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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

Third Session

SUMMARY RECORDS OF THE THIRTEENTH TO TWENTY-SIXTH MEETINGS

Held at the Copacabana Palace Hotel, Rio de Janeiro,
from 19 to 30 August 1968

Chairman:

Mr. AMERASINGHE

Ceylon

Rapporteur:

Mr. GAUCI

Malta

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SUMMARY RECORD OF THE THIRTEENTH MEETING

Held on Monday, 19 August 1968, at 10 a.m.

Chairman:

Mr. AMERASINGHE

Ceylon

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OPENING STATEMENT BY THE CHAIRMAN

The CHAIRMAN, opening the third session of the Ad Hoc Committee, welcomed the representatives, the Under-Secretary-General and his colleagues from the United Nations, and the representatives of the specialized agencies, the IAEA and the other international and inter-governmental organizations associated with the Committee's work.

He hoped that at its current session the Ad Hoc Committee would be able to bring to a satisfactory conclusion the task entrusted to it by the General Assembly.

On behalf of the Ad Hoc Committee, he wished to thank the Brazilian Government sincerely for its hospitality. Its invitation to the Ad Hoc Committee showed the great importance attached by the Government of Brazil and the countries of Latin America to United Nations activities and to the questions which were to be discussed. The special problems facing a large number of coastal States of Latin America were well known.

The historical development of the Latin American continent had led to the formation of a community of peoples firmly committed to the cause of justice and humanity; they provided an example which should serve as an inspiration to those who were still subjected to foreign domination and oppression.

He invited the Minister for Foreign Affairs of Brazil to take the floor.

ADDRESS BY THE MINISTER FOR FOREIGN AFFAIRS OF BRAZIL

Mr. MACALHÃES PINTO (Minister for Foreign Affairs of Brazil) was gratified that the Ad Hoc Committee was meeting at Rio de Janeiro, a city with an oceanic calling situated in a country itself born of the maritime expansion of the European nations.

The setting up of the Ad Hoc Committee was an indication of the creative way in which modern diplomacy was responding to the challenge presented by the new frontiers of human activity opened up by scientific and technological progress. In view of the power of modern military technology, however, the task of the present generation consisted not merely in making the world but also in preventing its unmaking. Parliamentary diplomacy was an effective tool in the pursuit of that goal, but it must deal with the new problems due to the rapid development of science and technology, and the final objective must be that of preventing that

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(Mr. Magalhães Pinto)

progress from serving to widen the gap between nations. Science and technology, on the contrary, should promote the faster development of all nations, which would help to place international relations on a durable basis.

To a greater extent than outer space research, the exploration and exploitation of the resources of the deep sea and the ocean bed involved economic interests of an immediate and easily identifiable nature. As a result of modern technology, resources which had lain unused in the sea-bed were already within the reach of mankind and their economic potentialities were already foreseeable, and there was reason to suppose that they would help enormously in man's long struggle against scarcity.

Unfortunately, in view of the unequal distribution of scientific and technological capability among countries, the exploitation of the oceans might remain the monopoly of a few countries that were in the forefront of scientific progress. The developing countries would therefore have to exert the utmost effort if they wished to share in the blessings bestowed by scientific knowledge.

The international community, represented in the United Nations, must therefore seek to ensure an efficient and just utilization of the resources of the sea. In the view of the Brazilian Government, the main task of the Ad Hoc Committee should be to formulate the guidelines of a legal régime capable of harmonizing all rightful interests and of regulating, for the advantage of all, the activities of States and their nationals in the exploration and exploitation of the sea-bed.

Many countries emphasized the freedom of exploration and exploitation of the resources of the sea-bed by all without discrimination; others wished to guarantee that those activities would be carried out for the benefit of all mankind and, in particular, for the benefit of the developing countries. In the view of the Brazilian Government, there was no radical incompatibility between those two aspirations, which were both legitimate. However, there should be no freedom of exploration and exploitation without international responsibility. Freedom of exploration and exploitation must be accompanied by adequate supervision of the exercise of that freedom, so as to safeguard the fundamental interests of all countries. The adoption of an unqualified concept of freedom of exploration and exploitation would affect unfavourably the interests of the technologically less developed countries. Every form of discrimination was intolerable, and the most

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(Mr. Magalhães Pinto)

dangerous form of discrimination would be one that benefited exclusively the economically and technologically advanced nations.

The fundamental principle of international responsibility would be better fulfilled by the establishment of an organ charged with the supervision of the activities of States and their nationals in the deep sea and the channelling to the developing nations of an equitable share of the benefits produced by those activities, it being understood that such international supervision should not interfere with national programmes of research and exploration of the areas under the jurisdiction of the countries concerned.

But the establishment of an equitable legal régime would be frustrated if the area to which it applied was not determined beforehand. It was certainly difficult to adopt precise and uniform criteria for the delimitation of national sovereignty under the waters, but such a delimitation was essential in order to permit the establishment of a system of easy verification and control. Consequently, the geomorphic concept of the continental shelf could hardly provide the only basis for a definition of the area where national sovereignty was exercised. Therefore, account should be taken not only of the principles included in the Geneva Convention on the Continental Shelf but also of the national regulations in force and of the rightful interests of economic development and national security of the coastal States.

It was also indispensable to prevent the deep sea from being used for military purposes. Such a use would fatally interfere with the application of the crucial principles of freedom and responsibility of exploration and exploitation and would be a new incentive to the arms race and an additional factor of international tension. The Brazilian Government hoped that the international community would take care to make the exploitation of the sea-bed a contribution to peace and progress.

He was extremely gratified that the Ad Hoc Committee was meeting in Brazil; it could depend on his country's full co-operation and unreserved support. The Committee would find in Brazil a climate favourable to its work, since the country was committed to the cause of progress and was not resigned to the continued unequal distribution of wealth among nations. Brazil was aware of the prospects offered to mankind by the great scientific and technological revolution and was

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(Mr. Magalhães Pinto)

co-operating loyally with all international organizations and agencies striving to turn that revolution to the service of peaceful development and progress.

He hoped that the Ad Hoc Committee would successfully complete its task, thus allowing the world to take one more step towards international harmony, understanding among all peoples and free access to the benefits of science.

MESSAGE FROM THE SECRETARY-GENERAL

Mr. KUTAKOV (Under-Secretary-General for Political and Security Council Affairs) thanked the Government of Brazil, on behalf of the Secretary-General of the United Nations, for inviting the Ad Hoc Committee to hold its third session at Rio de Janeiro.

He read out a message from the Secretary-General referring to the statement he had made opening the first session of the Ad Hoc Committee (A/AC.135/SR.1) and noting that the members of the Committee had shown, during its first two sessions, that they were fully aware of the importance, the complexity and the urgency of the task entrusted to them and of the indispensability of international co-operation. The Secretary-General was heartened to see that, in spite of inevitable differences of opinion, a large measure of agreement existed in the Ad Hoc Committee on the purposes which should guide the United Nations in that comparatively new area of its endeavours. It was also encouraging that the member States had already made a number of suggestions looking towards measures to intensify international co-operation in the exploitation of the deep ocean floor and to reserve the area for peaceful purposes and for use in the interests of mankind. At its third session, the Ad Hoc Committee would be considering, in particular, the military, political and scientific aspects of the question; with regard to the latter, it would enjoy the co-operation of the Intergovernmental Oceanographic Commission of UNESCO. It would also study the question of the reservation of the sea-bed and the ocean floor underlying the high seas for peaceful purposes, a matter which had aroused widespread concern, and it would consider practical means of promoting international co-operation in the exploration, conservation and use of the area and its resources. It was especially important that measures for co-operation should be developed progressively on the basis of wide agreement, but with all possible speed. Lastly, the Secretary-General pointed out that it would be on the basis of the report

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(Mr. Kutakov)

adopted by the Ad Hoc Committee that the General Assembly would take decisions on the subject, and extended his best wishes for the Committee's success.

The CHAIRMAN thanked the Minister for Foreign Affairs of Brazil, Mr. Magalhães Pinto, Minister for Foreign Affairs of Brazil, withdrew.
The meeting was suspended at 10.20 a.m., and resumed at 11.15 a.m.

ORGANIZATION OF WORK

The CHAIRMAN,^{1/} introducing the provisional programme of work (A/AC.135/L.2/Rev.1) drawn up by the Bureau of the Ad Hoc Committee, pointed out that the Committee would have to make a considerable effort to discharge satisfactorily the task entrusted to it under General Assembly resolution 2340 (XXII). However, the programme of work remained flexible; for example, the Committee was not bound to devote to each item the number of meetings specified. On the other hand, care should be taken to remain within the time-limits allocated, and in particular to complete the work by the evening of 30 August at the latest. He therefore urged delegates to arrive early enough for the meetings to begin punctually at 10 a.m. and 3 p.m.

It had originally been intended that the afternoon of 19 August should be devoted to consideration of the scientific aspects of the item before the Ad Hoc Committee. However, the Chairman of the Intergovernmental Oceanographic Commission, who was to have presented the report of that Commission on the item, had been unable to arrive in time to do so. The first meeting on the scientific aspects had therefore been postponed until the afternoon of 21 August.

