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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

REPORT OF THE FIRST SESSION OF THE LEGAL WORKING GROUP
(17 June-8 July 1968) TO THE AD HOC COMMITTEE

Rapporteur: Mr. S. Abdel-Hamid (United Arab Republic)

1. By resolution 2340 (XXII) the General Assembly decided to establish an Ad Hoc Committee to study the scope and various aspects of the item entitled "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and the use of their resources in the interests of mankind". The resolution requested the Ad Hoc Committee, in co-operation with the Secretary-General, to prepare for consideration by the General Assembly at its twenty-third session, a study which would include a survey of existing international agreements concerning the areas subject of the study, an account of the legal aspects of the item, and an indication regarding practical means of promoting international co-operation in the exploration, conservation and use of such areas and of their resources.
2. At its second meeting held on 19 March 1968 the Ad Hoc Committee decided to establish a Legal Working Group to deal with the legal aspects of the item. The composition of the Legal Working Group was the same as that of the Ad Hoc Committee.
3. Also at its second meeting the Ad Hoc Committee decided to elect the following officers for the Legal Working Group:

Chairman	Ambassador Leopoldo Benites (Ecuador)
Vice-Chairman	Mr. Alexander Yankow (Bulgaria)
Rapporteur	Mr. Shaffie Abdel-Hamid (United Arab Republic)

4. The agenda for the session (A/AC.135/WG.1/R.1) as adopted at the first meeting of the Working Group included the following item:

"3. Consideration of the legal aspects of the study which the Ad Hoc Committee has been requested to prepare for the General Assembly according to resolution 2340 (XXII)"

5. On the basis of a note (A/AC.135/WG.1/R.2) and a statement by the Chairman (A/AC.135/WG.1/R.3) the Working Group adopted the following programme of work (A/AC.135/WG.1/R.4):

"1. Examination of legal principles relating to the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, including:

- (a) Existing regulations in this field;
- (b) Consideration of legal principles which should govern international co-operation with a view to the preparation of an agreement on the use of the sea-bed and the ocean floor, and the subsoil thereof, exclusively for peaceful purposes;
- (c) Consideration of legal principles which should govern international co-operation in the use, in the interests of mankind, of the resources of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction.

"2. Conclusions of a legal nature emerging from the reports on the subject submitted by the Secretary-General, the specialized agencies, the International Atomic Energy Agency and other inter-governmental bodies in accordance with operative paragraph 2 of resolution 2340 (XXII).

"3. Consideration of practical legal means, which the Working Group might think fit to recommend to the Ad Hoc Committee in accordance with operative paragraph 2, sub-paragraph (c) of resolution 2340 (XXII), for ensuring:

- (a) the use exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction; and
- (b) the use of the resources of this area in the interests of mankind.

"4. Other legal aspects of the subject."

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6. . In deciding upon the adoption of its programme of work, the Legal Working Group took into account operative paragraphs 1 and 2 (a), (b) and (c) of General Assembly resolution 2340 (XXII) and also the statements of the Chairman of the Ad Hoc Committee of 21 and 27 March, and 18 June 1968 (A/AC.135/5, A/AC.135/6 and A/AC.135/18).
7. The Legal Working Group met between 17 June and 8 July 1968 at the United Nations Headquarters in New York. It had 14 meetings.
8. The Working Group agreed to have informal meetings during which no record was to be maintained. Two such informal meetings were held, the fourth and the fifth for which no summary records were maintained.
9. The representative of the Inter-Governmental Maritime Consultative Organization (IMCO) made a statement to the Working Group.
10. A list of the documents that the Working Group had before it is appended as Annex I.
11. In addition, several draft resolutions suggested by delegations were referred to in the debates. These draft resolutions and amendments are appended as Annex II. The draft resolutions and amendments are as follows:
 - Union of Soviet Socialist Republics: draft resolution on the prohibition of the use of the sea-bed and the ocean floor beyond the limits of territorial waters for military purposes - (A/AC.135/20);
 - India: draft declaration of legal principles governing the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the uses of their resources in the interest of mankind - (A/AC.135/21);
 - United States of America: draft resolution on preventing the emplacement of weapons of mass destruction on the sea-bed and ocean floor - (A/AC.135/24);
 - United States of America: draft resolution containing statement of principles concerning the deep sea floor - (A/AC.135/25);
 - United Republic of Tanzania: amendments to the draft resolution submitted by the Union of Soviet Socialist Republics / (A/AC.135/20) - A/AC.135/26;

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United Republic of Tanzania: amendments to the draft resolution
submitted by the United States of America (A/AC.135/24) - A/AC.135/27.

