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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

Second Session

SUMMARY RECORDS OF THE TENTH TO TWELFTH MEETINGS

Held at Headquarters, New York,
from 17 June to 9 July 1968

Chairman:

Mr. AMERASINGHE

Ceylon

Rapporteur:

Mr. GAUCI

Malta

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SUMMARY RECORD OF THE TENTH MEETING

Held on Monday, 17 June 1968, at 3.25 p.m.

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OPENING OF THE SESSION

The CHAIRMAN declared open the second session of the Ad Hoc Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. He welcomed the representatives of Member States, the specialized agencies and IAEA, the representatives of other inter-governmental bodies invited in accordance with General Assembly resolution 2340 (XXII) and the representative of the Secretary-General.

ADOPTION OF THE AGENDA (A/AC.135/16)

The agenda of the second session (A/AC.135/16) was adopted.

PROGRAMME OF WORK

The CHAIRMAN said that the Ad Hoc Committee now had before it sufficient documents to permit the two Working Groups to start work. On behalf of the Committee he conveyed his thanks to the Secretary-General and his staff and to the Inter-Governmental Oceanographic Commission. He suggested that the two Working Groups should determine their own programmes of work. The political, military and other aspects of the item before the Committee would be considered at a later date, either at the present session or during the third session. The Working Groups would meet alternately in the morning and the afternoon and would be free to hold formal or informal meetings as desirable. The Chairmen of the two Groups could hold consultations in case of overlapping.

Mr. CHAI (Committee Secretary) summarized the status of the documentation prepared for the Ad Hoc Committee. The following documents had already been circulated: A/AC.135/7 (E/4449 and Add.1 and 2: Report of the Secretary-General on Resources of the Sea (beyond the continental shelf)); A/AC.135/9 (E/4487: Marine Science and Technology: Survey and Proposals); A/AC.135/10 (Survey of Existing International Agreements concerning the Sea-bed and the Ocean Floor, and the Sub-soil thereof, Underlying the High Seas beyond the Limits of Present National Jurisdiction); A/AC.135/13 (Note by the Secretariat); A/AC.135/14 (Economic Implications of the Exploitation of Mineral Resources on and Underlying the Sea-bed and the Ocean Floor and its Sub-Soil with particular reference to

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(Mr. Chai, Committee Secretary)

World Trade and Prices); A/AC.135/15 (Effect of the Exploitation of Mineral Resources on the Superjacent Waters and on Other Uses of the Marine Environment); A/AC.135/16 (Provisional agenda of the second session). The following documents would be circulated on 21 June: A/AC.135/11 (Survey of National legislation relating to the sea-bed and the ocean floor, and the sub-soil thereof, underlying the high seas beyond the limits of national jurisdiction); A/AC.135/12 (Summary of views of Member States). Document A/AC.135/17 (Scientific Aspects of peaceful uses of the ocean floor) would be circulated on 24 June. A survey entitled "Legal Aspects of the question of the reservation 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 use of their resources in the interests of mankind" was in course of preparation.

Mr. ABDEL-HAMID requested that the extremely useful information just provided by the Chairman and the Secretary of the Ad Hoc Committee should be reproduced in extenso and circulated as soon as possible.

It was so decided.^{1/}

Mr. MALIK (Union of Soviet Socialist Republics) thanked the Chairman and the Secretary of the Committee for the information they had given and said that he wished to speak on Thursday, 20 June.

The CHAIRMAN said that the Secretariat would make arrangements for the Ad Hoc Committee to meet on 20 June.

The meeting rose at 3.40 p.m.

^{1/} The full text containing this information has been circulated as document A/AC.135/18.

SUMMARY RECORD OF THE ELEVENTH MEETING

Held on Thursday, 20 June 1968, at 3.30 p.m.

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PROGRAMME OF WORK (continued)

Mr. MALIK (Union of Soviet Socialist Republics) said that the competent organs of the Soviet Union, and presumably those in other countries, had devoted the interval between the two sessions of the Ad Hoc Committee to a study of the available documentation and the views advanced by various delegations during the first session. The Ad Hoc Committee must now take practical steps to discharge its duties. To that end, his delegation felt that the prime aim should be to identify the scientific, technical, economic, political, legal and other problems connected with the sea-bed and ocean floor, concerning which international co-operation under United Nations auspices could usefully be established. In addition, specific data must be submitted to the General Assembly to enable it to take appropriate measures to overcome those problems.

With regard to the scientific, technical and economic problems, he stressed the value of documents E/4487 ("Marine Science and Technology: Survey and Proposals") and E/4449 and Add.1 and 2 (Report of the Secretary-General on the Resources of the Sea beyond the Continental Shelf). A study of those surveys and of other pertinent documents had enabled USSR experts to reach certain preliminary conclusions. The first was that, despite the work carried on by many Governments and international organizations, scientific knowledge of the sea-bed and its mineral resources was still extremely limited. Their second conclusion had to do with the technical and economic possibilities of exploiting marine mineral resources. The present state of technology was not such as to allow the large-scale, viable exploitation of resources at great depths. So far only small-scale exploitation on the continental shelf was feasible. Those views corresponded to the conclusions set forth in document E/4487. Furthermore, the preliminary observations of the Advisory Committee on the Application of Science and Technology to Development in document E/4492 must be taken into account. The third conclusion reached by USSR experts was that inter-governmental co-operation in the study of the sea-bed and its resources should be strengthened. His delegation therefore proposed that, in its report to the General Assembly, the Ad Hoc Committee should place particular stress on the importance of expanding such co-operation between States and between the specialized agencies of the United Nations and the other inter-governmental bodies concerned. The

(Mr. Malik, USSR)

report should also take account of a recent recommendation by the UNESCO Intergovernmental Oceanographic Commission for the establishment of an expanded programme of international oceanographic co-operation. The co-ordination of oceanographic activities and programmes at the international and national levels was the province of that Commission.