Among the most important tasks before the Ad Hoc Committee was that outlined in operative paragraph 2 (c) of General Assembly resolution 2340 (XXII), but the Committee could not begin to discuss practical means to promote international co-operation in the exploration and use of the sea-bed until the studies specified in sub-paragraphs 2 (a) and 2 (b) were completed. It would obviously be best for the Committee to submit to the General Assembly proposals which had been unanimously adopted. Nevertheless, the Committee was not required to reach

^{1/} The full text of the Chairman's statement has been circulated as document A/AC.135/30.

(The Chairman)

agreement on the practical measures to promote international co-operation, and the views expressed with regard to any suggestions, proposals or recommendations which might be made would merely be included in the report to the General Assembly. The draft resolutions and declarations, together with their legal, economic and technical aspects, would be discussed not by the Working Groups but by the Committee itself.

Undue discussion of political problems which might also arise during the consideration of suggestions for practical measures to promote international co-operation should also be avoided.

The Ad Hoc Committee might also wish to attempt to decide whether issues relevant to the peaceful uses of the sea-bed should be dealt with through a declaration of the principles or through an international convention or treaty. It might also study the extent to which the present state of international law was conducive to the realization of the objectives of the agenda item. It might wish to discuss a question arising out of a proposal which had already been made with a view to avoiding further extension of national claims to sovereignty over the area under consideration and further expansion of activities in that area which might prejudice the attainment of the objectives contemplated or be detrimental to the interests of mankind as a whole. It was important that there should be an exchange of ideas and opinions on the subjects which would be included in the Committee's report; however, the final decision on the matter would rest not with the Ad Hoc Committee but with the General Assembly. The discussions in the two Working Groups would be facilitated if each group had a precise agenda before beginning its discussions. Such an agenda already existed for the Economic and Technical Working Group. It would be useful if the delegations concerned submitted to him, as Chairman of the Ad Hoc Committee, items which might be discussed by the Legal Working Group. He would then decide, in consultation with the Chairman of that Group, whether those items should come before the Legal Working Group or the Committee itself.

In addition, it would be a good thing if delegations would conduct informal discussions.

He expressed the hope that the third session of the Ad Hoc Committee would be the last and that the Committee would be able to submit to the General Assembly

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(The Chairman)

a report which would help that body to chart a course of action which would prove to be a pattern of international co-operation in the interests of all mankind, in accordance with the spirit of the United Nations Charter.

Mr. DENORME (Belgium) thanked the Chairman for his statement and proposed that it should be circulated as an official document, in order to provide a firm basis for consultation among delegations.

It was so decided.

Mr. ARORA (India) said that the Minister for Foreign Affairs of Brazil had clearly stressed, in his statement, the importance which his country attached to the Committee's work and particularly to certain items on the agenda of the present session. The Secretary-General, too, in his message, had drawn attention to the principal problems to be solved, and the Committee would certainly make every effort to achieve success.

The Chairman, in his opening statement, had clearly defined the questions to be considered by the Committee, and he had stressed the most important aspects of the work programme (A/AC.135/L.2/Rev.1). In accordance with that programme, the Economic and Technical Working Group would devote three meetings to the consideration of an item which there had not yet been any opportunity to discuss, namely, "Prospects for international co-operation in the development and exploitation of the resources of the ocean floor", a question in which his delegation was greatly interested. In its report on the second session, the Economic and Technical Working Group had set out some useful conclusions, and it was to be hoped that they would form the basis for future work.

His delegation endorsed the substance of the working paper which the Chairman of the Economic and Technical Working Group had circulated concerning the organization of that Group's work. It also attached great importance to the recommendation made by the Secretary-General in paragraph 277 of document E/4487 concerning the role which the United Nations should play in establishing international co-operation.

The Legal Working Group, which also had submitted an interesting report to the Ad Hoc Committee, would have three meetings to consider questions still pending. That Group had already formulated several preliminary conclusions which had

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(Mr. Arora, India)

received wide support; it had indicated, in particular, that the sea-bed and the ocean floor beyond the limits of present national jurisdiction were the common heritage of mankind, and that no State should be able to appropriate any part whatsoever of those areas for its own use.

It had been generally recognized that there was a need for a new legal régime applicable to the sea-bed and the ocean floor, that the subsoil of the sea-bed and the ocean floor should be exploited in the interests of mankind as a whole, and that the utilization of the sea-bed and the ocean floor for military purposes should be prohibited. It was therefore to be hoped that during its forthcoming meetings the Legal Group would take as the basis of its work the conclusions already agreed upon and would not spend more time on questions which had already been formulated.

At the Committee's previous session, India had submitted a draft declaration of principles (A/AC.135/21). Although the document itself had not been given detailed consideration, the basic principles it contained had been approved by a large number of delegations, as was indicated in the reports of the two Working Groups.

In his delegation's view, all the draft declarations should be considered by the Ad Hoc Committee when it discussed the item entitled "Consideration of practical means to promote international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor, and the subsoil thereof, and of their resources". That was an important question, for it was essential that the Committee should submit precise recommendations to the General Assembly concerning the basic principles which should govern the exploration and utilization of the sea-bed and ocean floor. If those principles could be put into their final form and adopted at the present session, they could indeed be termed the "Declaration of Rio", and the Committee could congratulate itself on its achievements.

One other important question, to which the Minister for Foreign Affairs of Brazil had drawn the Committee's attention, was the urgent need to formulate the guidelines of a legal régime applicable to the sea-bed and the ocean floor which would be recognized by the international community. It had already been agreed that the use of the sea-bed and the ocean floor for military purposes should be prohibited, and it was to be hoped that those views would be duly recorded in the Ad Hoc Committee's report to the General Assembly.

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(Mr. Arora, India)

The Belgian delegation had taken a very interesting initiative also in submitting to the Committee a working paper in which it recommended that the present Ad Hoc Committee should become a standard committee with appropriate terms of reference. After the Committee had considered that question thoroughly, it should be possible to submit to the General Assembly a recommendation along those lines, with the Committee's backing. Lastly, the proposal of the United States for the establishment of an International Decade of Ocean Exploration was very important; in due course, he would give his delegation's views on that matter.

Mr. POPPER (United States of America) expressed the hope that the Committee would be able to consider all the items on its agenda in spite of the limited time at its disposal. The United States delegation wished to give the Chairman's statement on the work programme detailed study before making any comments, but it felt that, at the present stage of the proceedings, the Working Groups could hardly do their work properly without referring to some draft resolutions that had already been presented.

Mr. MAURTUA (Peru), speaking on a point of order, expressed concern about the change in the name of the Committee and in the wording of some of the agenda items. The word "present" had been dropped from the expression "the limits of present national jurisdiction" which appeared in General Assembly resolution 2340 (XXII). He would like to know why.

The CHAIRMAN explained that the question under consideration undoubtedly related to the limits of present national jurisdiction. The wording had been abridged, but the Committee's mandate remained the same.

Mr. BENITES (Ecuador) thanked the Chairman for his statement on the work programme, which merited careful consideration. It was for the General Assembly to decide whether the question should be made the subject of a declaration of principle or of a treaty on the exploitation of the sea-bed and the ocean floor. The Committee could not do more than issue a general statement embodying the principles that had met with broad approval. As regards the extension of sovereignty, the Committee should confine itself to examining the principles involved, particularly when the maintenance of the status quo was in question. It would be premature to come to definite conclusions, since there again it was for

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(Mr. Benites, Ecuador)

the General Assembly to take a final decision. In his capacity as Chairman of the Legal Working Group, he explained that the Group had covered the points before it, but had been unable to study them in sufficient depth. The report presented by its Rapporteur had been discussed in minute detail, however. The Legal Working Group might thus be regarded as having completed its examination of the first round of questions, and the Ad Hoc Committee should inform it of the problems it should take up next. If a member country wished to place a particular question before the Group, it should do so through the Chairman of the Ad Hoc Committee after the members of that Committee had expressed their views. It had rightly been pointed out that the Legal Working Group, which had devoted much of its time to certain issues, had been unable to conclude its work programme at the second session, as was pointed out in its report. That was yet another reason for not reverting to a discussion of the principles that had already been considered.

The representative of the United States had said that the Working Groups could hardly carry out their task without referring to draft resolutions. He himself believed that the Working Groups should study the relevant legal or technical aspects, when necessary, but that the draft resolutions should be considered by the Committee in plenary meeting.

Mr. DENORME (Belgium), speaking as Chairman of the Economic and Technical Working Group, drew the Committee's attention to two documents: the provisional agenda (A/AC.135/WG.2/R.5) and a note on the organization of work (A/AC.135/WG.2/R.6), which had been prepared in compliance with paragraph 62 of the interim report (A/AC.135/L.1) and in collaboration with the Chairman of the Ad Hoc Committee.

Mr. GAUCI (Malta) said that the international community must be on the alert to prevent the initiation of activities that might radically change the present situation as regards the use of the sea-bed and the ocean floor and subsoil thereof.

Mr. BEAULIEU (Canada) remarked that some doubt was felt as to whether it would be expedient for the Legal Working Group to resume its work, and as to whether or not the Ad Hoc Committee was competent to adopt resolutions or a statement of legal principles. Might it not indeed be premature to adopt such important texts?

