) would be decided according to distance.)

12. It would be desirable for the whole system outlined above to be laid down in a world-wide convention. Such a convention could be drafted by a special committee of appropriate composition. Pending the preparation of the convention, the United Nations General Assembly might, as a first step, adopt a resolution ruling out occupation of any part of the ocean floor on the grounds of the general rules of international law governing the freedom of the high seas and stating the principle of United Nations supervision over exploitation of the natural resources of the ocean bed.

BELGIUM

/Original: French/  
7 March 1968

1. The Belgian Government is in favour of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor. Its inclination is towards a repetition, with the necessary adaptations, of various provisions of the Antarctic Treaty, signed at Washington on 1 December 1959, and in particular article I (affirmation of the principle), article V (nuclear explosions), article VII (supervision) and article X (contrary activities).
2. It considers that, before any further consideration of the question, the limits of national jurisdiction should be clearly defined. Existing international law is extremely vague on this point. Since the subject-matter is the sea-bed and the ocean floor, the Convention on the Continental Shelf, concluded at Geneva on 29 April 1958, is applicable. Article 2, paragraphs 1 and 2, of the Convention affirms that the coastal State has the sovereign and exclusive rights of exploring and exploiting the continental shelf. Article 1 defines the term "continental shelf" as referring to "the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas". Article 2, paragraph 3, makes the rights of the coastal State independent of occupation, effective or notional, and of any express proclamation. This means in fact that, in accordance with the provisions of the Convention, if there is any exploitation it must of necessity be on the continental shelf of the nearest State, whether or not there had been any proclamation. Unless the continental shelf is defined more precisely, there is a risk of never-ending disputes about the limits of national jurisdiction.
3. Since we are dealing with the sea-bed and the ocean floor, the Belgian Government thinks it desirable to ascertain precisely what are the living organisms which are in constant physical contact with the sea-bed or the subsoil (cf. article 2, paragraph 4, of the Geneva Convention). However, it doubts whether this is feasible, since little is known about the ocean depths. The Belgian Government is therefore inclined, in principle, towards limiting the application of any new provisions to the resources of the subsoil.

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4. The Belgian Government considers that the use of resources in the interest of mankind is a worthy principle. However, it fears that, if it is applied strictly, it will only succeed in delaying such use indefinitely. Prospecting will be very costly, and it may not be undertaken unless there is some expectation of profit. Provision should therefore be made either to have prospecting financed by the United Nations or to allow a reasonable profit to enterprises which undertake prospecting or exploitation, in which case only any excess profits would be applied for the benefit of mankind. From the realistic point of view, the Belgian Government inclines towards the second alternative, which would be less costly for the United Nations.

CHINA

/Original: English/  
5 March 1968

The Chinese Government attaches great importance to the work of the Ad Hoc Committee to be established in pursuance of the above-mentioned resolution.

The Chinese Government is in general agreement with the view that the sea-bed and the ocean floor, and the sub-soil thereof, underlying the high seas beyond the limits of present national jurisdiction should not be subject to national appropriation, should be reserved exclusively for peaceful purposes and should be explored and exploited for the benefit of all peoples irrespective of their degree of economic or scientific development.

It is hoped that the Ad Hoc Committee will study, among other things, (1) the definition or delineation of the sea-bed and the ocean floor, and the sub-soil thereof, underlying the high seas beyond the limits of present national jurisdiction; (2) concrete steps to promote international co-operation and co-ordination in the exploration and exploitation of the sea-bed and the ocean floor, and the sub-soil thereof; and (3) the feasibility of drafting comprehensive international instruments governing the activities of such exploration and exploitation.

In line with the foregoing principles, the Chinese Government has undertaken some projects recommended by the ECAFE Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Off-shore Areas at its fourth session held in Taipei in November 1967. The Chinese Government is prepared to co-operate with the United Nations and the specialized agencies in the exploration and exploitation of the sea-bed and the ocean floor and the sub-soil thereof.

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MALTA

/Original: English/  
6 March 1968

1. The views of the Government of Malta with regard to the scope of the item in question, that is the general objective which the Government of Malta sought to achieve by submitting the item for consideration by the General Assembly of the United Nations, may be succinctly summarized as follows:

Preservation of the international character of the sea-bed and ocean floor and of their sub-soil underlying the high seas beyond the limits of present national jurisdiction, not as a res omnium communis, usable for any convenient purpose and the resources of which are indiscriminately and competitively exploitable, but through the acceptance by the international community of the principle that these vast areas of our planet have a special status as a common heritage of mankind, and, as such, should be reserved exclusively for peaceful purposes and administered by an international agency in the name and for the benefit of all peoples and of present and future generations.

