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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

STATEMENT BY THE CHAIRMAN OF THE AD HOC COMMITTEE  
AT ITS TWENTY-FIRST MEETING ON 27 AUGUST 1968

My summary will be limited strictly to proposals that may properly be brought within the category of practical means of promoting international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor and the subsoil thereof as contemplated in the title of the item and of their resources. Many other matters that have already been covered during the earlier discussions of other items and which have been dealt with in my summary of these discussions were raised and referred to in the course of the discussion on the present item but I see no real need to refer to them in this summary.

On the question of exploration the Committee had the proposal of the United States delegation that the 1970's be declared an International Decade of Ocean Exploration. This proposal was welcomed by all speakers and could be commended to the General Assembly in this Committee's report along with the various observations made on it by delegates.

On the question of conservation, one specific proposal which was made might appropriately be brought within the scope of this aspect of the item, viz. the proposal contained in the draft resolution of the delegate of Iceland (A/AC.135/31) regarding the study of the means for minimizing the danger of pollution of the marine environment which might arise from the exploration and exploitation of the sea-bed and ocean floor and the subsoil thereof. The idea has received

sufficient support to justify its inclusion in our report as one of the practical means which was welcomed and which the Committee would be prepared to commend to the General Assembly's consideration. In fact, it would be more correct to say that the idea received almost unanimous support.

There is, next, the question of the use of the sea-bed and the ocean floor and the subsoil thereof and of their resources.

We have had many proposals on this aspect of the item, in the form of draft resolutions and draft declarations. These deal with statements of general principles which should serve as the foundation of future international co-operation and future activities in relation to the use of the sea-bed and ocean floor.

There was also the proposal relating to the institutional arrangements necessary for continued study of this item directed towards the realization of our objective.

We have before us the draft declaration of legal principles governing the reservation exclusively for peaceful purposes of the sea-bed and ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and the uses of their resources in the interests of mankind, presented by India (A/AC.135/21).

We have the draft resolution containing a statement of principles concerning the deep ocean floor presented by the United States (A/AC.135/25).

The provisions of these drafts received varying degrees of support and without attempting to assess at this stage the degree of support that they attracted - as it is hoped that the consultations that are proceeding will be productive of an even greater and wider measure of agreement than is now apparent - I shall merely list here the various principles that have been proposed:

It was contended that any legal body of rules which would be eventually formulated to govern activities in this area, as would be necessary, should be based on certain general principles.

It has been recognized by all that there is an area beyond the limits of national jurisdiction and that this area is our concern. This is not a principle but a recognition of an actual fact which should constitute the starting point of all our efforts.

In the interests of promoting international co-operation and to facilitate it, it was felt that the precise limits of this area required more precise definition and that it would be the responsibility of the General Assembly to make appropriate arrangements for an international review and examination of this question. One suggestion made was that the convening of a third conference on the law of the sea to consider the limits of the continental shelf should be considered.

The principles enunciated were as follows:

(a) the area in question should be regarded as the common heritage of mankind and as such should not be subject to national appropriation and claims to national sovereignty or sovereign rights over any part of the area should not be allowed;

(b) the exploration and use of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction shall be carried on in the interests of mankind, taking into account the needs of the developing nations, and in accordance with the principles of international law and the Charter of the United Nations, due regard being had to the exercise of the freedom of the high seas. It was observed that the legal status of the superjacent waters and the air space above should not be affected;

(c) the area in question should be used exclusively for peaceful purposes and its use for military purposes should be prohibited;

(d) the freedom of research should be maintained without interference and discrimination against any State or its nationals, in accordance with international law.

There was also some appreciation of the need for internationally agreed arrangements to govern or regulate the exploitation of the resources of this area.

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The need for considering, among other principles, the principle of responsibility and liability for damage caused in the marine environment as a result of exploration and exploitation activities was stressed.

Finally, I come to the institutional arrangements relating to the continuation of our work in furtherance of our objective. On this aspect, we have the proposal of the Belgian delegation that the General Assembly be asked to establish a committee with specific terms of reference relating to all aspects of the item.

It was not intended that it should supplant any existing body, least of all the IOC.

The terms of reference proposed for this standing committee in the Belgian working paper (A/AC.135/29) are wider and more specific than the Ad Hoc Committee's mandate. Paragraph 5 of the Belgian working paper was withdrawn by the Belgian delegate who had already indicated that it was premature to consider the composition of the committee.

Many delegations, while approving of the principle of a standing committee, reserved their right to consider its proposed terms of reference on a later and more appropriate occasion.

Even those delegations which seemed to have a preference for the continuation of the Ad Hoc Committee were prepared to agree to the idea of a standing committee if it commanded general support.

The United States delegation clarified the meaning of the term "deep ocean floor" used by them in their draft resolution. They stated that they used the term for the sake of conciseness and meant by it "the area of the sea-bed and the ocean floor underlying the high seas beyond the limits of national jurisdiction" and had in contemplation the area whose boundaries would become clearer when the limits of national jurisdiction were more precisely defined.

We have already given attention to the proposals made to ensure the peaceful uses of the area and the prohibition of its use for military purposes and proposals germane to that same concept - as

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contained in the draft resolutions presented by the USSR, the United States and the United Republic of Tanzania.

Our final decisions will depend on the outcome of consultations and negotiations which are now in progress. The results will be recorded in the relevant section of our final report, and during the consideration of the draft of that final report delegations will have an opportunity of making their observations.

Might I express the hope that we can crown our efforts spread over three sessions by achieving a measure of agreement which would be convincing proof of the reality of international co-operation and simplify the General Assembly's task in reaching decisions on a question of such phenomenal possibilities and carrying with it the promise of incalculable benefit, both material and otherwise, to the entire membership of the United Nations and to all mankind.

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