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(Mr. Beaulieu, Canada)

The Chairman's statement on the programme of work should be circulated as an official document of the Committee. Because of the importance of the points raised in that statement, he reserved his delegation's right to speak on them at a later stage, after he had studied the document.

Mr. KOIAZHENKOV (Union of Soviet Socialist Republics) said that it was necessary to respect the terms of reference laid down in General Assembly resolution 2340 (XXII) which, moreover, the programme of work proposed by the Chairman followed closely. The General Assembly had been very careful in defining the task of the Ad Hoc Committee, and the Committee should bear in mind the fact that its work was of a preliminary nature.

Mr. HAQUE (Pakistan) pointed out that the Ad Hoc Committee was not empowered to do more than adopt draft resolutions or draft statements for subsequent transmission to the General Assembly.

The CHAIRMAN stated, in reply to a question put by the representative of the United States, that he had no wish to limit the activities of the Working Groups, but that the Committee had very little time and must therefore avoid duplication of work. A satisfactory consensus of opinion could be reached through consultation between the delegations concerned.

Replying to the representative of India, the Chairman said that it was for the Working Groups themselves to decide whether they would reopen the discussion of questions that had already been considered.

The Ad Hoc Committee could not do more than adopt draft resolutions or draft statements on the means of promoting international co-operation, which would then have to be submitted to the General Assembly.

He suggested that the Ad Hoc Committee should adopt the provisional programme of work for the third session on the understanding that it could be amended later.

It was so decided.

The meeting rose at 12.35 p.m.

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SUMMARY RECORD OF THE FOURTEENTH MEETING

Held on Tuesday, 20 August 1968, at 10.20 a.m.

Chairman:

Mr. AMERASINGHE

Ceylon

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ORGANIZATION OF WORK (A/AC.135/L.2/Rev.1) (concluded)

Mr. POPPER (United States of America) said that after consultation with other delegations the United States delegation was ready to agree to the Legal Working Group not resuming its work on condition that the Ad Hoc Committee met in its place and devoted those meetings to the consideration of the type of problems covered in the Legal Working Group's report.

Mr. BENITES (Ecuador) thanked the representative of the United States for the spirit of co-operation which he had shown. He wished to make a number of comments on the statement by the Chairman (A/AC.135/30).

First, when dealing with the provisions of General Assembly resolution 2340 (XXII) (page 5, first paragraph), the statement made no mention of the provisions of operative paragraph 1, under which the Ad Hoc Committee was "to study the scope and various aspects of this item", although that was the most important part of the Committee's task.

Furthermore, in the view of the Ecuadorian delegation, the Ad Hoc Committee was not empowered either to contemplate the drafting of a declaration of principles or an international convention (page 7, second paragraph), or to study the question of the limits of national jurisdiction (page 8), or, for the moment in any event, to take up a position in favour of the avoidance of further extension of national claims to sovereignty over the area under consideration, in other words, for the maintenance of the status quo. The Ecuadorian delegation did not consider itself bound by the Chairman's statement as far as those points were concerned.

Mr. HAQUE (Pakistan) said that his delegation found the Chairman's statement completely satisfactory.

Mr. MAURTUA (Peru), Mr. RUDA (Argentina), Mr. ZEGERS (Chile) and Mr. OSEGUEDA (El Salvador) fully supported the views expressed by the representative of Ecuador.

Mr. GUERREIRO (Brazil) expressed the view that the question of the delimitation of the area should be dealt with later when the members of the Ad Hoc Committee had obtained further information on the many problems involved.

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Mr. GAUCI (Malta) reminded the meeting that in its report the Legal Working Group had acknowledged the existence of an area that did not come under national jurisdiction. It should be borne in mind that the position was liable to change rapidly.

Mr. ARORA (India) agreed that the question of delimiting the continental shelf was complex in the extreme. The important thing at the present stage was to affirm the existence of an area that was not under national jurisdiction.

The CHAIRMAN, replying to a question by the representative of Ecuador, said that, in operative paragraph 2 of its resolution 2340 (XXII) also, the General Assembly had requested the Ad Hoc Committee to prepare a study on various aspects of that question for consideration by the Assembly. He pointed out that the Ad Hoc Committee had not been asked to prepare a draft agreement or declaration; it simply had to decide whether an international instrument should be prepared and, if so, what form it should take. It was too soon to define the limits of the area under consideration, but the Committee could indicate that the matter should be taken up at a later stage.

On the proposal of the United States delegation, he suggested that the Ad Hoc Committee should meet on the following morning instead of the Legal Working Group.

It was so decided.

CONSIDERATION OF THE POLITICAL, MILITARY AND OTHER ASPECTS OF THE ITEM

Mr. CHIBA (Japan) said that his Government attached great importance to the work of the Committee. Its programme of work was well planned but onerous, and no time should therefore be lost. The position of the Japanese delegation with respect to the principles set forth was as follows: the mineral resources of the deep ocean floor should be used for the benefit of all mankind, and no State should appropriate any part of that area; their utilization should not infringe upon either the principle of the freedom of the seas or the interests of the countries using the superjacent waters, and any pollution of those waters must therefore be avoided. His delegation endorsed the conclusions reached by the Economic and Technical Working Group to the effect that it was necessary to continue exploring the resources of the deep ocean floor, on whose magnitude and distribution little

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(Mr. Chiba, Japan)

was yet known, and to study the economic implications of their exploitation. Scientific marine research should be undertaken on the basis of international co-operation.

Furthermore, the sea-bed and the ocean floor should be used exclusively for peaceful purposes, and their resources exploited for the benefit of mankind. Any international arrangement that might be made for ensuring their orderly development should be considered carefully and without undue haste. The Japanese delegation trusted that the question would be put before an appropriate organ of the United Nations either already established or to be set up in the future.

Mr. GAUCI (Malta) said that the reservation of the sea-bed and the ocean floor exclusively for peaceful purposes was one of the crucial questions before the Committee.

In that connexion four main considerations must be taken into account: first, the military authorities of some Powers were continuing to give close consideration to the possibility of using the ocean floor for military purposes; secondly, that situation concerned the international community as a whole; thirdly, that situation required urgent consideration before it became too grave and too complex; fourthly, having recognized the problem, the Committee should determine an acceptable means of seeking a solution.

To help the Committee in that task, the Secretariat had prepared an objective paper based on available material, which was a factual presentation of the main aspects of the problem. In particular, it was noted in that paper that military factors motivated many research projects in the marine environment and that there had been a substantial increase in funds and equipment for such purposes. It was noted in that report that it was already possible to deploy military weapons and other devices on the continental shelf and the peaks of mountain ridges in the ocean and to establish bases there and that the deeper areas might also be used for the same purposes in future. Moreover, detection possibilities, even by satellite surveillance, were not very effective at present.

To the indications in the report, which stated that it dealt with possibilities rather than realities, it might be added that military technology tended to benefit from the intensification of research for scientific and other purposes. That had

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(Mr. Gauci, Malta)

been brought out in an article published in The New York Times of 1 August, which gave some interesting details on the subject. It would be possible, for example, to construct underwater silos and excavate sub-bottom installations for storage of strategic equipment, and to extract deadly poisons from muds and mollusks on the sea-bed. To judge by other articles in various specialized publications, all those considerations were within the realm of possibility. It was clearly stated in the 1967 oceanographic programme of one of the great Powers that naval warfare might be extended to the sea-bed.

In short, the problem was real and was becoming more acute. In addition to its normal budget of \$500 million for scientific and economic oceanographic research, one of the major Powers was now allocating \$4,000 million a year to oceanographic programmes connected with anti-submarine and deep ocean warfare systems. The ability to undertake large-scale deep sea activities was shared, to a greater or lesser extent, by a number of other great Powers.

The United States Assistant Secretary of the Navy had stated in 1967, before the House of Representatives, that the United States Navy had used the sea bottom for many purposes for many years and that any agreement formally ensuring the peaceful use of the sea bottom might interfere with some national security enterprises. The United States was not the only country in that position.

Nevertheless, a number of experts considered that an arms race on the ocean floor, while increasing the possibilities of conflict, would only bring temporary advantages to one side or the other and would involve enormous expenditure. The dangers of radioactive pollution of the marine environment, and the probable curtailment of freedom of transit on the high seas were additional arguments often put forward. Secret and enormously expensive military installations on the ocean floor would be attractive targets and would consequently require protection, to the detriment of freedom of navigation.

The great Powers themselves were beginning to recognize the growing dangers created by such activities, but they could not be expected to cease those activities unless they received the assurance - in the form of an effective system of inspection - that such activities would really be prohibited to everyone everywhere. His delegation hoped to put forward some proposals on that subject, at the forthcoming session of the General Assembly. The problem was complex, and

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(Mr. Gauci, Malta)

the great Powers had submitted various draft resolutions on the matter. It was not yet a question of disarmament but rather of restricting activities which might have incalculable consequences. The General Assembly might refer the military aspects to the Eighteen-Nation Committee on Disarmament, which could play a useful role in determining priorities and clarifying general concepts, and would be able to provide expert advice to the committee which, it was to be hoped, would be established at the next session.