Legal problems discussed by the Working Group

12. In pursuance of its programme of work the Working Group tried to identify and list some of the legal problems which arose from the subjects under study. An account of the views expressed in the course of the debate is given below as they may be indicative of the complex legal problems which require further study.

(1) Legal status of the sea-bed and the ocean floor and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction

13. A very large number of members expressed the view that the area beyond the limits of present national jurisdiction was not susceptible of appropriation and States could not exercise national sovereignty over such an area. Other members noted that there was a distinction between non-appropriation of the sea-bed and ocean floor beyond the limits of present national jurisdiction and the exploitation of these areas. Such exploitation would not serve as a basis for claims to sovereignty.

14. The view was expressed that in the formulation of a legal status, analogy between the sea-bed and ocean floor, on the one hand, and the outer space and the high seas, on the other, should not be carried too far.

15. Reference was made to the concepts of res nullius and res communis. Some members considered that the concept of res communis might be applicable. Other members expressed the view that neither concept would be helpful in the present context. The view was emphasized that the sea-bed and ocean floor beyond the limits of present national jurisdiction should be regarded as having special legal status as the common heritage of mankind. With respect to non-appropriation, it was noted that a number of historic examples of occupation put forward by various writers must be regarded as very special and exceptional cases.

16. Mention has been made of banks and shoals covered by waters of a depth between a couple of metres and 200 metres, and situated beyond the limits of any national jurisdiction, some of which are already by now exploitable with existing technological means and techniques.

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17. A number of members expressed the view that States and nationals should conduct their activities on the sea-bed and ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction, in accordance with the principles of international law, including the Charter of the United Nations.

18. It was generally felt that many problems related to the sea-bed and ocean floor were not adequately dealt with in existing international law and it was also felt that legal principles on the activities of States in the exploration and use of the sea-bed and ocean floor beyond the limits of national jurisdiction should be developed in the interests of mankind as a whole.

19. Some delegations suggested that an international legal régime should be established under the auspices of the United Nations.

(2) Reservation of the sea-bed and ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction exclusively for peaceful purposes

20. The view was emphasized by a very large number of members that the sea-bed and ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction should be reserved exclusively for peaceful purposes in the interests of international peace and security, the promotion of international co-operation and understanding and in order to ensure the orderly development of a régime for this area. It was suggested that all States use the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States exclusively for peaceful purposes.

21. It was suggested that the sea-bed and the ocean floor and the subsoil thereof, underlying the high seas beyond present national jurisdiction should not be used by any State or States for any military purposes whatsoever. The suggestion was made that consideration should be given to the question of prohibiting the use for military purposes of the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States.

22. It was suggested that the terms "peaceful purposes" and "military purposes" were susceptible to different interpretations and that it would be more useful and more centrally directed at the real problem of arms limitation if the question of arms limitation on the sea-bed and ocean floor were taken up in an appropriate

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forum with a view to defining those factors vital to a workable, verifiable and effective international agreement which would prevent the use of this new environment for the emplacement of weapons of mass destruction. Other delegates expressed the concern that to confine the present examination to the non-emplacement of weapons of mass destruction on the sea-bed would only afford a partial solution to the questions of the prohibition of the use of the sea-bed for military purposes.

23. Some delegations expressed the view that effective arms limitation measures on the sea-bed and the ocean floor should be realistically conceived and that the most urgent problems should be examined first. They should also be of a balanced character and command the support of all nations, including the maritime nations. The view was emphasized by some members that denuclearization of this area was a question of immediate concern. There was also strong support for the view that weapons of mass destruction should not be placed on the sea-bed or ocean floor or the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction.

24. The suggestion was made that the Ad Hoc Committee should recommend the adoption by the General Assembly of a declaration stating that the exploration and use of the sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction, shall be carried on for the benefit and in the interests of mankind, and the sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction, are the common heritage of mankind and that as such, they are not subject to national appropriation and shall be used exclusively for peaceful purposes, for the benefit of all countries, particularly the developing countries.