It was sufficient to consider Secretariat documentation and the points raised by several States to realize the complexity and diversity of the legal problems which, in the main, were far from solution. In his delegation's view, one of the most important tasks was the delimitation of the submerged areas to which General Assembly resolution 2340 (XXII) referred. From the legal standpoint, the phrase "underlying the high seas beyond the limits of present national jurisdiction" in the title of that resolution, was insufficiently precise. It would help to promote progress in the examination of the other problems if the limits of national jurisdiction of coastal States were defined more closely. Close attention should also be given to the question of the freedom of the high seas. No action taken on the problems relating to the sea-bed should be such as to prejudice the interests of States, coastal or otherwise, or endanger the freedom of navigation, fishing, etc., on the high seas. The formulation of legal principles to govern the activity of States in the exploration and exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction would certainly require strenuous and prolonged efforts. His own delegation did not exclude the possibility of an exchange of views in the Committee, but felt it could hardly be fruitful unless the other basic questions of international law were taken into account. The Soviet Union was ready to play its part in that connexion, too, as in all other spheres of international law. His delegation wished to draw attention to a legal problem of capital importance, namely, the prohibition of the use of the sea-bed and ocean floor for military purposes. The name and functions of the Ad Hoc Committee in themselves meant that the Committee must study that question and propose positive measures to ensure that the sea-bed and ocean floor were used exclusively for

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(Mr. Malik, USSR)

peaceful purposes. If it did not, the vast submerged areas of the globe might become a new arena of military rivalry between States, with the nuclear arms race spreading to them. Truly peace-loving States could not remain indifferent to the problem, particularly in view of such achievements as the 1963 Treaty banning nuclear-weapon tests in the atmosphere, in outer space and under water, the 1967 Treaty of Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, and the recent Treaty on the Non-proliferation of Nuclear Weapons. Another step in the same direction must now be taken by prohibiting the use of the sea-bed and ocean floor for military purposes. His delegation proposed that the Ad Hoc Committee should proceed to an exchange of views on that question to enable the General Assembly to adopt an appropriate resolution. He submitted the following draft resolution* for consideration by members of the Ad Hoc Committee:

"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."

* The text of the draft resolution was circulated in document A/AC.135/20.

(Mr. Malik, USSR)

The preamble of the draft resolution harked back to the provisions of General Assembly resolution 2340 (XXII). Operative paragraph 1 contained an appeal to all States and defined the submerged areas to be used exclusively for peaceful purposes. The delimitation was simple, clear and equitable for all States. Operative paragraph 2 requested the Eighteen-Nation Committee on Disarmament to consider the question; it was essential for all the military aspects to be studied carefully by disarmament specialists and the Eighteen-Nation Committee was unquestionably the most appropriate and representative body for that task. His delegation hoped that, after considering the draft resolution, the Ad Hoc Committee would be able to submit it to the General Assembly in one form or another.

Mr. POPPER (United States of America) said that the Ad Hoc Committee had drawn up its programme of work at its first session. What was needed now was hard analysis, the selection of areas for priority consideration, and the preparation of a report to the General Assembly.

In that connexion, the members of the Committee and its Working Groups should bear in mind certain relevant factors. First, although existing knowledge was limited, interest in the potentialities of the sea-bed and the ocean floor was increasing all over the world, and international co-operation was highly desirable. Secondly, the Ad Hoc Committee could play a key role in stimulating such co-operation. Thirdly, the legal elements of the subject calling for priority international consideration should be determined immediately; the Committee was now ready to define the principles which should govern the exploration and use of the ocean floor. Fourthly, any legal arrangements should take into account both the physical features of the sea-bed and the technical and scientific capabilities for exploration and exploitation as they existed now or as they might be expected to improve. Fifthly, all Members of the United Nations had a stake in the Ad Hoc Committee's deliberations. Sixthly, the only means of attaining lasting co-operation was to achieve general agreement on every important point.

At the Ad Hoc Committee's first session, his delegation had mentioned President Johnson's proposal for an International Decade of Ocean Exploration. Projects undertaken as part of the Decade might fall into four areas: first, exploration of living resources, with a view to meeting mankind's increasing food needs; next, exploration of the ocean floor to study its geography, geology and

(Mr. Popper, United States)

mineral content; thirdly, the exploration of the ocean's physical and chemical processes, in order to improve weather forecasting services; fourthly, assistance to developing countries, for example, by mapping selected areas of the continental shelf and surveying resources; given an opportunity to share in such work, those countries no doubt would soon be able to operate their own programmes.