The problem before the Ad Hoc Committee should be considered as a whole, for the various aspects could not be discussed separately. For instance, it was not possible to consider the feasibility of utilizing the resources of the ocean floor for the benefit of mankind without at the same time giving some thought to the necessity of preventing strategic competition for its military advantages. Much remained to be done in that respect, and it was therefore essential that a standing committee should be established to keep the various aspects of the item under review, taking into account the interrelationship of the factors involved. That committee might also co-ordinate the activities of any specialized bodies to which the study of certain questions might be entrusted, bearing constantly in mind the main objective of using the resources of the ocean floor exclusively for peaceful purposes and in the common interest of all nations.

Mr. AUDLAND (United Kingdom) said that his delegation had listened with great interest to the speech made by the Minister for Foreign Affairs of Brazil at the opening meeting and to the Chairman's statement on the work to be done by the Ad Hoc Committee at its present session.

From the deliberations and informal exchanges of views it was already clear that a large measure of agreement had been reached on the need to formulate a set of internationally accepted principles for regulating the use of the sea-bed and the ocean floor beyond the limits of national jurisdiction and helping to promote international co-operation in that area. Another thing that was clear also was that certain important political aspects of the relations between the States Members of the United Nations would inevitably be touched upon during the discussion of such principles.

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(Mr. Audland, United Kingdom)

The subject before the Ad Hoc Committee was vast, and it had attracted little attention in the past at either the national or the international level. It was therefore encouraging to note the progress made by the Committee in less than a year.

In defining the principles he had mentioned, the Ad Hoc Committee should take into consideration both the interests of the different States concerned and the requirements of international co-operation. The establishment of a set of comprehensive principles was a lengthy task, but its difficulty should not be allowed to discourage anyone. In any event, a limited agreement was better than none at all, and the United Kingdom delegation felt sure that the Ad Hoc Committee would be in a position, at the close of its present session, to recommend to the General Assembly the adoption of a certain number of principles.

The United Kingdom delegation believed that it would be possible for the Committee to agree that there was an area of the sea-bed beyond the limits of national jurisdiction, and that claims to sovereignty over that area were not acceptable. No broadly representative body of the Governments of the world had yet given endorsement to that principle. It would be a very real advance if the Ad Hoc Committee were to recommend to the General Assembly that it should do so. It should also be possible to agree that all activities in the sea-bed beyond the limits of national jurisdiction should be conducted in accordance with international law and the Charter of the United Nations, and that scientific research and exploration should be free to the people of all nations.

Thirdly, the United Kingdom delegation hoped it could be agreed by the Ad Hoc Committee that the question of arms control measures on the sea-bed required careful and detailed study, of a kind which the Ad Hoc Committee might not be able to provide, particularly in view of the complexity of the other questions beyond the Ad Hoc Committee. The United Kingdom Government had already suggested in the Eighteen-Nation Disarmament Committee that it should begin a study of the subject.

While the Ad Hoc Committee might be able to reach agreement at its third session on some of the other principles it was examining based on proposals already before the Committee, there would still remain some proposals on which the Committee could not expect to complete its debate at Rio de Janeiro. Arrangements should be made to continue at a later stage, with a view to the evolution of internationally agreed principles based upon them. The United Kingdom delegation

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(Mr. Audland, United Kingdom)

would wish to see the General Assembly at its forthcoming session make suitable provision in this respect.

Mr. BETTINI (Italy) said that the problem of the military uses of the sea-bed and the ocean floor beyond the limits of present national jurisdiction, which was dealt with in document A/AC.135/28, which had been circulated by the Secretariat after the Ad Hoc Committee's second session, should be brought before the competent United Nations body, namely, the Committee on Disarmament, which had just completed its work on the treaty on the non-proliferation of nuclear weapons. In addition, as the representative of Malta had pointed out, a number of delegations represented on the Committee on Disarmament had recently recommended that urgent measures should be taken to prevent the use of the sea-bed and the ocean floor for military purposes. All the proposals and recommendations on the subject submitted to the Ad Hoc Committee or its Working Groups should be submitted to the Committee on Disarmament for study. The draft resolutions already submitted should also be referred to that Committee, together with the comments on military uses, made by different delegations during the current session. Regarding the political aspects, the most important problem was obviously that of what principles should regulate the underwater activities of States and of their nationals. The Italian delegation believed that only those principles on which the Ad Hoc Committee had unanimously agreed should be submitted for adoption by the General Assembly; that would not prevent the Committee from discussing principles which might also be unanimously adopted at a later date, however, although it might be better if the Ad Hoc Committee did not try to define principles unless it was able to do so satisfactorily.

The Italian delegation's suggestions were made with the sole purpose of contributing to the success of the Ad Hoc Committee's work. He trusted that they would be received in that spirit.

Mr. ABDEL-HAMID (United Arab Republic) said that he had listened with great interest to the statement by the Minister for Foreign Affairs of Brazil, which would be a source of inspiration to the Ad Hoc Committee.

The military aspects of the item before the Committee could be studied from the point of view either of general and complete disarmament or of arms control.

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(Mr. Abdel-Hamid, United Arab Republic)

The United Arab Republic would prefer the first alternative, which had obtained widespread support in the General Assembly.

Under its terms of reference in General Assembly resolution 2340 (XXII), the Ad Hoc Committee was to deal with the area beyond the limits of present national jurisdiction. Difficulties would probably arise in defining the area to be demilitarized, especially where regions bordering upon territorial waters were concerned.

An order of priority should be established. Denuclearization should head the list, together with the elimination of weapons of mass destruction and chemical weapons. That was another problem which could be referred to the Committee on Disarmament, which might be given special terms of reference to deal with it under the supervision of the General Assembly.

In answer to a question by Mr. KULAZHENKOV (Union of Soviet Socialist Republics), the CHAIRMAN explained that the discussion of the military aspects of the item was not closed; as the programme of work indicated, another meeting would be devoted to the subject.

The meeting rose at 11.35 a.m.

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SUMMARY RECORD OF THE FIFTEENTH MEETING

Held on Wednesday, 21 August 1968, at 3.15 p.m.

Chairman:

Mr. ALIERASINGHE

Ceylon

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SCIENTIFIC ASPECTS OF THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION (A/AC.135/17)

The CHAIRMAN drew attention to the document prepared by the IOC secretariat on the scientific aspects of peaceful uses of the ocean floor (A/AC.135/17). He invited the Chairman of IOC to address the Ad Hoc Committee.

Rear-Admiral LANGERAAR (Chairman, Intergovernmental Oceanographic Commission) said that IOC considered that the Ad Hoc Committee's main function was to formulate basic international principles to govern the peaceful uses of the ocean floor and its resources as a complement to existing machinery for the exploration, exploitation, development, conservation and prevention against pollution or waste, of marine mineral and living resources. The work involved was extremely complex, and the Commission was prepared to continue to offer realistic, action-oriented scientific advice and to assist the Ad Hoc Committee and other United Nations bodies not only in scientific matters but also in such organizational matters as logistics, communications and the exchange of data and information.

The report on the scientific aspects of peaceful uses of the ocean floor (A/AC.135/17) was by no means exhaustive; it was intended to present basic information on the ocean floor and to indicate specific problems requiring further co-operative research. It indicated areas in which international co-operation already existed and suggested data collection methods which might prove useful in the future. The list of selected bathymetric charts (pp. 25-26) was particularly valuable.

As an inter-governmental body, IOC had direct access to national agencies dealing with various aspects of ocean exploration and was thus in a position to encourage national agreement on present and future international principles for governing the peaceful uses of the sea-bed, and to develop the organizational structure required for the formulation, implementation and co-ordination of an expanded programme of oceanographic research.

The Commission believed that the Ad Hoc Committee should support the Secretary-General's proposal that the base of IOC should be broadened so as to enable it to formulate and co-ordinate that programme (E/4487, para. 256). The Ad Hoc Committee should also propose the establishment of machinery to ensure close

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(Rear-Admiral Langeraar, IOC)

collaboration between the secretariats of IOC, the United Nations and relevant subsidiary bodies in formulating those basic international principles which would ensure freedom of oceanographic research, within the general context of international agreements to be drawn up in accordance with General Assembly resolution 2340 (XXII).

The Commission further suggested that the Ad Hoc Committee should recognize IOC as the advisory body on marine science and the organization of marine science for any United Nations organ that might be set up to deal with the legal, political and economic aspects of the marine environment. Lastly, IOC urged the Ad Hoc Committee to appeal to the United Nations bodies concerned to lend financial support to the Commission's activities.

The CHAIRMAN thanked the Chairman of the Intergovernmental Oceanographic Commission for his valuable comments and emphasized IOC's vital role in the area under discussion.

Mr. DANIELI (United Republic of Tanzania), Mr. ARORA (India), Mr. EASTMAN (Liberia) and Mr. HAQUE (Pakistan) expressed their appreciation for the work carried out by IOC and indicated that they would have further comments to make on document A/AC.135/17 and on the IOC proposals after giving them careful consideration.

The meeting rose at 3.50 p.m.

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SUMMARY RECORD OF THE SIXTEENTH MEETING

Held on Thursday, 22 August 1968, at 10.20 a.m.