25. A suggestion was made that the General Assembly should call on all States to use the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States exclusively for peaceful purposes. It was also suggested by some members that the General Assembly should request the Eighteen-Nation Committee on Disarmament to consider, as an urgent matter, the question of prohibiting the use for military purposes of the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States.

26. Some members suggested reference of the question to the Eighteen-Nation Disarmament Committee, under a precise mandate and at the same time the question should be retained on the agenda of the Ad Hoc Committee.
27. There was also a suggestion that the Eighteen-Nation Disarmament Committee should 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 new environment for the emplacement of weapons of mass destruction.
28. Another suggestion would request the Eighteen-Nation Disarmament Committee to consider, as a matter of urgency, the question of banning the use of the sea-bed and ocean floor beyond the limits of national jurisdiction by nuclear submarines and banning of military fortifications and missile bases on the sea-bed and ocean floor.
29. Some members suggested that the question of referring the matter, or certain specific aspects of it, to the Eighteen-Nation Disarmament Committee should be considered by the Ad Hoc Committee. These members further suggested that consideration of this question should be preceded by consideration by the Ad Hoc Committee, of general principles, governing the sea-bed, ocean floor and the subsoil thereof beyond the limits of present national jurisdiction. Other members were opposed to the consideration of this subject by the Eighteen-Nation Disarmament Committee and suggested that it should remain in the agenda of the General Assembly.
30. The view was expressed that the principles laid down in the Outer Space and Antarctica Treaty might provide some guidance for the Committee. There was also suggested an approach similar to the Outer Space Treaty which would involve prohibiting certain specific types of weapons and military installations, for example, nuclear weapons and other arms of mass destruction, as well as construction of military bases and fortifications.

(3) Use of the resources of the sea-bed and ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction in the interests of mankind

31. Members were in agreement that the use of the resources of the sea-bed and ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction should be in the interests of mankind and that the question of how those interests could best be served needs to be studied further.

32. Some members expressed the view that there could be no peaceful or rational exploitation of the natural resources unless there was exploitation in the interests of all mankind. It was also suggested that the only possibility which appeared to have no serious drawbacks was an international solution to the problem. Such a solution must be equitable, feasible and acceptable and promote orderly, peaceful and efficient exploitation. Some members expressed the view that there should be a declaration to the effect that such areas should be exploited for the common benefit and be administered and controlled by a competent world body.

33. Others suggested that a statement of principles could appropriately state that there should be established as soon as practicable internationally agreed arrangements governing the exploitation of those resources and identify the main objectives of such arrangements.

34. The view was expressed that there was no rule in existing international law prohibiting anyone from exploiting the ocean floor, subject only to the principles and rules of international law in general and the law of the sea in particular. With respect to freedom of exploitation and non-discrimination, the view was expressed that a fair application of these principles would require taking into account the special needs of the developing countries. A suggestion was made that the especial rights and interests of the coastal States regarding the conservation and exploration of those resources should be taken into account.

35. Several delegations emphasized that the interests of landlocked countries in participating in the exploration and exploitation of the sea-bed and the ocean floor beyond the limits of present national jurisdiction should be safeguarded.

(4) Freedom of scientific research and exploration of the sea-bed and ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction

36. Some members emphasized the view that there should be freedom of scientific research and exploration of the sea-bed and ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction. The view was expressed that results of scientific activities should be made available to all countries without discrimination and international scientific co-operation should be promoted. It was suggested that it might be desirable to have one central body, such as UNESCO, co-ordinate all scientific and research activities and pool the results in the Intergovernmental Oceanographic Commission. It was also stated that it was necessary to distinguish between purely scientific research and that connected with the exploitation of resources. A large number of members emphasized that scientific exploration could not serve as a basis for the assertion of sovereignty or claims to appropriation. Some members expressed the view that scientific exploration should not serve as a basis for claims to exploitation. Reference was also made to the utility of the proposal that 1970-80 should be an International Decade for Ocean Exploration.