Such an undertaking would, among other things, provide for continuous exploration activities on a world-wide basis which could be planned by some international body, stimulate the search for and exploitation of new resources, encourage all countries to take part in such activities, produce major improvements in data exchange and in the standardization of measuring instruments and, finally, encourage more effective co-ordination of the activities of international organizations and Member States. The Bureau of the Intergovernmental Oceanographic Commission had recently recognized that an International Decade of Ocean Exploration would accelerate investigations and strengthen international co-operation in that field. Moreover, such a long-term scientific enterprise would be in line with the Secretary-General's proposal for an expanded programme of international co-operation to assist in a better understanding of the marine environment through science (document E/4487, p. 76). The United States delegation hoped that Member States would communicate their views to it and would make specific proposals with respect to the Decade, which would begin in 1970, with the Intergovernmental Oceanographic Commission of UNESCO playing an important role.

In any case, there would be increasing activity in the deep oceans. Certain areas should be preserved for scientific purposes, where commercial exploitation would be prohibited and existing marine life preserved. To that end, the Ad Hoc Committee should recommend to the General Assembly the adoption of a resolution calling on Member States to respect those preserves and to co-operate in international scientific investigations within the preserves. Freedom of sea and air navigation would not, of course, be hampered by such measures. The United States was prepared to make Rose Island, an uninhabited atoll in the South Pacific, available for use for that purpose, and would propose that certain nearby areas of particular interest, such as the floor of the Kermadec-Tonga Trench and one or more undersea tablemounts, together with the superjacent waters, should also become international marine preserves. If members of the Committee found that proposal of interest, his delegation would be pleased to present it in a more official and specific form.

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Mr. KRISHNA RAO (India) said that at the first session of the Ad Hoc Committee in March 1968, his delegation had made a detailed statement on how the Committee should proceed with its work and had suggested that it should recommend to the General Assembly the adoption of a declaration analogous to that on outer space. It was encouraging to note in that regard that in the General Assembly and the Ad Hoc Committee there had been overwhelming support for the basic ideas put forward by the representative of Malta in the First Committee, namely, that there should be no national appropriation of the sea-bed or ocean floor beyond present national jurisdiction, that the resources of those areas should be exploited and administered for the common benefit of mankind and that those areas should not be susceptible to military uses by any State or group of States. General Assembly resolution 2340 (XXII), which was based on those principles, and which had been adopted on 18 December 1967 by 99 votes to none, had given the Ad Hoc Committee a specific task. At the last session, his delegation had therefore suggested that the Ad Hoc Committee should prepare a draft declaration setting out the legal principles which should apply to the sea-bed and the ocean floor beyond present national jurisdiction. In the course of consultations on the matter with many delegations, it had found that they were generally in agreement with its basic ideas. At the latest meeting of the Legal Working Group, the USSR representative had again stressed the important principle that the sea-bed and the ocean floor should be used exclusively for peaceful purposes. It was gratifying to note that even the highly developed countries had not so far used the sea-bed and ocean floor for military purposes. There was therefore thus far no disarmament aspect of that question, in the commonly understood sense of the word, and before proceeding any further, the Committee should deal with the question by recommending a set of general principles, in the form of a declaration on the use of the sea-bed and ocean floor, before that area was put to any military use by any country. It was equally important that no country should claim sovereignty over those areas and that the present jurisdictional situation should be maintained. Only then could the resources of the sea-bed and ocean floor be used for the benefit of all countries, particularly the developing countries. Lastly, the Committee should recommend that the exploration and use of the sea-bed and ocean floor should be carried out in accordance with international law, including the United Nations Charter, and in the interest of maintaining international peace and security and of promoting international co-operation and understanding.

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(Mr. Krishna Rao, India)

Various national and international bodies, governmental as well as non-governmental, had made similar recommendations. His delegation therefore felt that the Committee should give priority at its present session to the preparation of such a declaration, and was submitting a draft declaration setting out the above-mentioned principles. While only a working document, the draft could serve as a basis for the deliberations of the full Committee and of the Legal Working Group.

Mr. DEJAMMET (France) said he had listened with interest to the statements of the USSR and Indian delegations. Resolution 2340 (XXII) called upon the Ad Hoc Committee to prepare a survey of the problems relating to the exploration of the sea-bed and the ocean floor and to recommend solutions; a declaration of principles or a resolution was for the General Assembly to adopt. The observations made at the present session in the Committee and its Working Groups, particularly by the representatives of the USSR, India and the United States, would provide a valuable basis for the definition of problems and formulation of solutions.

Mr. PARDO (Malta) agreed with the USSR representative that immediate steps were necessary to ensure that the sea-bed and ocean floor were used solely for peaceful purposes. All possibility of military rivalries must be avoided. As not everyone appeared to be convinced that the ocean floor and the sea-bed might soon be used for military purposes, the Committee should gather data on present technical capabilities. His delegation therefore proposed that the Secretariat should be requested to prepare a brief document on the possible military uses of the sea-bed and ocean floor. That document should be based on the published data to be submitted at the Committee's third session, in Brazil. It would answer the question whether there was reason to fear that the sea-bed would be used for military purposes in the foreseeable future.

The CHAIRMAN said that that request would be conveyed to the Secretariat, which would certainly consider it. Agreement had been reached on a study of the scientific aspects of the problem. The full Committee was primarily responsible for that study, but the two Working Groups could examine some parts of it, which fell within their terms of reference.

The meeting rose at 4.45 p.m.

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SUMMARY RECORD OF THE TWELFTH MEETING

Held on Tuesday, 9 July 1968, at 11 a.m.

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OPENING STATEMENT BY THE CHAIRMAN

The CHAIRMAN, on behalf of the Ad Hoc Committee, congratulated Mr. Kutakov, the new Under-Secretary-General for Political and Security Council Affairs, on his appointment.

