



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/AC.135/32  
23 August 1968

ORIGINAL: ENGLISH

---

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

STATEMENT BY THE CHAIRMAN OF THE AD HOC COMMITTEE  
AT THE SEVENTEENTH MEETING ON 23 AUGUST 1968

The political, military and other aspects of the item have formed the agenda of two previous meetings. The discussion has been continued today and has now been completed. It is now left to me to give a summary of the discussion.

Most of the speakers confined their remarks to the military aspects and reserved their right to intervene at a later stage to discuss the political aspects of the item.

I propose to preface my summary with a reference to the Secretariat working paper, document A/AC.135/23 of 10 July 1968, which formed the basis of the discussion of military uses of the sea-bed and the ocean floor. That working paper is based on published material but it cautions that the extent to which this material could be considered authoritative is not clear and that the paper should be regarded as indicating possibilities rather than pinpointing realities. According to the Secretariat paper, very little information on actual or potential military uses of the area has been published, but what has been published suggests that the military aspects have played a role in creating concern about sea-bed development possibilities.

Evidence of this is provided by the existence and continued development of nuclear-fueled, missile-carrying submarines, as well as the interest of marine Powers in submarine and anti-submarine warfare capabilities. Military factors have appeared to motivate many

research and development efforts relating to the sea-bed and ocean floor and there has been a substantial increase in the commitment of funds, equipment and manpower to such oceanographic research.

Technically, the deployment of military weapons and other devices in the region of the continental shelf and the mountain peaks and part of the ridges rising far above the deep ocean bed and close to the surface, described as deep ocean peaks, is already feasible or will soon be so. On the other hand, the deep ocean bed has so far been an area for military research and development effort only, and actual deployment of weapons is still a relatively remote possibility although the intensity of present military interest might make actual deployment possible sooner than present circumstances suggest.

In regard to possible military uses the Secretariat working paper differentiates between the relatively shallow water such as the continental shelf and to some degree the continental slope, on the one hand, and the deep ocean bed on the other. Most of the available indications relate to the shelf and, although this was regarded as outside the mandate of the Committee, they were included in the Secretariat paper to show possible trends of military use.

The contention that possible military uses of the continental shelf fall outside the mandate of the Committee, though supported by some speakers, was questioned during the discussion. The opposing view contended that the coastal States' right to the continental shelf applied to the exploitation of its resources and did not cover the use of the continental shelf for military purposes such as establishment of military installations or the emplacement of weapons of destruction on the continental shelf.

In regard to this aspect of the matter one speaker observed that the continental shelf is more open to exploitation for military purposes than is the deep ocean floor, and while it could be argued that the continental shelf was within national jurisdiction, and could not therefore be subjected to regulation by the General Assembly,

there was no legal impediment to the General Assembly's adopting a resolution calling upon all States voluntarily to renounce all rights to use the continental shelf for military purposes.

The Secretariat paper states that the continental shelf rather than the deep ocean floor would be used first as it is geographically closer and problems of installation and surveillance of facilities are less.

Military interest in the utilization of deep ocean peaks can be expected as at least some of them are so situated geographically as to be of strategic importance.

Military uses of the sea-bed and the ocean floor and the subsoil have both nuclear and conventional possibilities. The opaque character of the ocean provides greater security and protection from detection and even satellite surveillance is less effective below the oceanic surface. The present indications are that there would be intensive research and development efforts to improve submarine detection techniques and concealment counter-measures. The possibility that concealment counter-measures may prove superior to techniques of detection has relevance for well-protected military installations on or under the ocean floor.