2. At the twenty-second session of the General Assembly, the Government of Malta suggested that the General Assembly of the United Nations could most effectively pursue the general objective indicated in paragraph one above by taking the following immediate action:

(a) Adoption of a declaration that the sea-bed and ocean floor, and the sub-soil thereof, underlying the high seas beyond the limits of national jurisdiction, are a common heritage of mankind.

(b) Statement of a limited number of general principles with regard to the exploration, conservation, use and exploitation of the sea-bed and ocean floor and of their sub-soil beyond national jurisdiction.

(c) Appeal to Member States to refrain from further extending their claims to sovereign rights over the sea-bed and ocean floor until a decision, generally acceptable to the international community, was reached on a clear definition of submarine areas over which a coastal State or an island may exercise such rights.

(d) Establishment of a Committee to draft a treaty or treaties,

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- (i) clearly defining the outer limits of the continental shelf subject to national jurisdiction,
- (ii) establishing the framework for an international code of law regarding the sea-bed and ocean floor and their sub-soil beyond national jurisdiction based on the general principles enunciated by the General Assembly,
- (iii) providing for the creation of an international agency which, in addition to the administration of the sea-bed and ocean floor and of their sub-soil beyond national jurisdiction, might also assume responsibility for promoting and co-ordinating international action with regard to certain grave problems of universal concern concerning the marine environment as a whole.

During the course of its deliberations the Committee would give thorough consideration to such scientific, technical, economic, legal, political, arms control and other issues as might be directly related to the fulfillment of its task.

3. In the event, the General Assembly by resolution 2340 (XXII), while "recognizing the common interest of mankind in the sea-bed and ocean floor" and that the exploration and use of these areas, underlying the high seas, beyond the limits of present national jurisdiction "should be conducted in accordance with the principles and purposes of the Charter", limited itself to establishing an Ad Hoc Committee "to study the scope and various aspects of this item". The Ad Hoc Committee was also requested to prepare, in co-operation with the Secretary-General "for consideration by the General Assembly at its twenty-third session, a study which would include:

(a) A survey of the past and present activities of the United Nations, the specialized agencies, the International Atomic Energy Agency and other inter-governmental bodies with regard to the sea-bed and the ocean floor, and of existing international agreements concerning these areas.

(b) An account of the scientific, technical, economic, legal and other aspects of this item".

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4. Accordingly the Ad Hoc Committee has a threefold task. The first consists in studying "the scope and various aspects of this item" (Resolution 2340 (XXII) operative paragraph one), in other words the Ad Hoc Committee is required to study within an orderly determination of priorities what could, or should, be the immediate and ultimate objectives of United Nations action with regard to the item in question, in the light of all relevant considerations. In this connexion the study suggested by the Secretary-General in paragraph 9 of document A/C.1/952 appears particularly valuable since it would deal with a basic issue relevant to the determination of future United Nations action. Study of the scope of the item by the Ad Hoc Committee must have a purpose and this purpose can only be to submit for the consideration of the General Assembly at its twenty-third session a report containing agreed or alternative suggestions for future international action directed towards the attainment of specific objectives which in turn may, or may not, have been agreed upon unanimously by the Ad Hoc Committee. The second task of the Ad Hoc Committee involves the preparation, in co-operation with the Secretary-General, of a study, including, but not necessarily limited to, the information indicated in operative paragraph 2 (a) and (b) of resolution 2340 (XXII). The study will be considered by the General Assembly at its twenty-third session. There can be no doubt that the purpose of this study is to provide a factual basis for future General Assembly action and to identify and define issues that may be directly relevant to a General Assembly decision on the objectives of United Nations action on this item. Finally the Ad Hoc Committee under paragraph 2 (c) of resolution 2340 (XXII) is requested to provide the General Assembly with "an indication regarding the practical means to promote international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor and the sub-soil thereof, as contemplated in the title of the item, and of their resources, having regard to the views expressed and suggestions put forward by Member States".