Mr. KUTAKOV (Under-Secretary-General, Political and Security Council Affairs), thanked the Chairman for the kind words he had addressed to him and for his wishes for a successful tenure of office.

DATE OF THE THIRD SESSION OF THE AD HOC COMMITTEE

The CHAIRMAN recalled that he had stated at the ninth meeting that a third and final session would be necessary for the Committee to complete its work. Contrary to what was thought at the time, two weeks, and not one, would be needed. Certain delegations had expressed the wish that the session should be held from 26 August to 6 September, but that was impossible, as the Secretariat would have to service the Conference of Ministers responsible for Social Welfare, which was to meet at the beginning of September. The Office of Conference Services would prefer the date of 19 August, subject to approval by the Government of Brazil.

Mr. SOUZA E SILVA (Brazil) said that the Brazilian Government desired above all to meet the wishes of delegations. It seemed, however, that the best date would be 19 August.

The CHAIRMAN suggested that the next session of the Ad Hoc Committee should be held at Rio de Janeiro from 19 to 30 August.

It was so decided.

Mr. THACHER (United States of America) inquired whether the session was likely to continue past 30 August.

The CHAIRMAN replied that the Committee should try to observe that time-limit and not to abuse the hospitality of the Brazilian Government.

PROGRESS REPORTS OF THE WORKING GROUPS (A/AC.135/R.1 and A/AC.135/R.2)

Mr. PROHASKA (Austria), Rapporteur, Economic and Technical Working Group, introduced the progress report of the Economic and Technical Working Group (A/AC.135/R.1). In accordance with General Assembly resolution 2340 (XXII),

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(Mr. Prohaska, Austria)

and as agreed upon at the first session of the Ad Hoc Committee, the Economic and Technical Working Group had decided to consider the following questions:

1. Assessment of the extent of the mineral resources of the ocean floor and their geographical distribution.
2. Present state and foreseeable development of technology in the field of the exploration, evaluation and exploitation of such resources.
3. Possibility of exploiting such resources from the standpoint of technological progress and the profitability and soundness of investments
4. Possible consequences of the exploitation of such resources, in particular:
 - (a) Economic implications on the world market;
 - (b) Possible repercussions on other uses of the sea;
 - (c) Possibility of exploiting such resources for the benefit of mankind as a whole.
5. Prospects for international co-operation in the development and exploitation of the resources of the ocean floor.

The items were arranged in such a way as to allow a consistent progression from an inventory of the present situation with regard to the technical and economic development of marine mineral resources to an assessment of possible future developments in this field and to the consideration of practical means which might seem appropriate to channel international co-operative efforts with a view to meeting future needs of mankind. With respect to this last point, however, the Working Group had been unable to give consideration to question 5 on its programme because of lack of time. In considering certain items of the programme, it referred also, as it was necessary, to some of the scientific and legal aspects closely related to that question.

The report was organized in six chapters. The first chapter gave an account of the extent and distribution of marine mineral resources, identifying the gaps in the knowledge of the field. The second chapter described present-day technology and tried to anticipate the rate of future progress. Chapter three, taking into account the findings of the foregoing chapters, surveyed the economic factors which would favour or delay the exploitation of marine mineral resources. The last three chapters dealt with the possible requirements and consequences of an anticipated

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(Mr. Prohaska, Austria)

large-scale exploitation of marine mineral resources. Here the Working Group had abandoned the fact-finding stage and progressed to that of projections. Conscious that projections had an important role to play in the process of decision-making the Working Group had tried to tackle that problem with utmost circumspection and thoroughness. A summing up by the Chairman of the Working Group appeared at the end of each chapter. Those summaries had been recognized as being a concise and faithful reflection of the debate. It was clear from the wording of the points made that some specific ideas had been accepted as a consensus by all delegations whereas others had been accepted only by some delegations and controverted by others. Although the document was only a progress report, each of its paragraphs had been thoroughly discussed and accepted by the Working Group. It was hoped that the findings of the Technical and Economic Working Group would be useful for the future work of the Ad Hoc Committee.

Mr. BENITES (Ecuador), Chairman, Legal Working Group, introduced the report of the Legal Working Group (A/AC.135/R.2), the Rapporteur being absent. Owing to the late hour at which the Group's final meeting had risen, the report had as yet appeared only in English.

The agenda of the Working Group was the following: "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)". In order to fulfil that task, the Working Group had adopted a programme which was reproduced in document A/AC.135/WG.1/R.4. The report was divided into seven chapters, which dealt with the following questions: 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; reservation of the sea-bed and the ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction exclusively for peaceful purposes; use 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 in the interests of mankind; freedom of scientific research and exploration of the sea-bed and the ocean floor and the subsoil thereof underlying the high seas beyond the limits of present national jurisdiction; the question of reasonable regard to the interests of other States in their exercise of the freedoms of the high seas; the question of pollution and other hazards; other questions.

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(Mr. Benites Ecuador)

The Working Group had taken no decisions and had reached no conclusions, for it was not empowered to do so under its mandate. He emphasized the excellent work done by all the delegations and paid tribute to the dedication and competence of the Rapporteur.

Mr. DEJAMMET (France), supported by Mr. SCHUURMANS (Belgium) and Mr. DELGADO (Senegal), said it was most unfortunate that the report of the Legal Working Group (A/AC.135/R.2) had been published only in English, in violation of General Assembly resolution 2247 (XXI), which asked the Secretary-General "to ensure... that documents submitted to the United Nations organs should be available to the Member States in sufficient time and simultaneously in the working languages envisaged by various internal regulations". He understood the explanation which had been given and was aware that conditions had been difficult, but the question was one of principle, and it was necessary to speak out against that practice.