Reference has also been made in the Secretariat paper to the use of the underwater environment for deployment of conventional mines and submarines, to the recent development of nuclear-fueled submarines which enhances the importance of concealed operations, to the possibility of ballistic missiles carrying nuclear warheads being fired from submerged submarines or from fixed positions on the continental shelf as well as to the likely further development of missiles enclosed in pressure capsules which may open possibilities of nuclear missile weapons being stationed on the ocean floor. The difficulties that will arise in ensuring adequate command and control of unattended nuclear weapon missiles based on the ocean floor and the problems of maintenance to ensure operational

/...

efficiency and guard against serious malfunctioning may lead to the development of manned bases on the sea-bed, to which programmes already under way for investigating possibilities for the prolonged sojourn of aquanauts at continental shelf depths seem to point the way.

Another possible development that is indicated is that of sea-bed missile bases or silos which might replace their land-based equivalent, thereby reducing the consequences to a nation and its population of a nuclear strike against its missile force. Further considerations that might motivate an intense military interest in possible uses of the sea-bed and ocean floor are the strategic advantage of missile bases being established on the continental shelf adjacent to a likely adversary, thus enabling shorter range missiles or IRBMs to supplant ICBMs. In the same way, anti-ballistic missiles similarly deployed on the continental shelf or on the deep ocean peaks adjacent to a likely enemy could be used with greater effectiveness.

Possible developments concern nuclear mines placed on the ocean floor and mobile installations that move around the sea-bed and could be used for the purpose of nuclear weapon employment as well as search and detection operations. Finally, the Secretariat paper notes that these are an outline of possibilities of military uses and are not necessarily realistic or militarily attractive.

I have referred at length to the Secretariat working paper because it forms the basis of the remarks made by speakers in the debate.

I now come to the content of the debate itself. It was stressed that the interests of all nations required them to give urgent attention to the trends and possibilities regarding the future use of the sea-bed and ocean floor for military purposes as disclosed in the Secretariat working paper and that efforts should be made

/...

to arrest these trends before they were too advanced for effective control. One point of view was that the United Nations should seek to prevent the developments envisaged in the Secretariat working paper which pointed out possibilities but quoted no facts to show that the area was already being used for military purposes. Concern was expressed that the increasingly heavy commitment of funds, equipment and manpower to research and development activity in regard to the ocean floor was influenced by military factors and considerations.

There was complete unanimity among all those who participated in the debate that the sea-bed and ocean floor beyond the limits of national jurisdiction should be used exclusively for peaceful purposes. Various proposals were made regarding the manner in which international agreement on the exclusive use of the sea-bed and ocean floor for peaceful purposes should be attained. The exclusive use of the sea-bed and ocean floor for peaceful purposes necessarily meant that effective measures be taken to prevent its being used for military purposes. This was the most urgent aspect of the problem and the Ad Hoc Committee should point out to the General Assembly in its report that an immediate decision was necessary to the effect that the use of the sea-bed and ocean floor for military purposes was prohibited. The still imperfect state of our knowledge regarding the sea-bed and ocean floor should facilitate rather than hamper the early adoption of effective measures for this purpose.

The General Assembly should not wait till military activities or the emplacement of military installations on the sea-bed and ocean floor had become an accomplished fact.

Some while recognizing the fundamental importance of this aspect of the question, namely the reservation of this area exclusively for peaceful purposes, as acknowledged and endorsed by the General Assembly when it incorporated this concept in the title of the item and in the preamble of its resolution, suggested that its

/...

very importance warranted a cautious approach to it and a full examination of the proposal. Whatever body was entrusted with the examination of the proposal, all nations should be kept fully informed of every stage in its consideration and of the outcome of such consideration.

It was suggested that the General Assembly should be asked to adopt certain principles and also that a juridical regime relating to the peaceful use of the sea-bed and ocean floor and generally to the exploration, conservation and use of its resources should be based on certain essential requisites viz. the recognition and acceptance of certain principles.