5. In conclusion, the tasks of the Ad Hoc Committee are essentially preparatory in nature and consist in assembling information, clarifying issues, considering and defining alternative objectives, and making suggestions for the promotion of

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international co-operation, bearing in mind that the fundamental purpose of the Committee is to provide the General Assembly at its twenty-third session with the factual and conceptual basis for determination of specific goals of international action with regard to the sea-bed and ocean floor and their sub-soil underlying the high seas beyond the limits of present national jurisdiction.



## CANADA

/Original: English/  
8 March 1968

Canada, which is one of the 35 countries which have been named members of the Ad Hoc Committee required under operative paragraph one of Resolution 2340 (XXII) to study the scope and various aspects of this item, considers that the essential task of the Ad Hoc Committee is threefold:

1. The objective of the study is, as evidenced by the title of the Resolution, to examine the question of the reservation exclusively for peaceful purposes of the seabed and the ocean floor, and the sub-soil thereof, in the interests of mankind. Operative paragraph two, sub-paragraph (c) of the Resolution further requests the Ad Hoc Committee to give the Twenty-Third Session of the Assembly "an indication regarding practical means to promote international co-operation in the exploration, conservation and use" of these resources, "having regard to the views expressed and the suggestions put forward by Member States during the consideration of this item at the Twenty-Second Session of the United Nations General Assembly".
2. The area of implementation: since the resources to be the object of the study are those "underlying the high seas beyond the limits of present national jurisdiction", an essential task to be undertaken should be the general definition of the area of implementation. This would seem to imply consideration of the limits of the area to be deemed within the terms of reference for the study, which in law depends upon the limits of present national jurisdiction. It will be necessary to deal with this legal question before any formal régime can be established. (It is not suggested that a definite legal régime should be worked out before other non-legal questions are answered.) In the view of the Canadian authorities, the present legal position regarding the sovereign rights of the coastal States over the resources of submarine areas extending at least to the abyssal depths is not in dispute. It follows that the proposed study should be confined to the problems of exploration of the resources of the deep ocean floor. Such a study should take into account and, indeed, begin with existing state practice and international instruments.
3. The means of implementation: as a part of efforts to establish a legal régime to promote international co-operation in this field, it seems that consideration

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should be given: (i) to the scientific, economic and technical requirements; (ii) to the implications of the terms "peaceful use"; (iii) to the organizational aspects of any régime which might be created; and finally, (iv) to what might constitute a legal régime for the area of implementation.

The Canadian Government is of the view that the foregoing observations suggest the following order of priorities for the Ad Hoc Committee when it initiates its work on 18 March:

(a) In accordance with operative paragraph two, sub-paragraph (a) of Resolution 2340 (XXII), the Committee should take appropriate steps to carry out the survey of the past and present activities of the United Nations and other agencies or bodies concerned with this issue and of existing international agreements concerning these areas.

(b) The Ad Hoc Committee should set up adequate machinery for the study of: (i) the scientific and technical aspects, and (ii) the legal aspects of the issue. It would thus appear appropriate for the Ad Hoc Committee to set up immediately two sub-committees, the membership of which would be open to all members of the Ad Hoc Committee and which would work in close co-operation with and concurrently under the over-all supervision of the Ad Hoc Committee itself. In respect of the scientific problems raised by the item, the Canadian Government also considers that the possibility of obtaining the views of the Intergovernmental Oceanographic Commission should be envisaged.

(c) The disarmament and political aspects of the problem, while of undeniable importance, might best be the subject of an appropriate study at a later period - that is, after the studies mentioned above have been completed, or at least are well advanced. The Canadian Government does not wish at the present time to express any preference as to the forum in which disarmament aspects should be discussed. The political aspects should obviously be considered in the Ad Hoc Committee itself.

(d) Finally, after the completion of the above tasks, the Ad Hoc Committee should then consider whether or not it is in a position to indicate practical means to promote international co-operation in respect of this issue.

While the Canadian Government is conscious of the difficulties inherent in the large size of the Ad Hoc Committee, it does not consider that it would be proper to limit the membership of the sub-committees to restricted groups of countries. While its intention is not to make the participation in the work of these sub-committees compulsory for all members of the Ad Hoc Committee, it is the Canadian Government's

view that no member of the Committee should be denied the right to participate to the extent it desires in the discussions on the various problems. Furthermore, the Canadian Government is of the opinion that any decision reached by the Ad Hoc Committee should reflect the agreement of as large a majority of the members as possible.