He, too, wished to address his congratulations and best wishes to the Under-Secretary-General for Political and Security Council Affairs.

Mr. BENITES (Ecuador), speaking as Chairman of the Legal Working Group, pointed out that he had not given a technical explanation on behalf of the Secretariat; he had simply mentioned that the meeting of the Legal Working Group had risen very late the previous evening.

Mr. CHAI (Secretary of the Committee) said that the matter would be brought to the notice of the appropriate Secretariat services.

The CHAIRMAN congratulated the two Working Groups and their officers on the work they had accomplished. The reports just mentioned (A/AC.135/R.1 and A/AC.135/R.2) were not definitive and they would have to be considered again by delegations and Governments. For the time being, it was sufficient for the Committee to take note of them.

It was so decided.

Mr. MALIK (Union of Soviet Socialist Republics) congratulated Mr. Kutakov on behalf of the Soviet delegation, on his appointment to the post of Under-Secretary-General for Political and Security Council Affairs.

With regard to the provisional agenda for the third session of the Ad Hoc Committee, he believed that the wording of items (b), (c) and (d) listed in the

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(Mr. Malik, USSR)

working paper distributed at the present meeting, namely "(b) the scientific aspects of the item; (c) the political, military and other aspects of the item; (d) the practical means to promote international co-operation in the exploration, conservation and uses of the sea-bed and the ocean floor and the subsoil thereof, as contemplated in the title of the item, and of their resources", should be brought more into line with the wording of resolution 2340 (XXII), which used the words "survey", "account" and "indication".

The work done by the Ad Hoc Committee and its two Working Groups at its present session had been very useful. The reports of the two Working Groups (A/AC.135/R.1 and R.2) showed that the work was far from over, but they nevertheless contained documentation and useful indications as to the future activities of the Ad Hoc Committee. The debates had shown the importance of a number of essential questions, of which the first was undeniably the use of the sea-bed and the ocean floor exclusively for peaceful purposes. The problem was urgent, and, as the General Assembly had noted in resolution 2340 (XXII), developing technology was making the sea-bed and the ocean floor, and the subsoil thereof, accessible and exploitable for, among other things, military purposes. For that reason, it was important to take immediate steps to prevent the arms race extending to the sea-bed and the ocean floor; any delay would only accentuate the difficulties. Thanks to the efforts of the States which favoured peace, a certain amount of success had been achieved in the restriction of arms, and particularly of nuclear weapons; more than sixty States had signed the Treaty on the Non-Proliferation of Nuclear Weapons. Thus there were favourable conditions for the adoption of other disarmament measures, of which one might consist, in the opinion of the Soviet Government, in forbidding the use of the sea-bed and the ocean floor for military purposes. The Soviet Union had submitted a draft resolution on the subject for consideration by the General Assembly (A/AC.135/20). Related proposals were also contained in paragraphs 22 and 23 of the memorandum by the Soviet Government concerning urgent measures to stop the arms race and achieve disarmament (A/7134), which had been published in Moscow on 1 July 1968. As the debates of the Ad Hoc Committee and the Legal Working Group had shown, many countries wished effective measures to be taken to prohibit the use of the sea-bed for military purposes, so that that region could be used solely for peaceful purposes, in the

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(Mr. Malik, USSR)

interests of all countries and of international peace and security. Many delegations had emphasized that detailed discussion of the matter should be entrusted to the United Nations body most competent in the area, namely, the Eighteen-Nation Committee on Disarmament. Discussion of the question of the use of the sea-bed and the ocean floor for peaceful purposes would certainly continue at the third session of the Ad Hoc Committee. His delegation therefore proposed that the Committee should recommend the General Assembly to make an appeal to all States that they should use solely for peaceful purposes the sea-bed and the ocean floor beyond the limits of the territorial waters of coastal States, and to request the Eighteen-Nation Committee on Disarmament to discuss the question as a matter of urgency, regarding it as a measure aimed at preventing the arms race.

The United States draft resolution (A/AC.135/24) also aimed at prohibiting, or at least restricting, the use of the sea-bed and the ocean floor for military purposes. However, the United States proposed only partial measures referring to the emplacement of weapons of mass destruction. Should it be concluded that, under that proposal, other activities of a military nature would not be prohibited on the sea-bed and the ocean floor? For its part, the Soviet Government had proposed in its memorandum of 1 July 1968 to prohibit not only the construction of fixed installations on the sea-bed for military purposes, but also any other activities of a military character.

The Soviet Union was playing an active part in the progressive development of international law, in the field of the law of the sea, the law of treaties and space law, taking as a basis the principle that international law was required to, and indeed did, play an important part in regulating international relations and in safeguarding the legitimate interests of all States. Thus it had signed and ratified the Geneva Conventions on the High Seas, on the Continental Shelf and on the Territorial Seas and the Contiguous Zone. As for the sea-bed and the ocean floor, a number of countries had already indicated in the Legal Working Group that they subscribed to certain principles, including the use of the sea-bed and the ocean floor solely for peaceful purposes in the interests of the whole of mankind, non-appropriation by States of any part of the sea-bed and the ocean floor underlying the high seas beyond the limits of national jurisdiction, freedom of scientific research and exploration, freedom of navigation and fishing and the

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(Mr. Malik, USSR)

need to comply with the principles of international law, including the United Nations Charter, in carrying out activities on the sea-bed and the ocean floor. The Soviet delegation did not exclude the possibility of discussing at the third session of the Ad Hoc Committee the advisability of a formal declaration by the General Assembly stating the principles regulating the activities of States on the sea-bed and the ocean floor.