The principles enunciated were that nothing authorizes the military use of this area, and that all military activities in this area should be barred. Two approaches to the military aspects of this item and to the concept of exclusive reservation of the area for peaceful purposes became evident. One was that peaceful use completely excluded all military use. The other was that a positive approach required the affirmation and acceptance of the principle that the area be used exclusively for peaceful purposes and that military activities in pursuit of peaceful aims or in fulfilment of peaceful intents, consistent with the United Nations Charter and the obligations of international law, should not be banned. The general aim should be to stop the spread of the armaments race to the sea-bed and ocean floor. The first approach was reflected in the draft resolution of the USSR which would ask the General Assembly to call upon all States to use the sea-bed and ocean floor beyond the territorial waters of coastal States exclusively for peaceful purposes and to request the ENDC to consider as an urgent matter the prohibition of the use of this same area for military purposes.

The second approach is reflected in the draft resolution of the United States which, with the object of achieving workable arms limitation measures, would ask the General Assembly to request

/...

the ENDC to take up the question of arms limitation on the sea-bed and ocean floor with a view to defining those factors vital to a workable, verifiable and effective international agreement which would prevent the use of this environment for the emplacement of weapons of mass destruction. This second approach purports to identify the most pressing need which is the prevention of the greatest menace as the first step.

The Tanzanian proposal which would place the high seas out of bounds for any military purposes whatsoever and ban the use of this area by nuclear submarines and ban military fortifications and missile bases in the area was a variant of these two proposals and accorded with the views and wishes of many - especially as it removed some of the ambiguities inherent in expressions such as "peaceful uses".

Reference was made to the interpretation given by some delegates to the term "peaceful uses" as excluding all military activity. It was pointed out that this interpretation would not prove acceptable to nations which relied heavily on their submarine strength, that such an interpretation ignored the distinction between the sea-bed and the high seas above it, and that it would be impracticable and even illogical to seek to prevent naval vessels that were free to use the superjacent waters from seeking temporary repose on the sea-bed itself - something that they would not be entitled to do if peaceful uses were regarded as ruling out all military activity or military use.

Some delegates drew attention to the fact that some of the terms and expressions used in these proposals and draft resolutions were vague and ambiguous. The item "territorial waters" used in the Soviet draft resolution created the problem that the limits of territorial waters were not fixed and varied from State to State. The same idea was expressed by those who pointed out that the boundaries of the area that is to be kept free from military use should be clearly defined.

/...

This proposal, namely, an internationally acceptable definition of the precise limits of the area under consideration was widely recognized as central to the whole question and one which required careful study as it was highly complex. It was stated by one delegate that whether or not the question of the limits of the area covered by the item fell within the competence of this Ad Hoc Committee it had to be solved before legal principles applicable to the sea-bed and ocean floor could usefully be discussed. Appropriate steps had to be taken to define the limits of national jurisdiction. The opinion was expressed that until there had been a fuller study of the complex legal issues involved, issues which were inseparable from the other aspects, especially economic and technical aspects, of the question, it was premature to attempt to draft a set of legal principles applicable to the activities of States in the use of the sea-bed and ocean floor.

One view of the Soviet draft resolution regarding peaceful uses was that its great merit lay in its application of the principle to the area "beyond the limits of territorial waters", thus bringing within the realm of this principle the continental shelf which was the area most likely to be used for military purposes in the immediate future. This same point of view urged that the greater the area of prohibition in regard to military uses the more effectively would the objective of peaceful uses of the sea-bed and ocean floor be realized. In support of the proposition that military use of the continental shelf be banned, articles 2, 3, 4 and 5 of the Geneva Convention on the Continental Shelf which limited the coastal States' rights to exploration and exploitation of the natural resources of the shelf and did not give the coastal States unlimited jurisdiction over it was cited. Another speaker doubted the appropriateness of a debate in this Committee on the right of the coastal State to use its continental shelf for military purposes. It was not so much however a question of what the correct interpretation is but rather the need for having a rule which would promote the objective in contemplation.

/...