Chairman:

Mr. AMERASINGHE

Ceylon

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CONSIDERATION OF THE POLITICAL, MILITARY AND OTHER ASPECTS OF THE ITEM (continued)

Mr. DANIELI (United Republic of Tanzania) noted that there was a general consensus in the Committee on the decisions to be taken at the international level concerning the subject under discussion.

In spite of their complexity, the Committee had been able to identify and analyse the different aspects of the problem, and useful proposals had been put forward. The reservations which had been expressed had been made either because of the existing lack of information or because of selfish national interests.

The Committee's task was merely to make recommendations - which should be as exhaustive as possible - to the General Assembly, and not to make decisions. Furthermore, there was obviously a need for much more research on the sea-bed and ocean floor, and then more dialogue. His delegation thought that the Committee's recommendations should include, in particular, the following suggestions: First, all military activities on the sea-bed and ocean floor should be categorically banned; in the absence of sufficient information, it would be premature to refer the matter to the Eighteen-Nation Committee on Disarmament. Second, the United Nations should establish a standing committee for co-ordination purposes and to form the nucleus of machinery for managing the use and development of the ocean's resources. Third, there was an urgent necessity for a legal definition of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction. It was agreed that such an area existed, but there was as yet no precise criterion by which to delimit it or to define the areas over which coastal States could exercise sovereign rights. There could be no meaningful solution so long as that legal vacuum continued to exist. Lastly, pending the establishment of an adequate legal régime, no State should make claims of sovereign rights over areas beyond the existing boundaries.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) noted with satisfaction that proposals to prevent the arms race from spreading to the sea-bed and the ocean floor had received wide support in the Committee. The problem was a vital one, which could be relatively easily solved if effective measures were taken without delay, since as yet detailed knowledge of the sea-bed and the ocean floor was not available.

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(Mr. Kulazhenkov, USSR)

The Soviet delegation believed that the Committee should point out the problems which required immediate decision, and the question of the non-utilization of the sea-bed and the ocean floor for military purposes was precisely such an immediate question. At the Committee's second session, the USSR had submitted a draft resolution under the terms of which the General Assembly would call 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, and would request the Eighteen-Nation Committee on Disarmament, which was the competent organ, to consider the item as an urgent matter. As was well known, the Eighteen-Nation Committee had been established specifically to work out measures with regard to ending the arms race. The Soviet delegation hoped that the Ad Hoc Committee would support that draft resolution, which would make rapid, effective and acceptable resolution of the problem possible.

The task of the United Nations, of the specialized agencies and of States was to organize a systematic study of the sea-bed, for which close international co-operation and co-ordination of the various programmes carried out by those organizations and by States would be necessary. As had been stated in the Economic and Technical Working Group, IOC could become an important centre for co-operation. It should also be noted that the preparation of long-term study programmes would make it easier to place the resources of the sea-bed and the ocean floor at the disposal of mankind, and would facilitate a realistic approach to the various questions relating to the area.

The Legal Working Group had performed considerable preparatory work in implementation of General Assembly resolution 2340 (XXII). The documents prepared by the United Nations Secretariat on the subject of existing international agreements regulating the activities of States on the sea-bed and the ocean floor would greatly facilitate further study and discussion of the legal problems involved. The Legal Working Group's report fully reflected the preliminary exchange of views which had taken place in the Group, and showed the need for arriving by mutual agreement at solutions consistent with the interests of States and of the international community. The members of the Committee and all the States Members of the United Nations should exercise caution in studying the legal aspects of the question, which were inseparably linked with its other aspects.

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(Mr. Kulazhenkov, USSR)

It would be premature to draft legal systems regulating the activities of States on the sea-bed beyond the limits of national jurisdiction, since the nature of those activities was not yet clearly defined. For the moment, the Committee should complete the surveys of the activities of the United Nations, the specialized agencies and other international organizations, of the agreements concerning the area under study and of the scientific, technical, economic, legal and other aspects, as specified in operative paragraph 2 of General Assembly resolution 2340 (XXII).

The discussions at the Committee's first two sessions had shown that States differed in their views on the extent to which current international law made it possible to solve the problems of the sea-bed and the ocean floor. The members of the Committee had also not yet agreed on how to approach its work relating to the regulation of the activities of States in the exploration and use of the sea-bed and the ocean floor. In that respect it was important for States Members of the United Nations to examine the results of the Committee's preliminary studies before any further steps were taken. The Soviet delegation therefore believed that attention should be given to the suggestions that a special standing committee of the General Assembly should be established in order to continue studying the problems of the sea-bed and ocean floor. It should discuss the legal, technical and economic aspects of the activities of States in the exploration and use of the sea-bed, and it should take decisions on the basis of reaching unanimous agreement among its members, as in the United Nations Committee on the Peaceful Uses of Outer Space. Such a committee would be an advisory body of the General Assembly, and should therefore not replace the specialized agencies or duplicate their activities.

Mr. BENITES (Ecuador) pointed out that several delegations had stressed the necessity of finding some common ground for agreement on the principles that should regulate the sea area referred to in resolution 2340 (XXII). Numerous representatives had expressed the view that such principles should be made the subject of a broad agreement to ensure that they would be effectively implemented. He wondered whether they could really be distinguished from the principles set forth in General Assembly resolution 2340 (XXII). The following conclusions could

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(Mr. Benites, Ecuador)

be drawn from that resolution: since there was a sea area that was not under national jurisdiction, namely, the floor of the high seas, it obviously had to be placed under a special international legal régime. The régime should be based on two main principles: first, that the military use of the area for any purpose whatsoever should be prohibited - in other words, that it should be used exclusively for peaceful purposes - and, secondly, that even though no State, or group of States, enterprises or private persons, was entitled to lay claim to that area, that could not mean that its resources were not to be used for the benefit of mankind, on the understanding that the developing countries, including the land-locked countries, must likewise benefit from the exploitation of such resources, it being further understood that such benefit meant a share of the profits therefrom. Furthermore, since there seemed to be no likelihood that the international community itself could exploit them, they should be developed in accordance with an international system that would ensure that the interests of the public and private enterprises to which exploitation rights were granted were compatible with those of the international community, and, more particularly, those of the developing countries.

While he had not submitted any proposals, he felt that the conclusions that could thus be reasonably drawn from the wording of resolution 2340 (XXII) might be used as the basis for the agreement mentioned by a number of delegations in discussing the political aspects of the item. Those conclusions had, in fact, been implicitly accepted when the resolution had been adopted.

With regard to the military aspects of the item, the representative of Malta had pointed out that the issue before the Committee was not that of disarmament, and that the important thing was to work out a general policy for preventing the military use of the ocean floor. He was of the same opinion himself. It was necessary to ensure that an area which had so far remained free of arms would not be used for military purposes. The Secretariat document (A/AC.135/26) on the military uses of the sea-bed and the ocean floor raised the question of the possible emplacement of missiles and mines on the ocean floor and the continental shelf, and of defensive weapons (anti-missiles) and installations of various kinds (sonar, communications jamming equipment, etc.). The possibility that stationary or mobile nuclear weapons might be used could not be discounted, since they could be scattered without difficulty over wide stretches of the ocean.

(Mr. Benites, Ecuador)

It was not perhaps an opportune moment to ask whether coastal States were entitled to use their continental shelf for military purposes, what was meant by the term "ocean floor", or by the prohibition or simply the limitation of military uses, or whether certain kinds of arms were permissible. For the time being, he would merely refer to the suggestion that the Secretariat document (A/AC.135/28) and any draft resolutions that were submitted should be transmitted to the Eighteen-Nation Committee on Disarmament. Under the terms of its resolution 1722 (XVI), the General Assembly had requested that Committee to undertake negotiations with a view to reaching agreement on general and complete disarmament under effective international control. In other words, the Committee on Disarmament was essentially a negotiating body. In his view, the Ad Hoc Committee was a subordinate organ of the United Nations with a clearly defined and limited mandate. The most it could do would be to recommend to the General Assembly the adoption of the draft resolutions that were presented to it, and it was for the Assembly to adopt or reject them. The Committee on Disarmament might, on its own initiative, take up the question of the military use of the ocean floor, in the context of general and complete disarmament. However, that need not deter the Ad Hoc Committee from examining the question from its own standpoint, and making recommendations to the General Assembly. The delegation of Ecuador could not support any proposal to split up the item before the Committee, and to entrust the examination of its respective parts to other United Nations bodies or organs. In taking such a course, the Ad Hoc Committee would be assigning itself a purely academic role.

Mr. YANKOV (Bulgaria) said that the international climate of confidence and understanding without which the international community could not work out and apply principles for the peaceful and equitable exploration and exploitation of the sea-bed and the ocean floor, was unattainable unless detailed consideration was given to the political and military aspects of the item. A constructive and co-operative attitude must therefore be adopted.

For the time being, he would not touch upon any but the military aspects of the question. The adoption of immediate measures to prohibit the military use of the ocean floor would facilitate the exploration of the sea-bed and the ocean floor

(Mr. Yankov, Bulgaria)

and the exploitation of their resources and, at the same time, help to slow down the armaments race. The Secretariat document (A/AC.135/28), which was based on published material only, recognized that the deployment of military weapons in certain areas of the sea-bed and the ocean floor was already perfectly feasible. At the Conference on the Law of the Sea held in Geneva in 1958, Bulgaria had proposed that the use of the continental shelf for building military bases should be prohibited; but that proposal had unfortunately not been adopted.