(5) The question of reasonable regard to the interests of other States in their exercise of the freedoms of the high seas

37. Several members expressed the view that any activities on the sea-bed and ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction should be carried out with reasonable regard to the interests of other States in their exercise of the freedom of the high seas, as recognized by the provisions and practice of the law of the sea. An express reference was made to article 2 of the Convention on the High Seas. The view was expressed that such activities should not obstruct navigation or fishing or the laying of submarine cables and should not result in damage to the marine flora and fauna. The devices employed for such activities should be used in a manner consonant with international arrangements for the protection of the devices and of the persons manning them. With respect to submarine cables and pipelines, reference was made to the 1884 Convention on the Protection of Submarine Cables, article 26 of the Convention on the High Seas and article 4 of the Convention on the Continental Shelf.

38. Concern was also expressed about the question of conservation of the resources of the high seas. The view was advanced by some delegations that it might be reasonable, in exceptional cases, to grant coastal States some special rights for the conservation and regulation of the fisheries of the coastal areas, thus safeguarding the means of livelihood of such nations from the effects of mineral exploitation.

(6) The question of pollution and other hazards

39. A number of members stated that exploitation and use of the sea-bed and ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction should be carried out in accordance with rules and regulations concerning the prevention of pollution, radio-active contamination and conservation of the living resources of the sea. Concern was expressed about the possibility of an accident causing pollution which might affect the fisheries of nearby regions and countries. The view was expressed that, in a future international legal régime provision would have to be made concerning responsibility and liability for damage. The suggestion was made that appropriate safeguards should be assured and that existing international arrangements, such as the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, be extended, in order to minimize pollution of the seas and the disturbance of the existing biological, chemical and physical processes and balances.

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40. It was generally agreed that there is an area of the sea-bed and ocean floor which is not subject to national jurisdiction. This fact which seemed obvious needed emphasizing in their opinion because of the broad interpretation of which article 1 of the Convention on the Continental Shelf was susceptible. It was pointed out that none of the members in the Working Group had suggested that either international law or article 1 of the Continental Shelf Convention authorizes the extension of limits for an indefinite distance into the deep ocean floor and this was considered possibly a valuable finding. On the other hand, several of the participants in the debate referred to the need for a more precise definition of the sea-bed and the ocean floor underlying the high seas beyond national jurisdiction, in order for the areas under discussion to have internationally agreed boundaries. There was agreement in general that the question of these boundaries raised difficult problems and some members stated that for this reason they were not yet ripe for immediate consideration. Some States were of the view that the question of the outer limits of the continental shelf, although indirectly related to the task of the Working Group, was not within its mandate. Others opposed any discussion of this subject on the grounds that the continental shelf was fully under national jurisdiction. In this connexion, it was also pointed out that national jurisdiction applies to the continental shelf only within the limits established by international law. A suggestion was made that a special sub-item entitled "Elaboration of a definition of the sea-bed beyond the limits of national jurisdiction" should be included in the agenda of the appropriate forum for the next year.

41. Several representatives suggested a moratorium or freezing of national claims over the sea-bed beyond the limits of present national jurisdiction.

42. The participants in the debate referred to the legal study prepared by the Secretariat under General Assembly resolution 2340 (XXII) (A/AC.135/10, 11, 19 and Add.1 and 2). It was suggested that subject to the observations of delegations, the "survey of existing international agreements concerning the sea-bed and ocean floor, and the subsoil thereof underlying the high seas beyond national jurisdiction" (A/AC.135/10) might serve as an element in the survey called for by operative paragraph 2 (a) of General Assembly resolution 2340 (XXII). Although the study was highly praised, there were also observations relating to points of

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drafting or materials excluded from or included in the study. The Representative of the Secretary-General stated that such observations would be taken into account by the Secretariat. He added that information concerning international agreements or national legislation which may subsequently be received from Governments would be incorporated in the relevant documents. It appeared appropriate to the Working Group in the light of paragraph 2 of General Assembly resolution 2340 (XXII) to suggest to the Ad Hoc Committee that the Secretariat study be forwarded to the General Assembly at its twenty-third session.