As for the Economic and Technical Working Group, its work had been very useful and would permit a better understanding of the problems raised by the exploration of the sea-bed and the exploitation of its resources. Many delegations emphasized the need for extensive oceanographic research both within the framework of national programmes and by means of co-ordinated activity by the specialized agencies and inter-governmental organizations concerned. That method was fully in accordance with the terms of reference of the Ad Hoc Committee as defined by General Assembly resolution 2340 (XXII). In that respect, the document submitted by the Inter-Governmental Oceanographic Commission of UNESCO (A/AC.135/17) was of great interest. The Economic and Technical Working Group had also raised the question of an International Decade of Ocean Exploration, and the Soviet delegation believed that the IOC could co-ordinate the necessary activities. Questions relating to the exploitation of the mineral resources of the sea should be studied with care and without undue haste. The delegations of many developing countries had emphasized that the future exploitation of the wealth of the sea should not damage the interests of countries exporting raw materials on the world market. His delegation understood that concern and found it fully justified. It also shared the concern of the developing countries who feared that there would be a repetition in the case of the sea-bed of the unfortunate experience of the past when the imperialist and colonialist Powers had taken possession of large territories by means of their monopolies. It was therefore essential to proclaim principles of international law which would prevent the imperialist Powers from monopolizing the wealth of the sea. Some delegations had raised the question of the establishment of an international organization to regulate the exploitation of the resources of the sea-bed. However, there was some doubt as to the advisability of setting up a super-national organization of that type in view of the present international situation. In addition, such a step would be incompatible

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(Mr. Malik, USSR)

with the recognized principle of the freedom of the high seas, and might impair co-operation between States in ocean exploration. As for the future use of the mineral resources of the sea in the interest of the whole of mankind, it would be more sensible to proclaim special principles of international law to cover that aspect.

After the second session of the Ad Hoc Committee, States should study with care the debates which had taken place, the documentation provided by the Secretariat of the United Nations and the proposals submitted by certain countries. His delegation hoped that at its third session the Ad Hoc Committee would successfully complete the task entrusted to it by the General Assembly and that it would be in a position to submit a report on the as yet little-known question of the sea-bed and the ocean floor.

The CHAIRMAN said that the suggestion made by the representative of the Soviet Union regarding the wording of the provisional programme for the third session of the Ad Hoc Committee would be taken into account.

Mr. THACHER (United States of America) said that the reports of the two Working Groups were very useful, even though they contained no conclusions, and paid a tribute to the work of the officers and Secretariat. The positions set forth in the reports were not final and it was important at the present stage for the Ad Hoc Committee to take note of the documents so as to be able to arrive at agreed solutions at the next session and to submit a final report to the General Assembly. The experience acquired in the matter of outer space showed what results could be obtained as a result of studies and discussions based on a proper knowledge of the facts.

The Ad Hoc Committee should include some recommendations to the General Assembly in its final report. Firstly, it should tackle the question of the control and limitation of armaments and take note of the proposals of the Soviet Union and the United States. The United States draft resolution (A/AC.135/24) was aimed at preventing the emplacement of weapons of mass destruction on the sea-bed and ocean floor. His delegation hoped that the General Assembly would request the Eighteen-Nation Committee on Disarmament to take up the question so as to arrive at a concerted and effective solution. Secondly, the Committee should formulate a declaration on the legal principles governing the exploration

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(Mr. Thacher, United States)

and exploitation of the resources of the sea-bed and ocean floor. Such principles would affect, in particular, international arrangements on the orderly utilization of the resources of the sea-bed and ocean floor, on the conditions which would most encourage the investments needed for the exploration and exploitation of such resources, on determining the portion of the proceeds from the resources which would be payable to the international community, and on the provisions applicable to relations between users of the marine environment. It was true that progress would be slow in that connexion, but everything should be done to hasten it as much as possible. Thirdly, the Committee should examine carefully the scientific, technical and economic aspects of the matter in order to identify existing possibilities and the types of arrangement which would be made. Finally, it should examine practical methods of encouraging to the utmost international co-operation in activities undertaken on the sea-bed and ocean floor.

His delegation hoped, in addition, that the Ad Hoc Committee would recommend that the General Assembly should proclaim an international decade of ocean exploration, to begin in 1970. He recalled also his delegation's proposal for the establishment of international marine preserves to protect areas for scientific and ecological exploration and research.

As from 1 October 1968, the United States would conduct diving and underwater laboratory experiments for a period of six days off the coast of California for the purpose of studying human physiology at a depth of 330 metres and the conditions of the submarine environment. He hoped that the members of the Ad Hoc Committee would be able to visit California to see the installations set up for the experiment, which was known as "SEALAB III". Information would be supplied later for that purpose.

Mr. HILDYARD (United Kingdom) welcomed the Under-Secretary-General for Political and Security Council Affairs. He then stressed the value of the reports drawn up by the two Working Groups. The latter's function had been to collect ideas and suggestions as well as information to serve as a basis for the future work of the Ad Hoc Committee rather than to formulate conclusions. Governments should now study the reports, which were not yet final. His delegation reserved the right to comment, as necessary, on the principles laid down in the reports and certain points of detail. It was advisable to proceed with the greatest care if the aim was to arrive at an international agreement which was satisfactory and acceptable.