The Canadian Government wishes to reaffirm its fullest support for and its deep interest in the survey and study which the United Nations, through its Ad Hoc Committee, is about to undertake in this area. Canada believes in the importance of international co-operation in this field and will do its utmost to help elaborate the formula best capable of achieving the basic purposes of Resolution 2340 (XXII). Further comments directed to the substance of the problem will be forwarded in the near future.

NORWAY

/Original: English/  
8 March 1968

MEMORANDUM

Upon the request of the Secretary-General of the United Nations of 5 January 1968, the Government of Norway has hereby the honour to state its views on the above-mentioned subject. The observations are of course of a preliminary nature.

1. The Government of Norway has noted with satisfaction that it has been elected member of the Ad Hoc Committee for the study of the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. On account of its extended coast-line, the several oceans washing its shores, its extensive maritime industries such as shipping, fishing and whaling and on account of the increasing exploratory and exploitation activities for petroleum now being carried out on its continental shelf, the Government of Norway keenly feels the urgency of the situation and the need for a thorough examination of the problems involved including those related to the ocean floor and subsoil situated outside national jurisdiction.

For these reasons, among others, Norway has also in the past done its utmost — to further international co-operation in the fields of oceanography and the exploration and exploitation of the ocean and its resources.

The importance of the subject and its far-reaching implications will require the most careful examination. In the present observations an effort will be made to identify and define some of the most pressing aspects of the problems.

2. Referring to paragraph 2 (a) of the above-mentioned resolution the Government of Norway draws attention to the fact that it has given a survey of its activities in maritime science and technology in a memorandum of 30 September 1967 submitted to the Secretary-General in pursuance of resolution 2172 (XXI).

Norway is inter alia a member and has participated in the work of the following inter-governmental organizations:

Intergovernmental Oceanographic Commission (IOC),  
International Council for the Exploration of the Sea (ICES),  
International Commission for the North-West Atlantic Fisheries (ICNAF),

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North-East Atlantic Fisheries Commission (NEAFC),  
International Whaling Commission,  
Intergovernmental Maritime Consultative Organization (IMCO),  
International Hydrographic Bureau (IHB),  
NATO Sub-Committee for Oceanographic Research.

In addition hereto Norwegian institutions and organizations are inter alia members of and participate in the work of the following non-governmental organizations:

Scientific Committee on Oceanic Research (SCOR),  
Scientific Committee on Antarctic Research (SCAR),  
International Association of Physical Oceanography (IAPO),  
International Association of Biological Oceanography (IABO),  
International Biological Program, (IBP),  
The Nordic Council for Marine Biology,  
The Nordic Council For Marine Geology,  
The Nordic Council for Physical Oceanography.

The Government of Norway is likewise a member of the other organizations mentioned in paragraph 3 (c) of the aforementioned resolution 2340 (XXII).

3. The Government of Norway has not yet acceded to the four Geneva conventions on the Law of the Sea of 29 April 1958 including the Convention on the Continental Shelf.

For the purpose of delimiting the continental shelf in the North Sea area and in the areas of the Skagerak and the Kattegat bilateral conventions have been concluded with the United Kingdom of Great Britain and Northern Ireland and with Denmark. The convention with the United Kingdom and Northern Ireland was concluded on 10 March 1965. The convention with Denmark was concluded on 8 December 1965. A third convention delimiting the continental shelf of Norway/Sweden is in its final stage of conclusion.

Article 1 of the above-mentioned conventions provides that for the purpose of delimiting the continental shelves of the Contracting Parties the dividing line shall be the line every point of which is equidistant from the nearest points from where the territorial sea of the two countries is measured. Minor adjustments have been made for administrative convenience.

Article 2 of the conventions gives the exact co-ordinates of the points through which the dividing lines shall be drawn.

With a view to securing the effective exploitation of petroleum resources or other mineral resources, extending across the dividing line of the Contracting Parties, article 4 of the two conventions provides:

"If any single geological petroleum structure or petroleum field, or any single geological structure or field of any other mineral deposit, including sand or gravel, extends across the dividing line and the part of such structure or field which is situated on one side of the dividing line is exploitable, wholly or in part, from the other side of the dividing line, the Contracting Parties shall, in consultation with the licencees, if any seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and the manner in which the proceeds deriving therefrom shall be apportioned." (Quotation taken from the Convention of the United Kingdom)

Thus article 4 deals with 'the so-called unitization problems'.

