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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

In addition to the replies of Member Governments under operative paragraph 3 (a) of General Assembly resolution 2340 (XXII), communicated to the Ad Hoc Committee in documents A/AC.135/1 and Add.1 to 7, the Secretary-General has now received a reply from the Government of Iceland.

The substantive part of this reply is reproduced in the present document.

ICELAND

[Original: English]
3 June 1968

The Icelandic Government welcomes the opportunity of making its views known on the important subject covered by General Assembly resolution 2340 (XXII) regarding the peaceful uses of the sea-bed and the ocean floor.

The main aspects of this question can be said to be threefold: the strategic, the technical-economic and the legal one. In the following remarks the latter two subjects will be commented upon:

(1) The Icelandic Government has noted with satisfaction the fact that a number of States have in their replies to the Secretary-General's letter of 5 January 1968 declared themselves in favour of the fundamental principle that the resources of the ocean floor and the subsoil thereof, beyond national jurisdiction, should be considered a common patrimony of all nations and should be exploited in accordance with United Nations principles and purposes for the common benefit of all mankind. That should, indeed, be the basic tenet of all further deliberations on the subject.

The Icelandic Government, furthermore, favours the principle of exclusive reservation for peaceful purposes of the sea-bed and the ocean floor. As the Government of a country without any armed forces, it does not favour the exploitation of the ocean floor for military purposes. This is in full conformity with its views on general disarmament and nuclear disengagement as expressed in the United Nations on previous occasions. The report of the Ad Hoc Committee to the twenty-third session of the General Assembly might include a recommendation for the conclusion of an international convention embodying these principles.

(2) It seems obvious that the Committee cannot proceed much further in its present work without coming to grips with the question of the definition of the limits of national jurisdiction. Although not a necessary condition for preliminary discussions, such a definition will become necessary for further progress from the moment when different legal principles must be applied to the continental shelf on the one hand and the sea-bed beyond national jurisdiction on the other. The rules adopted by the 1958 Geneva Convention are already too vague

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to be generally applicable in this age of rapid technological development. Moreover, the Convention has not been ratified by a majority of nations.

As a starting point it should be recognized that coastal nations enjoy national jurisdiction on their continental shelves, while the submarine areas outside these shelves should be subjected to international jurisdiction and control.

Because of the present lack of a clear definition of the national jurisdictional limits of the areas in question, the Ad Hoc Committee should not adopt the policy of "freezing" the present situation. That would amount to asking nations to abide by principles of delimitation which are in the stage of evolution and are likely to be transformed through the further deliberations of the Committee.

(3) Although not specifically referred to in resolution 2340 (XXII), the problem of the possible repercussions of the exploitation of the sea-bed and the subsoil on the living resources of the bottom and the superjacent waters has rightly been stressed in the debate on the resolution and in the comments of various Governments. These two entities cannot be separated in fact or in law. It has long been the contention of the Icelandic Government, and also the view of many other fishing nations, that an identical legal regime should apply to both the continental shelf and the resources of the superjacent waters, because of the obvious geographical and physiological affinity of the entities concerned.

Thus, any exploitation of the subsoil can be a potential cause of pollution of the sea, affecting the fish stocks of nearby regions. Therefore the Committee would do well to include observations on this aspect in its report to the General Assembly, as it is of vital importance that this important food supply be wisely conserved and harvested in the interest of all nations.

(4) Proceeding on the basis of these considerations, the Icelandic Government deems it both equitable and just that the interests of the coastal State should be given special consideration in the system of international exploitations to be agreed upon. Not only has the nearest coastal State vested interests in the conservation of the marine resources off its coasts, but its livelihood can in certain cases to a large extent depend upon the maximum sustainable yield of these resources. It is therefore of importance that any international system of ocean floor exploitation does include adequate safeguards for the coastal State in this respect.

(5) Another factor which the Ad Hoc Committee might also bear in mind in its future deliberations is that it seems reasonable that the coastal State should, apart from the international community, benefit from the exploitation of the submarine resources to a limited extent. The possibility of taking into special consideration the interests of the developing countries would still remain. Indeed, many of the coastal States are to be found among the developing nations.