At the second session of the Ad Hoc Committee, the Soviet Union had submitted a draft resolution (A/AC.135/20) calling upon all States to use the sea-bed and the ocean floor beyond the limits of territorial waters exclusively for peaceful purposes, which had the full support of the Bulgarian delegation. He pointed out that it applied to the continental shelf, which, according to paragraph 6 of document A/AC.135/28, was likely to be used for military purposes before the deep ocean floor. It might be argued that the continental shelf came within the jurisdiction of States and therefore lay outside the competence of the United Nations. It was easy to reject such an argument, for in connexion with the banning of nuclear tests, for example, the General Assembly had already recommended that States should accept the application of certain measures on their national territory. Furthermore, under the Geneva Convention of 1958, the rights of States over the continental shelf were not unlimited, covering only the exploration and exploitation of its resources. To prohibit the use of the continental shelf for military purposes would obviously do much to promote the development of peaceful activities in the neighbouring areas. Under operative paragraph 2 of the Soviet draft resolution, the General Assembly would 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. The Bulgarian delegation fully supported that proposal, for the Committee on Disarmament was specially competent to consider the problem within the general context of disarmament. Furthermore, such an arrangement would preclude any possible duplication of effort among international bodies.

He urged that immediate action should be taken on the Soviet draft resolution.

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Mr. TILAKARATNA (Ceylon) congratulated the Secretariat on having placed before the Ad Hoc Committee a succinct and objective document on the military uses of the sea-bed and the ocean floor beyond the limits of present national jurisdiction (A/AC.135/28), and he thanked the Maltese representative for having supplied the Committee with information on the subject.

In view of the existing possibilities, the Ad Hoc Committee should propose measures to prevent the military use of the sea-bed and the ocean floor, before it was faced with a fait accompli. It would be for the great Powers to apply those measures. For that to be possible, a real political will must be displayed.

During the Ad Hoc Committee's second session, the United States and the Soviet Union had each submitted a draft resolution, the main provision of which was that the military aspects of the item should be referred to the Eighteen-Nation Committee on Disarmament for consideration. In the Legal Working Group, the Ceylonese delegation had urged that the advisability of such a step should first be considered by the Ad Hoc Committee and that the military and other aspects of the item should not be dissociated from each other. It had now become clear that, as the Committee on Disarmament had a very heavy work programme, it would be unable to take up the problem for a long time to come. The Ceylonese delegation was also disturbed by the increasingly frequent use of the expression "the deep ocean floor"; he trusted that it was being used strictly in a geological sense.

The Soviet draft resolution (A/AC.135/20) appeared to require a prior definition of the limits of territorial waters. Furthermore, the expression "for peaceful purposes" was too vague, for it could be argued that weapons deployed on the ocean floor were intended only for defence. The amendments submitted by Tanzania on that point would be helpful in clarifying the draft resolution.

The important thing at the present stage was to formulate basic principles for the use of the ocean floor exclusively for peaceful purposes.

Mr. ARORA (India) recalled that during the twenty-second session of the General Assembly, and later in the Ad Hoc Committee, the Indian delegation had repeatedly suggested that the sea-bed and the ocean floor should be used exclusively for peaceful purposes. The representatives of the Soviet Union had endorsed that principle and it was hoped that the United States would do likewise.

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(Mr. Arora, India)

Paragraph 6 of the Secretariat document (A/AC.135/28) indicated that arms might be installed on the sea-bed and the ocean floor in the relatively near future. It was important to prevent that possibility from becoming a reality. The enormous sums spent by the United States, for example, on oceanographic research connected with submarine warfare, together with the statements made by the United States Assistant Secretary of Defense, referring to the importance of submarine missile bases, gave rise to fears that a dangerous path was being embarked upon. It was vital for the Ad Hoc Committee, in accordance with the terms of reference assigned to it by the General Assembly in resolution 2340 (XXII), to continue its close study of the military and political aspects of the question. It was also important to maintain the links between the various aspects of the problem and to make every effort to arrive at a balanced over-all solution.

Mr. KRAJEWSKI (Poland) pointed out that the Ad Hoc Committee's task was not to take final decisions, but to bring out the basic ideas which would allow the General Assembly to decide on the future organization of work on the peaceful uses of the sea-bed and the ocean floor, and on the principles which in future would regulate the activities of States in that marine environment.

The Ad Hoc Committee's final report to the General Assembly should therefore not only state facts, but also reflect the views expressed by all delegations during the discussion. The draft interim report (A/AC.135/L.1) had been drafted in accordance with that principle, and the Polish delegation hoped that the final report would be prepared with the same objectivity and would be largely based on the earlier document.

However, it was not only procedural considerations which were preventing the Ad Hoc Committee from taking decisions or drafting new legal standards. The fact was that it did not possess sufficient scientific, technical and economic data on the possibilities for using the sea-bed and ocean floor. It would therefore be premature to draft new legal standards which might be placed in question as a result of the rapidity of technical progress. For example, at the Geneva Conference in 1958 possibility of exploration had been selected as the criterion for the outer limit of the continental shelf; as a result of technical developments, that choice was at present giving rise to many difficulties or

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(Mr. Krajewski, Poland)

interpretation. Before legal principles were adopted, more extensive knowledge of the scientific, technical and economic aspects of the future exploration and exploitation of the sea-bed and the ocean floor beyond the limits of present national jurisdiction should be obtained. The foundations for international co-operation in the area should be laid as soon as possible, and Poland was ready to participate, to the extent that its financial and technical resources allowed, in a possible international programme of scientific research on the sea-bed and the ocean floor. In that respect, the Secretary-General's proposal for promoting better understanding of the marine environment through science (E/4487, para. 256) deserved full support. The principal role in co-ordinating the activities contemplated under the expanded programme of international co-operation should be entrusted to the Intergovernmental Oceanographic Commission; one of the components of such an expanded programme might well be the international decade suggested by the United States.

With regard to the military aspects of the problem before the Committee, the danger posed by the possible use of the sea-bed for military purposes was plainly becoming increasingly real. The Maltese representative had described the dangers of such military use very convincingly at the fourteenth meeting. In the Polish delegation's view, every possible effort should be made to prevent the sea-bed from being used for military purposes, and the marine environment must be reserved for peaceful purposes. His delegation's position was fully consistent with the provisions of General Assembly resolution 2340 (XXII), and the Committee should once again reaffirm the principle involved, on which all its work was based. Since everyone must agree that disarmament was difficult, it was best to exclude the sea-bed from the arms race.

That brought up the question of the body whose task it would be to solve that crucially important problem. The task clearly could not be assigned to the Ad Hoc Committee, and he referred in that connexion to the last sentence of paragraph 2 of Working Paper A/AC.135/28. The only competent body was the Committee on Disarmament, which contained experts fully conversant with the problems involved.

Acceptance of the principle that the sea-bed and the ocean floor beyond the limits of territorial waters should be used exclusively for peaceful purposes was one of the prerequisites for any international collaboration in the exploration and exploitation of the ocean floor.

(Mr. Krajewski, Poland)

He wished to reiterate that the exploration of the sea-bed and the ocean floor and the exploitation of the wealth they contained should be conducted in accordance with the principles of international law, the provisions of the United Nations Charter, the traditional principles of the law of the sea and the 1958 Geneva Convention.

The principle of freedom of the seas should be respected and the new uses of marine resources should not result in unjustified interference with existing freedoms, which were sanctioned by usage. In particular, it would be necessary to avoid any violation of the freedom of fishing and to ensure that exploration and exploitation of the sea-bed and the ocean floor had no harmful effects on the living resources of the sea.

Mr. KIKHIA (Libya) said he would confine his remarks to the military aspects of the question before the Ad Hoc Committee, but reserved his delegation's right to discuss the political aspects of the problem at a later stage.

He had previously, at the beginning of the twenty-second session of the General Assembly pointed out that the paramount objective was to ensure the reservation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of present national jurisdiction exclusively for peaceful purposes. His delegation wished to reaffirm that position and considered that the use of the ocean floor for military ends should be prevented.

His delegation was convinced that the United Nations should deal with that problem, because the submarine areas must not be militarized if they were to be rationally explored and economically exploited for the benefit of the international community and mankind as a whole. It was a prerequisite for any serious international co-operation that arms should not be deployed on the sea-bed and the ocean floor. As the Minister for Foreign Affairs of Brazil had said at the opening meeting, the use of the deep sea for military purposes would fatally interfere with the application of the principles of freedom and responsibility, and would be a new incentive to the arms race and an additional factor of international tension.

The working paper on the military uses of the sea-bed and the ocean floor (A/AC.135/28), prepared by the Secretariat at the request of the Ad Hoc Committee,

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(Mr. Kikhia, Libya)

was both concise and objective, and it contained valuable information on the delicate question of secret activities undertaken by States under the seas and oceans. As indicated in that document, there was the possibility that some aspects of those activities might still be unknown or not generally appreciated. In that respect, the United Nations must take the appropriate action as soon as possible, particularly in view of the activities listed in the latter half of paragraph 3 of the working paper (A/AC.135/28).