Article 5 of the convention with the United Kingdom provides that the agreement "shall not affect the status of the superjacent waters or air space above". No similar provisions have been included in the convention of 8 December 1965 with Denmark as it was considered superfluous.

Mention may here be made of the fact that the depths of the North Sea and Skagerak areas covered by the aforementioned conventions with the United Kingdom and Denmark rarely exceeds 150-200 metres except in the so-called Norwegian Trench, that is a narrow stretch of deeper waters of a limited extent situated close to the coasts of the Southern Norway.

4. Referring to paragraph 2 (b) of the above-mentioned resolution the Government of Norway will first deal with certain general legal aspects.

By Royal Decree of 31 May 1963 relating to the sovereignty of Norway over the seabed and subsoil outside the Norwegian coast, Norway proclaimed its sovereignty over its continental shelf as follows:

"The seabed and the subsoil in the submarine areas outside the coast of the Kingdom of Norway are under Norwegian sovereignty as regards exploitation and exploration of natural resources, as far as the depth of the superjacent waters admits of exploitation of natural resources, within as well as outside the maritime boundaries otherwise applicable, but not beyond the median line in relation to other states."

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Section 1 of Act of 21 June 1963 relating to the exploration and exploitation of submarine natural resources provides:

"This Act applies to the exploration and exploitation of natural resources in the seabed or in its subsoil, as far as the depth of the superjacent waters admits of exploitation of natural resources, within as well as outside the maritime boundaries otherwise applicable, but not beyond the median line in relation to other states."

It follows from these enactments that the Government of Norway has applied the exploitation criterion of Article 1 of the Geneva Convention on the Continental Shelf for the purpose of delimiting the continental shelf of Norway. No mention has been made of the alternative 200 metres criterion contained in the Geneva Convention.

The above-mentioned two Norwegian continental shelf enactments further provide that with regard to neighbouring countries the medium dividing line shall apply for the delimitation of their respective continental shelves.

5. One main problem before the United Nations Ad Hoc Committee is how to draw the limit between the continental shelves subject to national jurisdiction and the ocean floor and seabed situated outside the limits of the sovereignty rights of coastal states.

Article 1 of the Geneva Convention on the Continental Shelf contains a definition of the term "continental shelf" for the purpose of that convention. It defines the continental shelf as the seabed and subsoil of submarine areas adjacent to the coast of a State up to the depth of 200 metres or "beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources". The areas of the seabed and the subsoil falling within the definition are subject to sovereignty rights of the coastal States according to article 2, No. 1 of the Convention.

It follows from the definition that it contains two alternative criteria for the purpose of delimiting the continental shelf. Either alternative may be invoked independently. The advantage of this definition is its flexibility. The 200 metres rule has not been laid down as a hard and fast rule. Coastal States are free to proceed beyond that limit to where the depth of the adjacent waters admits of the exploitation of natural resources.

But in the flexibility of this definition lies also its inherent weaknesses. With the immense technical development which lately has taken place there will soon be almost no limit as to the ocean depth that admits of exploitation especially as far as drilling for petroleum is concerned. There are reasons to believe that this technical development will continue at an increased pace so as to make it reasonable to assume that within the next decade exploitation for petroleum will not only be technically feasible, but economically sound at almost any ocean depths.

6. In view of the immense technical strides lately made in this field the exploitation criterion contained in article 1 of the Continental Shelf Convention gives little or no guidance as to where to draw the outer limits of the continental shelves of a coastal State.

This fact does not necessarily imply that attempts should now be made to have article 1 of the Convention abrogated or amended; inter alia because it is a question whether it would be possible in the present circumstances to obtain the consensus of a sufficient number of coastal States to secure substantial amendments to article 1 of the Convention.

On the other hand the work now undertaken by the United Nations Ad Hoc Committee will necessarily depend upon a definition of what area of the ocean floor and seabed would fall outside national jurisdiction. Various procedures for solving this intricate problem might be suggested. At the present stage, however, the Government of Norway will refrain from making any proposal. This question should be subjected to a thorough examination by the said Committee before concrete proposals for solutions are put forward.

7. It follows from the aforementioned observations that the outer limits of the national continental shelves are not absolutely defined either in international law or in the practice of States. It is perhaps unrealistic to believe that it would be possible at present to obtain common consensus among States as to a hard and fast rule applicable to all cases as to the delimitation of the continental shelves. The geographical peculiarities as well as economic and political considerations vary from case to case so as to possibly justify the prevailing flexible rule contained in article 1 of the Continental Shelf Convention. On the other hand there exists obvious danger in the present situation.