43. It was widely felt that following precedents set by the United Nations in its treatment of other questions, such as that of outer space, a statement of principles in the form of a declaration could be adopted by the General Assembly concerning the peaceful use of the sea-bed, ocean floor and the subsoil thereof beyond the limits of present national jurisdiction. The contents of such a declaration of principles were, however, regarded as a matter for more detailed discussion and consultation. Various principles, some of which received wide support, were proposed for inclusion in the draft declaration, inter alia: that the sea-bed, the ocean floor and the subsoil thereof be used exclusively for peaceful purposes and for the benefit of mankind; that the sea-bed and the ocean floor and the subsoil thereof, underlying the high seas beyond national jurisdiction should not be subject to national appropriation by claim of sovereignty, by means of use, occupation or any other means; that activities in the exploration and use of the sea-bed and the ocean floor be carried out in accordance with international law, including the Charter of the United Nations; all activities in the exploration and use of the sea-bed and the ocean floor beyond national jurisdiction should be conducted with due regard for the freedoms of the high seas and ~~(with due regard)~~ for the interests of other States and should not infringe on the legally protected uses of the sea for fishing, navigation, communications, research and other purposes complying with international law and with generally agreed standards of security and safety regulations; the principle of conservation of the marine resources, including safeguards against pollution; international co-operation for scientific research and exploration and exploitation of marine resources; safety standards for installations and equipment; recognition of the special needs and rights of developing countries; and international responsibility and liability for damage.

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It was also proposed that a declaration of principles deal with the question of a more precise boundary for the area under consideration, and with the question of internationally agreed arrangements concerning the use of the resources of this area.

44. Some delegations considered that such declaration could be adopted by the General Assembly at its forthcoming session. Some delegations, however, considered that the precise timing for its adoption was also dependent upon more detailed discussion and consultations.

45. Owing to the limited time at its disposal and the complexity of the problems before it, the Legal Working Group was not in a position at this session to complete its programme of work. It considered, however, that a valuable exchange of views had taken place and that its preliminary exploration of problems might provide the basis for further consideration of the issues involved.

ANNEX I

LIST OF DOCUMENTS BEFORE THE WORKING GROUP

Survey of Existing International Agreements concerning the Sea-bed and the Ocean Floor, and the Subsoil Thereof, Underlying the High Seas beyond the Limits of Present National Jurisdiction (A/AC.135/10).

Survey of National Legislation concerning the Sea-bed and the Ocean Floor, and the Subsoil Thereof, Underlying the High Seas beyond the Limits of Present National Jurisdiction (A/AC.135/11).

Summary of Views of Member States (A/AC.135/12).

Legal Aspects of the Question of the Reservation Exclusively for Peaceful Purposes of the Sea-bed and the Ocean Floor, and the Subsoil Thereof, Underlying the High Seas beyond the Limits of Present National Jurisdiction, and the Use of Their Resources in the Interests of Mankind (A/AC.135/19, A/AC.135/19/Add.1 and A/AC.135/19/Add.2).

Letter dated 30 May 1968 from the Director-General of the United Nations Educational, Scientific and Cultural Organization addressed to the Secretary-General (A/AC.135/22).

Regulatory Aspects of Explorations and Exploitation Including Rules Respecting Ocean Data Stations, Drilling Rigs, Production Platforms and Other Devices. Note by the Inter-Governmental Maritime Consultative Organization (A/AC.135/23).

Resources of the Sea. Introduction and Summary (E/4449);

Part One: Mineral Resources of the Sea beyond the Continental Shelf (E/4449/Add.1);

Part Two: Food Resources of the Sea beyond the Continental Shelf Excluding Fish (E/4449/Add.2).

A limited number of copies of the following documents were distributed under their original symbol:

UNESCO - Inter-Governmental Oceanographic Commission (Information Paper on the Legal Problems Associated with Manned and Unmanned Ocean Data Stations) (ICC/INF.108). Paris, March 1967.

UNESCO - Inter-Governmental Oceanographic Commission - Fifth Session (UNESCO, Paris, 19-27 October 1967) (SC/CS/150). Paris, 25 March 1968, particularly item 6 - Legal aspects of scientific research and its applications on the high seas.

ANNEX II

DRAFT RESOLUTIONS AND AMENDMENTS REFERRED TO IN THE DEBATES
IN THE LEGAL WORKING GROUP

Union of Soviet Socialist Republics: draft resolution on the
prohibition of the use of the sea-bed and the ocean floor
beyond the limits of territorial waters for military purposes
(A/AC.135/20)

The General Assembly,

Recalling its resolution 2340 (XXII) in which it referred to the importance of preserving the sea-bed and the ocean floor, and the subsoil thereof, from actions and uses which might be detrimental to the common interests of mankind, and recognized that the exploration and use of those areas should be conducted in accordance with the purposes and principles of the Charter of the United Nations, in the interest of maintaining international peace and security and for the benefit of all mankind,

Recognizing the need to take steps to prevent the arms race from spreading to the sea-bed and the ocean floor,

1. Solemnly calls upon all States to use the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States exclusively for peaceful purposes;

2. Requests the Eighteen-Nation Committee on Disarmament to consider, as an urgent matter, the question of prohibiting the use for military purposes of the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States.