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(Mr. Hildyard, United Kingdom)

As regards the declaration on the peaceful uses of the sea-bed and ocean floor, which some delegations wished to see drawn up as soon as possible, there were grounds for examining the matter carefully, within the context of the work already done in connexion with disarmament, and taking into account the interest each State had in its own self-defence. The United Kingdom Government favoured general and complete disarmament and was always ready to consider any proposal for international agreement on arms control which would contribute to the promotion of international peace and security. It was probably that there would be a useful role for the Eighteen-Nation Committee on Disarmament to play in studying the non-utilization of the sea-bed and ocean floor for military purposes.

In conclusion, he congratulated the Working Groups on the excellent work they had done.

Mr. SCHUURMANS (Belgium) congratulated the Under-Secretary-General for Political and Security Council Affairs and noted with satisfaction that the work of the Ad Hoc Committee had been especially fruitful. He pointed out that many differences of views had nevertheless been expressed within the working groups. His delegation wished to announce that it endorsed the recommendations in paragraphs 61 (k) and 61 (l) of the progress report of the Economic and Technical Working Group stating that it was necessary, on the one hand, to delimit by international agreement the regions which should be exploited for the benefit of all mankind and, on the other, to urge the Secretary-General to make a detailed comparative study of the procedures and machinery which could be introduced for such exploitation. From the legal viewpoint, the Belgian delegation considered that any declaration on legal principles aimed at governing the sea-bed and ocean floor merited careful study and should be welcomed.

He thanked the Secretariat for the excellent documentation it had placed at the disposal of the Ad Hoc Committee. The Committee would thus be able to deal properly with the work of its third session, during which it might decide to establish a permanent committee to prepare solutions acceptable to the international community. That was an immense task indeed, but the results obtained appeared to justify cautious optimism.

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Mr. HARDERS (Australia) congratulated the Under-Secretary-General for Political and Security Council Affairs. He said in connexion with the first part of the Ad Hoc Committee's mandate, that it was necessary to proceed in a realistic and practical way by first tackling the problem of securing agreement against the use of the sea-bed and the ocean floor for the emplacement of weapons of mass destruction. This had been the approach adopted with regard to outer space, starting with the expressions of intention of the two major Powers and leading to General Assembly resolution 1884 (XVIII) and to the Treaty of 1966. It would be wrong to assert that views on this vital matter were divided into two groups, one which said that the sea-bed and ocean floor beyond the limits of national jurisdiction should be used exclusively for peaceful purposes, and one which would deny that proposition. The aim should be to avoid the dangers and uncertainties of dealing with the matter in generalities which could lead not only to the risks of ambiguities and varying interpretations but also to the lack of agreed conclusions. It was necessary to concentrate on securing results in a positive, practical and verifiable way. Proximity to the earthly environment determined the importance and difficulty of disarmament questions. Under the Outer Space Treaty, the moon and other celestial bodies were reserved exclusively for peaceful purposes while, around the earth itself, the prohibition was against the placing in orbit of nuclear weapons and other weapons of mass destruction. The Antarctic Treaty reserved the Antarctic continent exclusively for peaceful purposes but expressly preserved the exercise of rights under international law with regard to the use of the high seas within the Treaty area south of 60 degrees south latitude. With regard to military uses he asked whether it was realistic to dissociate the sea-bed and the ocean floor including the continental shelf from the superadjacent waters.

On the second part of its mandate, the mining side, the Ad Hoc Committee should keep in mind the objective of drafting a treaty and not lose sight of the important legal and technical matters that remain to be considered.

Mr. ARORA (India) recalled that his delegation had some time previously submitted a draft declaration (A/AC.135/21), to be considered as a working document which would focus attention on principles to be submitted to the General Assembly. It was encouraging to note that, although the working groups had not had time to consider all the principles contained in that draft declaration,

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(Mr. Arora, India)

delegations had expressed the view that the General Assembly should draw up a declaration on the principles to be adopted, and that they had in general endorsed the ideas contained in the Indian draft. He therefore proposed that the Ad Hoc Committee should examine that draft declaration as a matter of priority at its third session.

He congratulated the Economic and Technical Working Group on the wealth of information it had amassed. That Group had also been able to put forward some extremely useful conclusions, some of which concurred with those of the Legal Working Group. It had also identified a number of important and significant problems. He recalled that his delegation had suggested, initially in the First Committee and later in the Ad Hoc Committee, that the Secretary-General should undertake a study of international mechanisms which might be applied to the exploration and exploitation of the deep ocean floor. That suggestion had been supported by many delegations in the Economic and Technical Working Group and was mentioned in that Group's report. He suggested that the Secretariat should undertake that study as soon as possible.

Although his delegation recognized the complexity of the problems facing the Legal Working Group in view of the absence of international law on the subject, it regretted that the Group had been unable to put forward more positive conclusions. Nevertheless, it was encouraging to note that the report of the Legal Working Group contained a few preliminary, but extremely important, conclusions which had been supported by the large majority of the delegations. The following main conclusions had been reached: that the sea-bed and the ocean floor, beyond the limits of present national jurisdiction, should be considered the common heritage of mankind as a whole; that new legal rules should be developed; that the resources of the sea-bed and the ocean floor should be exploited for the benefit of mankind as a whole; that the sea-bed and the ocean floor should not be used for military purposes; that the results of scientific activities in that environment should be made available to all countries without discrimination; that scientific exploration should not serve as a pretext for asserting rights of sovereignty or appropriation; and that all activities connected with the exploration and exploitation of the sea-bed and the ocean floor should be carried out in accordance with the principles of international law and the Charter of the United Nations.