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Unlimited national appropriation by means of occupation of the ocean floor and seabed by national States must be avoided. The inevitable consequence would be that States would attempt to occupy larger and larger parts of the ocean floor and seabed for nationalistic purposes. Such a race between competing States for national occupation would result in increased tension in the world due to an increased arms race and exploitation race in these vital areas. Such a development could also in the long run affect the basic principle of the freedom of the seas.

8. With a view to reserving the ocean floor and the seabed exclusively for peaceful purposes, the Government of Norway strongly favours the adoption of measures preventing these areas from being used for any strategic or other military purpose. It is of paramount importance for the maintenance of world peace that these areas are kept outside any arms race. The Government of Norway also regards it a sine qua non for the effective and peaceful exploitation of the natural resources of the ocean floor and seabed in the interest of mankind that these areas are not burdened by military installations and the tug of war between nations for strategic positions.

In this respect the Ad Hoc Committee might find guidance in its work from the principles laid down in the Treaty of 27 January 1967 on the Activities of States in the Exploration and Use of Outer Space. The problems involved in the two fields are analogous though in many ways the problems connected with the ocean floor and seabed affect the nations of the world in a more direct and immediate manner.

Article 4 of the Outer Space Treaty should be borne in mind in this context. The installation of nuclear weapons and other kinds of weapons of mass destruction on the ocean floor and seabed should be prohibited. Furthermore, the establishment of military bases, installations and fortifications in such areas should likewise be excluded. The question as to whether military manoeuvres and test explosion, etc., should be allowed on the ocean floor, its seabed and subsoil should be thoroughly examined.

In discussing these principles the Ad Hoc Committee may draw upon the valuable experience and work of the Eighteen-Nation Committee on Disarmament.

9. Referring to paragraph 2 (c) of the above-mentioned resolution the Government of Norway regards international co-operation in the exploration, conservation and

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use of the seabed and ocean floor as highly necessary and important and is willing to take part in any such co-operation. However, the Government of Norway feels that it is somewhat premature to suggest any practical means to promote co-operation in this field but the following observations might have a bearing on the question.

10. As far as scientific exploration and research are concerned the principle of the freedom of all States to carry out such activities should be maintained.

Guidelines may here be found in the Geneva Convention on the Continental Shelf of 29 April 1958, Article 5, No. 8, the Antarctic Treaty of 1 December 1959, Article 2, and the Outer Space Treaty of 27 January 1967, Article 1, 2. alinea.

Various types of surveys are usually carried out in connexion with the exploration and research of the ocean floor and its subsoil. Mention may here be made of the following:

Magnetic surveys, gravimetric surveys, seismic works, radiographic measurements, heat flow measurements, bottom sampling without drilling. In addition hereto surface drilling and deep drilling may be applied.

Certain dangers are inherent in some of these surveys. Thus seismic surveys may involve dangers to marine life and to the traditional industries of the sea such as shipping and fishing. Such surveys are generally carried out by means of explosives.

Consequently certain coastal States have promulgated safety codes for the exploration of the natural resources of their continental shelves. Norway has promulgated such regulations on August 25, 1967. These regulations provide, where seismic surveys are concerned, that vessels to be used for seismic surveys must be equipped with radar, echo-sounder and sonar. It is further provided that special care must be shown in the use of explosives. They may not be detonated in the vicinity of vessels engaged in fishing or in the vicinity of drifting or stationary gear. Nor must detonations take place if schools of fish are discovered under or near the shot-point. The explosives used must be of such types as to cause the least possible danger to marine life. The charges must not be larger than necessary. The charges shall likewise be equipped with safety devices rendering them harmless if they are left unexploded in the sea.

The Government of Norway draws attention to these problems. If the resources of the ocean floor and its subsoil shall be used in the interest of mankind, attention must be focused on certain of these problems in the exploratory phases of the activities.

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11. The future exploitation of the natural resources of the ocean floor and its subsoil raises a number of questions. So far the exploitation of the natural resources of the seabed has mainly been confined to the production of oil and gas. There exist one or a few installations for the production of sulphur deposits in the continental shelf. But the production hereof has been limited to deposits found fairly close to the coasts of the producing States and to deposits found in relatively shallow depths of water (Note 1).