There was a clear difference of opinion in the Committee regarding the procedure for dealing with the military aspects of the item - whether they be described as disarmament or non-armament. Some speakers, notably the Soviet Union and the United States, and I mention them because they have submitted draft resolutions to that effect, considered that the ENDC was the appropriate and competent body to deal with these aspects of the question. The ENDC was specially created to work out measures for ending the arms race and achieving disarmament: the exclusive use of the sea-bed and ocean floor for peaceful purposes fell strictly and properly within the context of general and complete disarmament. Some were of opinion that the General Assembly should refer the military aspects to the ENDC under a specific mandate to be discharged under the General Assembly's supervision.

It was noted that the United Kingdom had already taken the question to the ENDC. Other speakers did not agree with the proposal that the military aspects be referred to the ENDC. A number of reasons were urged by them. They considered the whole item to be one and indivisible and that as the various aspects were closely interrelated and interdependent, its dissection into its various aspects and the assignment of these aspects to different organs and bodies would destroy its unity and be an obstacle to effective action in pursuit of the objectives of the item. They were of opinion that this was not primarily a disarmament question but rather one of preventing and restraining military activity in the area. It was also felt that the ENDC had a heavy programme of work already and was not the appropriate body to examine or take action in the matter although there could be no objection to the disarmament aspects being referred to the ENDC by the General Assembly to determine priorities, identify general concepts in their relationship to the whole problem of disarmament and to tender advice to the committee or body on the sea-bed and ocean floor, the establishment of which at the next session of the

General Assembly to pursue further action in this matter was being proposed. A constitutional objection in regard to the ENDC's status in the matter was also raised: that it was only a negotiating organ; that at most it could only recommend to the General Assembly the adoption of certain resolutions. It was competent to initiate a study of the military problems of the sea-bed as part of the wider study of general and complete disarmament. The Ad Hoc Committee was not, however, debarred from considering this aspect whether it be called disarmament or non-armament.

Importance was attached to the need for reaching even limited agreement at this stage on certain principles which have an important bearing on the political aspects of relations between States in regard to their activities in the area under discussion. Some of those principles were: (a) that this area is not open to appropriation and claims to national sovereignty over the area are not acceptable and an endorsement of this principle by the General Assembly would further the general political aims of the United Nations; (b) that international law and the principles of the Charter should govern all activities in the area under question; (c) that this area should be regarded as the common heritage of all mankind to be exploited for its benefit. It was also suggested that there be a freeze on further claims of national sovereignty in the area under consideration.

In regard to the use of the resources of the area, without national appropriation of any part of it, one view expressed was that such use as long as it was for the benefit of mankind was not barred but the expression "benefit of mankind" could be construed to mean not merely the increase in the total resources available for man's use and benefit but as including a fair share for all nations of the resources extracted from the area.

Such exploitation should be undertaken within a regime that reconciles and harmonizes the interests of State and private enterprise with the interests of the international community as a whole.

/...

One delegate proposed that the attention of the ILO and other competent international organizations be drawn to the conditions of work prevailing in the marine environment and to the human and social aspects of the item in general.

Finally, there was very wide agreement that the study of this question should be continued and that the establishment of an appropriate body such as a permanent standing committee with specific terms of reference should be recommended to the General Assembly by this Ad Hoc Committee in its report. Certain delegates suggested either the establishment of a permanent standing committee or the continuation of the Ad Hoc Committee itself with new and more specific terms of reference. It was suggested by one delegate that this standing committee should be responsible for the co-ordination of all aspects of the problem and form the nucleus of effective machinery for managing the use and development of the area and its resources.

Another view, not necessarily in conflict with the idea of a continuing body, was that close international co-operation in matters relating to the study of the area was a matter of importance and that the task of organizing that study should belong to the United Nations, its specialized agencies and States. I thank you for the patience with which you have listened to me.

This may be one of the lengthiest summaries on record and it may offend against the dictum that brevity is the soul of wit, as the United Kingdom delegate reminded us, but it is a wise precaution not to let the point be lost for want of utterance. I would not have done justice to the very high standard of debate that was maintained by those who participated in this discussion if I had attempted to compress the substance of their statements within narrower confines.

---