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(Mr. Arora, India)

His delegation hoped that those two reports would provide a useful basis for the work of the third session of the Ad Hoc Committee and that the Committee would be able to submit a worth-while study to the General Assembly at its next session.

Mr. WALDRON-RAMSEY (United Republic of Tanzania) endorsed the Indian representative's observations. In addition, he wished formally to draw the Ad Hoc Committee's attention to the amendments which he had proposed to the draft resolution submitted by the Union of Soviet Socialist Republics (A/AC.135/20) and the United States (A/AC.135/24) respectively; those draft amendments were reproduced on pages 3 and 4 of document A/AC.135/R.2.

At present it would be unwise to submit the question of the peaceful use of the deep ocean floor beyond the limits of national jurisdiction to the Eighteen-Nation Committee on Disarmament, since that body represented all States only approximately. Since the problem was a matter of vital concern to all countries, it should first be studied in depth by the Ad Hoc Committee or in the General Assembly and it might later be transferred to the Eighteen-Nation Committee on Disarmament. In that connexion, the rules of international law at present in force could not prevent the formulation of more constructive norms designed to obviate future major problems.

Moreover, if unfair appropriations was to be forestalled, political obligations would have to be incurred. It was clear that the existing legal rules were not adapted to present circumstances and that the concepts of res nullius or res communis were inadequate. New rules consistent with the realities of the modern world had therefore to be drawn up. In that connexion he supported the Indian delegation's request that the Secretariat should draw up a document reviewing all international régimes which might be introduced to govern the deep ocean floor. The Secretariat should also prepare a document reviewing the practical possibilities of installing weapons on the deep ocean floor.

Mr. KUTAKOV (Under-Secretary-General for Political and Security Council Affairs) thanked those members of the Ad Hoc Committee who had congratulated him.

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PROGRAMME FOR THE THIRD SESSION OF THE AD HOC COMMITTEE

The CHAIRMAN suggested that the programme for the third session of the Ad Hoc Committee should include the following points; (a) adoption of the final reports of the two working groups; (b) consideration of the scientific aspects of the question; (c) consideration of the political, military and other aspects of the question; (d) practical means of promoting international co-operation in the exploration, conservation and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, and of their resources.

It was so decided.

The CHAIRMAN observed that the two working groups had produced only progress reports; as proposed at the Ad Hoc Committee's ninth meeting, they would continue their discussions at Rio de Janeiro in order to conclude their consideration of outstanding matters. Their final report would then be submitted to the Ad Hoc Committee, after which the Committee should deal with the items which it had reserved to itself, namely, consideration of the scientific aspects of the question. In that connexion, he pointed out that the President of the International Oceanographic Commission (IOC) would present document A/AC.135/17, which had been prepared by the secretariat of the IOC, to members of the Ad Hoc Committee at Rio.

With regard to the military aspects of the matter, he informed the members of the Ad Hoc Committee that the Secretariat had found no reference to the deep ocean floor in the records of the discussions of the Eighteen-Nation Committee on Disarmament or in the documents submitted to the latter. Moreover, at the request of the representative of Malta, who had raised no objection, the Secretariat had undertaken to prepare a brief document, which would shortly be available to members of the Ad Hoc Committee concerning existing technical possibilities of using the sea-bed and the ocean floor beyond the limits of national jurisdiction for military purposes.

With regard to the practical means of promoting international co-operation in the exploration, conservation and exploitation of the sea-bed and the ocean floor and the subsoil thereof, delegations which had made proposals on the subject should present them officially, so that the Ad Hoc Committee could examine them at its third session.

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(The Chairman)

He recalled that the representative of the USSR had submitted a 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), to which the representative of the United Republic of Tanzania had submitted amendments (A/AC.135/26). Furthermore, the United States representative had submitted a draft resolution on preventing the emplacement of weapons of mass destruction on the sea-bed and the ocean floor (A/AC.135/24), to which the representative of the United Republic of Tanzania had proposed amendments (A/AC.135/27). The United States representative had also submitted another draft resolution containing a statement of principles concerning the deep ocean floor (A/AC.135/25). The representative of India had submitted a draft declaration of legal principles governing the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction and the uses of their resources in the interests of mankind (A/AC.135/21). Lastly, the representative of the United States had proposed that an international decade for ocean exploration should be inaugurated in 1970, and had said that the United States Government was prepared to make the uninhabited South Pacific atoll of Rose Island a centre for international scientific research.

He suggested that these matters should be examined during the third session, at the end of which the Ad Hoc Committee should adopt its final report to the General Assembly.

It was so decided.

Mr. GAUCI (Malta) proposed, at the request of several delegations, that a progress report, to be considered at Rio, should be prepared on the work of the second session of the Ad Hoc Committee.

It was so decided.

CLOSURE OF THE SECOND SESSION

After the customary exchange of courtesies, the CHAIRMAN expressed the hope that the work of the third session would be successful and declared the second session of the Ad Hoc Committee closed.

The meeting rose at 1.25 p.m.