As far as the exploitation of oil and gas in the continental shelves is concerned, the technical developments over the last few years have been revolutionary. Up to recent years drilling for petroleum on the continental shelf was confined to shallow depths where the oil rigs used could be placed directly on the seabottom. With the development of drilling ships and so-called semisubmersible platforms the drilling procedure at sea has been radically changed. These two latter types of drilling outfits are floating equipment being anchored to the drill site. Consequently they are theoretically independent of the depths of water.

On the continental shelf of Norway drilling with such platforms are presently carried out in waters up to a depth of 200 metres. Elsewhere the ocean floor is being exploited at even greater depths. According to available information drilling for petroleum is now technically feasible up to ocean depths of 1,000 metres or more. Thus the question of the exploitation of the petroleum resources of the subsoil of the world oceans is no longer only a theoretical possibility.

At the present rate of technical development exploitation of the natural riches hidden below the ocean floor will be a reality in the near future not only with regard to petroleum products but also where other mineral resources are concerned.

12. By Royal Decree of 9 April 1965 the Government of Norway has promulgated legislation concerning the exploitation of petroleum on its continental shelf.

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Note 1: The representative of Malta informed the First Committee in his statement on 1 November 1967 that leases have also been granted for the mining of phosphorite deposits lying well beyond the continental shelf at depths exceeding 1,000 metres and at a distance of up to 50 miles from the nearest coast.

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The approach chosen in this decree may have a certain bearing on the questions now under discussion.

The area of the continental shelf opened up for exploitation are divided in rectangular blocks. Each block is of a size of 15 min. latitude and 20 min. longitude (corresponding to about 500 km<sup>2</sup> a block). The areas are offered to the public by announcement in the Norwegian Gazette. The blocks are not subject to competitive bidding. The area fees and royalties (10 per cent) are fixed in the decree.

Applicants have to undertake a strict working programme consisting inter alia in the drilling of an agreed minimum number of wells. Licences are not granted until agreement has been reached on this and similar points. Exploitation licences are granted for a total period of forty-six years. Six years after the granting of a licence the licensee must surrender to the Norwegian Government one fourth of the original area granted to him. Within an additional three-year period another fourth of the original area must be surrendered. On certain conditions the licensee may choose the areas he shall surrender. But the principle of surrender applies whether petroleum has been found or not in the licensed area.

Royal Decree of 9 April 1965 contains provisions to the effect that storage facilities, pipelines, cables or any other types of installation cannot be placed on or above the continental shelf without a separate licence issued by the Norwegian authorities to that effect.

The Norwegian Government may likewise at any time issue regulations concerning safety, conservation, pollution etc.

13. The Government of Norway deems it premature to make any suggestions as to the system to be applied with regard to the granting of rights of exploitation in the subsoil of the ocean floor beyond the limits of present national jurisdiction. As hereinbefore stated the Government of Norway does not believe that a solution to these problems can be found in an unlimited right of annexation by national States of the ocean floor, even less in annexations thereof by public and private corporations or companies.

14. The safety aspects and the aspects connected with the pollution of the sea, the air and the subsoil itself raise serious problems of a political, legal and

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economic nature. For example, the drilling for oil and gas at sea is for several reasons a highly dangerous activity.

In addition to the risks inherent in all types of marine activities, serious additional dangers are connected with oil drilling. A danger which always looms in the background where drilling for petroleum is concerned, is the danger of blow-outs. A blow-out will occur when the pressure met in a well causes a sudden eruption of oil or gas at the well head. If the petroleum is ignited, the ensuing explosion may assume gigantic proportions and cause total destruction of personnel, drilling rig and vessel being present in the vicinity of the drill site. Serious pollution problems as well as problems connected with the preservation of the natural resources let loose or ignited will likewise arise.

It is reasonable to assume that the problems connected with the safety aspects and the pollution aspects will not diminish but increase considerably with drilling activities on the deeper ocean floors.

The exploitation of other mineral resources contained in the subsoil of the ocean floor may entail the same or similar dangers.

The Government of Norway has found these safety aspects so vital and serious that by Royal Decree of 25 August 1967 it has promulgated detailed regulations relating to safe practices in exploration for and exploitation of the natural resources of the seabed and subsoil of its continental shelf.

The Decree contains inter alia provisions about the construction and equipment of drilling rigs; details as to the construction and number of the blow-out preventers that are obligatory for drilling on the Norwegian continental shelf; details concerning helicopter services and other types of communication etc.