That document also correctly established a distinction between the deep ocean bed, on the one hand, and the deep ocean peaks and ridges, on the other. That distinction was useful for technical and strategic reasons, particularly as the deployment of weapons and other military devices in the region of the deep ocean peaks was already feasible, or would be so in the near future. That was also one of the reasons why his delegation preferred the expression "sea-bed and ocean floor" to the expression "deep ocean floor", for the idea of depth was irrelevant in respect to the matter now under consideration.

He then drew attention to the information given in paragraphs 11 and 12 of document A/AC.135/28, indicating the possibility of establishing military bases on the sea-bed and the ocean floor. In that respect, the delegation of Libya considered that the Ad Hoc Committee might recommend that the General Assembly should stress the basic principle that the sea-bed and the ocean floor beyond the limits of present national jurisdiction should be used exclusively for peaceful purposes. - In the same context, reference might be made to the Antarctic Treaty and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space and the Treaty of Moscow, which prohibited nuclear tests in three environments, including territorial waters and the high seas. The General Assembly should also declare itself to be in favour of the prohibition of the use of the sea-bed and the ocean floor for military purposes. A declaration of that nature would strengthen the cause of peace and security, and make for general and complete disarmament.

The implementation of that principle would naturally entail the prohibition of the emplacement of military installations and nuclear weapons and the testing of weapons on the sea-bed and the ocean floor.

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(Mr. Kikhia, Libya)

Some representatives had said that the whole question of the peaceful uses of the sea-bed and the ocean floor was a fact of the broader question of disarmament, and that its examination should consequently be entrusted to a competent body, such as the Eighteen-Nation Committee on Disarmament. The delegation of Libya agreed with the representatives of Tanzania, Ceylon and India that the question should be dealt with as a whole without separating its different aspects. Consequently, it would be premature to transmit it to the Committee on Disarmament, particularly in view of the slow tempo of its work and the need for measures to be taken, without delay. At the present stage, the Ad Hoc Committee should request the General Assembly to approve the principle of the non-militarization of the sea-bed and the ocean floor.

For the reasons he had adduced, the Libyan delegation hoped that the sponsors of draft resolutions A/AC.135/20 and A/AC.135/24 would not press for their adoption. The matter under consideration was very delicate and affected the balance of forces in the world. What was needed was not a compromise but some action to bring the world closer to complete disarmament.

The meeting rose at 12.35 p.m.

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SUMMARY RECORD OF THE SEVENTEENTH MEETING

Held on Friday, 23 August 1968, at 3.25 p.m.

Chairman:

Mr. AMERASINGHE

Ceylon

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CONSIDERATION OF THE POLITICAL, MILITARY AND OTHER ASPECTS OF THE ITEM (concluded)

Mr. OFSTAD (Norway) said that, since the subject under consideration pertained to the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction, he had been somewhat puzzled to hear detailed statements on military problems. While such statements could not, of course, be considered out of order in view of the wording of the item, he wondered whether the Committee was the proper forum for the detailed discussion of military matters. His delegation wholeheartedly endorsed the proposal to refer the question to the Eighteen-Nation Committee on Disarmament, which should consider the prohibition of the emplacement of weapons of mass destruction on the ocean floor as a matter of the greatest urgency.

While it was generally agreed that there was an area of the ocean floor which did not belong to any State - indeed the Committee would not exist if that were not so - the area must in all logic be delimited in one way or another. In that respect, the 1958 Geneva Convention on the Continental Shelf was of little help. He therefore suggested that, in its report to the General Assembly at its twenty-third session, the Committee should stress the need for further clarification or else it might soon find itself laying down rules and regulations governing an area whose extent was still undefined. He therefore hoped that a start could soon be made on the long and difficult work of formulating an international definition of the continental shelf.

In his view, the following principles should govern the sea-bed and the ocean floor beyond the limits of national jurisdiction: firstly, that the area was not open to appropriation or to claims of sovereignty; secondly, that activities on the sea-bed and ocean floor must be conducted in accordance with international law, including the United Nations Charter, and in the interests of maintaining peace and security and of promoting scientific research and economic development; thirdly, that the sea-bed and the ocean floor were the common heritage of mankind to be used for the benefit and in the interest of man.

Mr. HOLDER (Liberia) expressed the view that all aspects of the question of the sea-bed and the ocean floor beyond the limits of national jurisdiction - whether technical, military, economic, legal or other - tended to converge on a single focal point, the political aspect. If the political problems could be

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(Mr. Holder, Liberia)

settled, all the other aspects would fall into place. There were two main elements to be taken into consideration in discussing political problems: the 1958 Geneva Convention on the Continental Shelf, under which each coastal State had jurisdiction over the exploration and recovery of the resources of the sea-bed and its subsoil out to the edge of the continental shelf off its shores, extending out and down to the depths where exploitation was possible; and the recent technical developments which, as the Maltese representative had explained at the Committee's 14th meeting would soon make possible the economic recovery of minerals at greater depths. Those two elements alone raised problems of the first magnitude. The international community could easily waste precious time calculating the minute and fleeting advantages to be gained by the technologically advanced and the developing countries, but it did not have the time to waste. Dangers were already beginning to appear. The rapidity of technological advance in space prefigured the probable development of marine technology in the next few decades. Document A/AC.135/28 confirmed his delegation's apprehensions about the possible deadly uses to which the seas beyond the continental shelf could be put unless the international community took action. The distinction drawn in paragraph 7 of that document between the deployment of nuclear and of conventional weapons on the sea-bed seemed to him unnecessary: the deployment of either type of weapon was dangerous. His delegation favoured the use of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction for peaceful purposes exclusively and without any qualifications whatsoever.

His delegation was gratified by the great, although slow, progress already made by the Committee in passing from the stage of information-collection to that of assisting the General Assembly in arriving at decisions for future action.

Existing developments showed that, unless action was taken soon, the world would be faced with a power struggle on its last, and perhaps richest, frontier. In the absence of clear rights and duties and precise boundaries, nations would be free to seize disproportionate areas of the sea-bed for their own use, and avarice might reduce and perhaps even extinguish any common claim to that area. Exploration would be accompanied by the rapid depletion of the area, economic waste, conflict and chaos. An international régime was preferable to chaos.

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(Mr. Holder, Liberia)

The United Nations should, as a first step, adopt a declaration of general principles safeguarding all existing interests. There was already broad agreement on some principles which the United Kingdom representative had enumerated at the Committee's 14th meeting. His delegation fully supported that enumeration but stressed that it was not exhaustive. An attempt would have to be made in the proper forum to define precisely the area of the sea-bed and ocean floor beyond the limits of national jurisdiction. The General Assembly's attention should also be drawn to the desirability of avoiding any further extension of national claims and sovereignty, with an indication of the difficulties involved.

Mr. PADILLA y VELASCO (El Salvador) said that the draft resolutions submitted to the Ad Hoc Committee at its second session by the USSR (A/AC.135/20) and the United States (A/AC.135/24) on the military aspects of the item under consideration were acceptable in principle to his delegation because referring them to the Eighteen-Nation Committee on Disarmament would enable the Ad Hoc Committee to take advantage of the special military expertise of that body. At the same time, they should not be construed in any way as a surrender or derogation to the Committee on Disarmament of any part of the mandate of the Ad Hoc Committee as laid down in General Assembly resolution 2340 (XX) and the Ad Hoc Committee must still report to the General Assembly on the subject.

The principles proposed in the operative part of the United States draft resolution concerning the deep ocean floor (A/AC.135/25), however constructive, scrupulously avoided any mention of an international régime for the sea-bed and the ocean floor and failed to state that the direction of the operations in question would be in the hands of the international community. On the contrary, paragraphs 4-7 of that draft indicated that operations for the exploration and exploitation of the sea-bed and ocean floor would be undertaken at the initiative of States, though subject to the rules of international law. That arrangement would be advantageous to the technologically advanced States and, unlike the international régime suggested by his delegation at the Committee's second session, would be in their interest rather than in the interest of the international community; it would have no real effect on the development of the developing countries or give any real meaning to the principle, agreed to by both large and small States, that the resources of the sea-bed and the ocean floor beyond the limits

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(Mr. Padilla y Velasco,
El Salvador)

of national jurisdiction should be developed for the benefit of all countries. Lastly, paragraph 3 of the United States draft, which stated that an internationally agreed precise boundary for the deep ocean floor, the sea-bed and subsoil beyond that over which coastal States might exercise sovereign rights for the purpose of exploration and exploitation of natural resources should be established "as soon as practicable" and "taking into account the Geneva Convention of 1958 on the Continental Shelf", would have dangerous implications for the territorial seas and continental shelves of the Latin American countries. The definition of the term "continental shelf" given in article 1 of the Convention was based on an economic criterion: in other words, the ocean floor began at the point at which exploitation was no longer economically feasible and the continental shelf could extend as far as technology permitted. However, because of technological advances, which made exploitation beyond a depth of 200 metres technically feasible, the continental shelf was actually expanding and coastal States might soon be in a position to take over the whole of the sea-bed. The scope of the Geneva Convention must therefore be limited and take account of geographical and geological factors.