India: draft declaration of legal principles governing the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the uses of their resources in the interests of mankind

(A/AC.135/21)

The General Assembly,

Noting that developing technology is making the sea-bed and the ocean floor, and subsoil thereof, accessible and exploitable for scientific, economic, military and other purposes,

Recognizing the common interests of mankind in the sea-bed and the ocean floor, which constitute the major portion of the area of this planet,

Believing that the exploitation and use of the sea-bed and ocean floor and the subsoil thereof should be carried out for the betterment of mankind and for the benefit of States irrespective of their degree of economic or scientific development,

Desiring to contribute to broad international co-operation in the scientific as well as in the legal aspects of the exploration and uses of the resources of the sea-bed and ocean floor,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between nations and peoples,

Mindful of the importance of preserving the sea-bed and ocean floor, and the subsoil thereof from actions and uses which might be detrimental to the common interests of mankind,

Recognizing that the exploration and use of the sea-bed and the ocean floor and the subsoil thereof should be conducted in accordance with the principles and purposes of the United Nations Charter, in the interests of maintaining international peace and security and for the benefit of all mankind,

Mindful of the provisions and practice of the law of the sea relating to this question,

Recalling its resolution 2340 (XXII) of 18 December 1967,

Convinced that, pending the conclusion of a Treaty regulating the administration and utilization of the sea-bed and ocean floor and the subsoil thereof, in the common interests of mankind, it is necessary to set forth the principles applicable in this regard,

Declares as follows:

1. The exploration and use of the sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction, shall be carried on for the benefit and in the interests of mankind;
2. The sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction, are the common heritage of mankind. As such, they are not subject to national appropriation and shall be used exclusively for peaceful purposes, for the benefit of all countries, particularly the developing countries;
3. The activities of States in the exploration and use of the sea-bed and ocean floor shall be carried out in accordance with international law, including the Charter of the United Nations, in the interests of maintaining international peace and security and for promoting international co-operation and understanding;
4. Taking into account the work currently being performed by other bodies, the United Nations shall endeavour to provide direction and purpose to international and inter-governmental activities with regard to the sea-bed and ocean floor and the subsoil thereof, beyond the limits of present national jurisdiction.

United States of America: draft resolution on preventing the
emplacement of weapons of mass destruction on the sea-bed and
ocean floor (A/AC.135/24)

The General Assembly,

Desiring that workable arms limitation measures be achieved that will enhance the peace and security of all nations and bring the world nearer to general and complete disarmament,

Requests the Eighteen-Nation Disarmament Committee 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 new environment for the emplacement of weapons of mass destruction.

United States of America: draft resolution containing statement
of principles concerning the deep ocean floor (A/AC.135/25)

The General Assembly,

Desiring to encourage the exploration, use and development of the deep ocean floor to the fullest extent possible for the benefit and in the interest of all mankind,

Believing that such exploration and use of the deep ocean floor will contribute to international co-operation and understanding,

Convinced that no nation, regardless of geographical location, level of economic development, or technological capability, should be denied the opportunity to participate in the exploration and use of the deep ocean floor,

Conscious of the importance of promoting the general welfare of all peoples, and of furthering scientific study and the conservation of resources,

Reaffirming the traditional freedoms of the high seas under international law,

Recalling its resolution 2340 (XXII) of 18 December 1967,

Commends to States for their guidance the following principles concerning the deep ocean floor:

1. No State may claim or exercise sovereignty or sovereign rights over any part of the deep ocean floor. There shall be no discrimination in the availability of the deep ocean floor for exploration and use by all States and their nationals in accordance with international law;

2. There shall be established, as soon as practicable, internationally agreed arrangements governing the exploitation of resources of the deep ocean floor. These arrangements shall reflect the other principles contained in this Statement of Principles concerning the Deep Ocean Floor and shall include provision for:

(a) the orderly development of resources of the deep ocean floor in a manner reflecting the interest of the international community in the development of these resources;

(b) conditions conducive to the making of investments necessary for the exploration and exploitation of resources of the deep ocean floor;

(c) dedication as feasible and practicable of a portion of the value of the resources recovered from the deep ocean floor to international community purposes; and

(d) accommodation among the commercial and other uses of the deep ocean floor and marine environment;

3. Taking into account the Geneva Convention of 1958 on the Continental Shelf, there shall be established, as soon as practicable, an internationally agreed precise boundary for the deep ocean floor - the sea-bed and subsoil beyond that over which coastal States may exercise sovereign rights for the purpose of exploration and exploitation of its natural resources;

Exploitation of the natural resources of the ocean floor that occurs prior to establishment of the boundary shall be understood not to prejudice its location, regardless of whether the coastal State considers the exploitation to have occurred on its "continental shelf";

4. States and their nationals shall conduct their activities on the deep ocean floor in accordance with international law, including the Charter of the United Nations, and in the interest of maintaining international peace and security and promoting international co-operation, scientific knowledge, and economic development;

5. In order to further international co-operation in the scientific investigation of the deep ocean floor, States shall:

- (a) disseminate, in a timely fashion, plans for and results of national scientific programmes concerning the deep ocean floor;
- (b) encourage their nationals to follow similar practices concerning dissemination of such information;
- (c) encourage co-operative scientific activities regarding the deep ocean floor by personnel of different States;

6. In the exploration and use of the deep ocean floor States and their nationals:

- (a) shall have reasonable regard for the interests of other States and their nationals;
- (b) shall avoid unjustifiable interference with the exercise of the freedom of the high seas by other States and their nationals, or with the conservation of the living resources of the seas, and any interference with fundamental scientific research carried out with the intention of open publication;
- (c) shall adopt appropriate safeguards so as to minimize pollution of the seas and disturbance of the existing biological, chemical and physical processes and balances;

Each State shall provide timely announcement and any necessary amplifying information of any marine activity or experiment planned by it or its nationals that could harmfully interfere with the activities of any other State or its nationals in the exploration and use of the deep ocean floor. A State which has reason to believe that a marine activity or experiment planned by another State or its nationals could harmfully interfere with its activities or those of its nationals in the exploration and use of the deep ocean floor may request consultation concerning the activity or experiment;

7. States and their nationals shall render all possible assistance to one another in the event of accident, distress or emergency arising out of activities on the deep ocean floor.

United Republic of Tanzania: amendments to the draft
resolution submitted by the Union of Soviet Socialist
Republics (A/AC.135/20)

Substitute operative paragraph 1 by the following paragraph:

1. Declares that the sea-bed and the ocean floor and the subsoil thereof, underlying the high seas beyond present national jurisdiction, should not be used by any State or States for any military purposes whatsoever.

Substitute operative paragraph 2 by the following paragraph:

2. Requests the ENDC to consider, as a matter of urgency, the question of (a) banning the use of the sea-bed and ocean floor beyond the limits of national jurisdiction by nuclear submarines; (b) banning of military fortifications and missile bases on the sea-bed and ocean floor.

United Republic of Tanzania: amendments to the draft resolution
submitted by the United States of America (A/AC.135/24)

Replace preambular paragraph 1 by the following paragraph:

Recalling the preamble of its resolution 2340 (XXII) on the question of the reservation exclusively for peaceful purposes of the sea-bed and ocean floor, beyond present national jurisdiction, in which it was especially stated that "mindful also of the importance of preserving the sea-bed and ocean floor, and the subsoil thereof, as contemplated in the title of the item, from actions and uses which might be detrimental to the common interests of mankind".

Add an operative paragraph as follows as operative paragraph 1:

1. Declares that the sea-bed and the ocean floor and the subsoil thereof, underlying the high seas beyond present national jurisdiction, should not be used by any State or States for any military purposes whatsoever.

Substitute operative paragraph 1 with the following paragraph which will become operative paragraph 2:

2. Requests the ENDC to consider, as a matter of urgency, the question of (a) banning the use of sea-bed and ocean floor beyond the limits of national jurisdiction by nuclear submarines; (b) banning of military fortifications and missile bases on the sea-bed and ocean floor.