Drilling cannot be commenced before permission has been granted by Norwegian authorities as to the exact position of the drill site. A detailed drilling programme must likewise be accepted by the authorities; including detailed specifications as to the mud programme and casing programme, etc. (Mud is a heavy drilling fluid injected in the well during drilling. Mud is injected inter alia to create a counter pressure in the well so as to prevent blow-outs and to cool and grease the drill. Casing is a wall of heavy steel pipes installed in the well as the drilling proceeds. The main purpose of the casing is to prevent blow-outs, to prevent the well from caving in and to secure easy production of petroleum finds.)

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The Norwegian safety code also contains strict provisions as to the plugging and abandoning of wells.

The safety problems connected with the drilling for petroleum or the exploitation of other mineral resources in the ocean are immense. These various questions must obviously be given a serious examination in any discussions relating to the use of the natural resources of the ocean floor. The Ad Hoc Committee may find some guide-lines for the solution of these problems in the few recently promulgated safety codes promulgated in connexion with the exploitation of national continental shelves. Translation of the Norwegian regulations of 25 August 1967 relating to the safe practices in the exploration and exploitation of the natural resources of the seabed and its subsoil is therefore enclosed. (The translation is unofficial.)<sup>1/</sup>

15. Another question which deserves a thorough examination by the Committee is the possible conflict of interest which may arise between the traditional maritime activities, viz. shipping and fishing on one hand and exploration and exploitation activities for the natural resources in the ocean bed on the other. With the firmly established principle of the freedom of the seas as its starting point the Norwegian legislation has taken the stand that the freedom of the seas and the traditional maritime activities, shipping and fishing, within reasonable limits take precedence over the activities connected with the exploration and exploitation of the natural resources of the seabed and the subsoil of the continental shelf of Norway.

Thus Article 4 of the above-mentioned regulations of 25 August 1967 provides:

"Exploration and exploitation of petroleum must be carried out in a safe manner in accordance with good oil field practice and with the regulations in force at any time. The activity must not to an unreasonable degree interfere with other activities.

Particular care must be taken to avoid any unreasonable impediment or nuisance to shipping, fishing or aviation, to avoid damage or risk of damage to marine life or to underwater cables or other underwater installations and to avoid pollution or risk of pollution to the seabed and its subsoil, the sea and the air."

Attention is likewise drawn to Article 3 of the Geneva Convention on the Continental Shelf which provides:

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<sup>1/</sup> To be issued in English only under the symbol A/AC.135/1/Add.1.

"The rights of the coastal state over the continental shelf do not affect the legal status of the superjacent waters as high seas or that of the airspace above those waters."

This article is closely connected with the provisions contained in Article 2 of the Geneva Convention on the High Sea providing:

"The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under the conditions laid down by these articles and by the other rules of international law. It comprises, inter alia, both for coastal and non-coastal States:

- (1) Freedom of navigation;
- (2) Freedom of fishing;
- (3) Freedom to lay submarine cables and pipelines;
- (4) Freedom to fly over the high seas.

These freedoms, and others which are recognized by the general principles of international law, shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas."

These basic principles must obviously be maintained in general also when the exploitation of the natural resources of the deep ocean floor becomes a reality.

16. Mention may be made of a few additional questions. One question is that connected with the protection of transoceanic telegraph- and telephone-cables. The Committee may perhaps find it appropriate to recommend further regulations by instruments of international law in addition to those already in existence in this respect.

The Committee may also find it necessary to formulate certain principles concerning the establishment of artificial islands or similar installations on or above the deep ocean floor.

17. The Government of Norway has intentionally left open the crucial question who should benefit by the proceeds derived from an exploitation of the natural resources of the deep ocean floor and its subsoil. It reserves its opinion in regard to these delicate and complex problems. It is, however, the hope of the Government of Norway that solutions may be found so as to reserve the proceeds of these activities for the benefit of all mankind.

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18. The Government of Norway has noted with satisfaction that the Secretary-General of the United Nations in pursuance of resolution 2172 (XXI) will prepare various reports on the subject under discussion. The Government of Norway feels certain that these reports will greatly assist the Ad Hoc Committee in its work. It may be added that the consultation of the Ad Hoc Committee with agencies and intergovernmental bodies working in various specialized fields connected with the present subject might likewise greatly facilitate the work of the Ad Hoc Committee and assist it in fulfilling its ambitions to solve in a satisfactory manner the complicated task entrusted to it.

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