However paradoxical it might seem, the territorial sea of El Salvador, which was the smallest country of the Americas, extended, according to its constitution, 200 miles from low-water mark - covering an area larger than its land territory - and friendly States should recognize, from the results of the oceanographic research which was being conducted, that that position was legally justified because, as a developing country, it had greater need to exploit the resources of its territorial sea and of the continental shelf in order to ensure a higher level of living for its people and in general to press forward with its social programme.

In studying the sea-bed and the ocean floor the Committee might wish to take advantage of the information being compiled by the Pan-American Institute of Geography and History and the Pan-American Committee on Geophysical Sciences, which, in co-operation with the National Geographic Institute of El Salvador, similar organizations in the other Central American countries and the Geophysical Institute of the University of Mexico, and with the assistance of UNESCO, were

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(Mr. Padilla y Velasco,
El Salvador)

conducting geographical and oceanographic studies in the waters of the Pacific Ocean off the shores of the Central American countries, particularly in the region of the Gulf of Fonseca and the Nicaragua Depression, which was a great submarine rift cutting through the Central American Isthmus from north to south-east. The research programme included bathymetric studies, studies on the measurement of the temperature, salinity and density of marine waters, studies of currents and their propagation, and of the dynamics of sea-air interaction. Those studies would contribute to the advancement of scientific knowledge of the continental shelf and might help the United Nations to arrive at a precise definition of the point at which the sea-bed began and ended, especially in view of the injustice of nature in giving some countries a broad continental shelf and others a narrow one.

The USSR draft resolution (A/AC.135/20) was concerned not so much with the use of the sea-bed as with the prohibition of its use for military purposes. According to a statement made by the USSR representative at the Committee's twelfth meeting, the USSR was opposed to the establishment of an international authority to direct the use of the resources of the sea-bed as contrary to the freedom of the high seas. The weakness of the draft resolution was that it did not call for the establishment of an international organization and would concentrate power in the hands of States, with predictably unfortunate results. In his delegation's view, the Committee, in adopting an international policy for the use of the sea-bed for exclusively peaceful purposes, should agree on an international régime for the use of such areas and on the establishment of a competent international organization which would direct and supervise - but not administer - the uses of the resources of the sea beyond the limits of national jurisdiction established by each nation, awarding when appropriate, concessions for their exploitation to individual States. That view in no way affected his country's position concerning the extent of its territorial waters.

Mr. POPPER (United States of America) said that his country shared the universal desire that the sea-bed and the deep ocean floor should not become an arena for an armaments race. His delegation was therefore anxious to contribute to the work of the Committee by putting before it a course of effective action which, in conditions of reciprocal confidence, would enable States possessing the

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(Mr. Popper, United States)

capability to emplace weapons on the deep ocean floor to refrain from so doing in the assurance that they would not thereby be placed at a military disadvantage. Such action would, of course, necessarily have to be preceded by painstaking technical study, which should be carried out by a qualified organ and as early as possible.

The task of the international community in achieving the aim he had described was a dual one: the formulation of a generally accepted goal, towards which all countries should strive, with regard to the military uses of the sea-bed - a task which his delegation believed could appropriately be performed by the Ad Hoc Committee - and the conclusion of binding agreements on arms control measures relating to the ocean floor.

A number of delegations had proposed that the latter task, too, should be entrusted to the Ad Hoc Committee, in order not to fragment the work assigned to it by the General Assembly and that, accordingly, the matter of sea-bed arms control should not be referred to the Eighteen-Nation Disarmament Committee. His delegation was convinced that the kind of expert analysis and negotiation which was needed for the conclusion of specific agreements on arms control in the sea-bed and other environments could not be undertaken by the Ad Hoc Committee; the Disarmament Committee did, however, possess the necessary expertise and his delegation maintained its proposal (A/AC.135/24) that that body should be requested by the General Assembly 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 that new environment for the emplacement of weapons of mass destruction. It believed, however, that it would be desirable for the General Assembly specifically to convey its wishes on the subject to the Disarmament Committee.

The Ad Hoc Committee should, moreover, request the Assembly to give expression to the universal desire to avoid an arms race in the sea-bed environment. Proposals to that effect so far submitted in the Committee had been framed either in terms of prohibiting military activities on the sea-bed or in terms of using the sea-bed for exclusively peaceful purposes. The uncertainty about what constituted "military" activities in that connexion made the first type of proposal somewhat difficult: research supported by naval forces and using naval equipment,

(Mr. Popper, United States)

for example, might be excluded. His delegation therefore supported the adoption of a General Assembly resolution declaring that the sea-bed and deep ocean floor should be used exclusively for peaceful purposes, the test of a "peaceful" activity being whether it was consistent with the United Nations Charter and other obligations of international law. Since, however, "peaceful purposes" would not preclude all military activities, a detailed arms control agreement would have to be evolved to prohibit specific military activities. Those not so prohibited would continue to be conducted in accordance with the principle of freedom of the high seas and for purely peaceful ends.

In conclusion, he said that, should the Committee be in a position to submit a set of principles to the Assembly for consideration, those principles should include one relating to the reservation of the sea-bed and ocean floor exclusively for peaceful purposes. If, however, the formulation of principles was impossible for the moment, his delegation was prepared to explore other methods of conveying the views of the Committee to the Assembly.

Miss MARTIN SANE (France) pointed out that the Ad Hoc Committee's terms of reference required it, not to submit recommendations or draft resolutions, but to prepare a study including, inter alia, an indication of practical means to promote international co-operation in matters affecting the sea-bed and the ocean floor. The Committee had therefore rightly decided to include the draft declaration of legal principles governing the reservation exclusively for peaceful purposes of the sea-bed, submitted by the delegation of India, in annex III of its report (A/AC.135/L.1). Her delegation had stated at the second session that the use of the sea-bed for peaceful purposes alone was one of the principles which should govern any future international régime for the marine regions which were the subject of the Committee's discussions and believed that, even if no formal statement of principles was adopted by the Committee, that principle should be submitted to the General Assembly as one of a number of generally agreed objectives towards the achievement of which future United Nations efforts should be directed. Indeed, her delegation considered that the General Assembly should be invited by the Committee to give formal endorsement to that objective.

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(Miss Martin Sane, France)

Nevertheless, disarmament was, in her delegation's view, a joint undertaking, and acceptance of the principle of the peaceful uses of the sea-bed and the ocean floor would depend on the progress made elsewhere in disarmament and on such detailed studies as the General Assembly might recommend. It was, however, essential that the Committee, at the current stage of its work, should express its support of the principle of the non-militarization of the sea-bed and ocean floor.

Mr. AUDLAND (United Kingdom) said that the military aspects of the sea-bed question were very complex and had wide-ranging implications. He complimented the Secretariat for its excellent synthesis of published material on the military uses of the sea-bed (A/AC.135/28), but drew attention to the Secretariat's own warning in their paper that the material on which it was based was not complete.

His Government had striven unceasingly for international agreement on arms control measures whenever they would genuinely contribute to international peace and security, and its record spoke for itself. The United Kingdom Government was amongst the original signatories of the Antarctic Treaty, which contained important arms control provisions; it had been closely concerned in the negotiations which led to the Nuclear Test Ban Treaty; and it had played a full part in preparing the Outer Space and Non-Proliferation Treaties. His Government would now like to see a full examination of the possibility of extending arms control to the sea-bed. The debate had shown that the Committee generally subscribed to the United Kingdom's main objectives, to limit the spread of the arms race and to move towards general and complete disarmament; but there were important differences of view as to how those goals should be approached.

The USSR delegation had proposed (A/AC.135/20) that the General Assembly should call upon all States to use the sea-bed and the ocean floor beyond the limits of territorial waters exclusively for peaceful purposes. The Committee's terms of reference did not, of course, cover territorial waters, and a number of other delegations had therefore supported the idea that the General Assembly's appeal should refer to the sea-bed beyond the limits of national jurisdiction. The basic difficulty was that the phrase "peaceful purposes" was not self-explanatory. If it were taken to mean that even military activities of a purely

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(Mr. Audland, United Kingdom)

defensive nature were to be prohibited, the implications of any such approach would obviously need to be considered with the utmost care.

The military uses of the sea-bed could not be considered in isolation, but were closely related to the military uses of the superjacent high seas, where there was no general prohibition, present or proposed, of military activities. The interrelationship between the sea-bed and the high seas above it was particularly close in any consideration of submarine warfare. Submarines navigated on or under the surface of the high seas and sometimes needed to rest on the sea-bed; it would be clearly illogical and indeed impossible to continue to allow them freedom of navigation and yet forbid them to use the sea-bed, and it was unlikely that countries possessing submarines would agree to any such prohibition, which could not in any case be enforced. Similarly, in view of the fact that, according to an authoritative source, the fleets of submarines of three Powers, the USSR, the United States and the United Kingdom, numbered approximately 400, 200 and 50, respectively, it was not surprising that few countries should wish to relinquish the option of placing surveillance and defensive devices on the sea-bed. Such action was, in fact, entirely consistent with the United Nations Charter.

Such considerations illustrated the importance of treating the matter of arms control and disarmament in relation to the sea-bed beyond the limits of national jurisdiction in the context of other fields of arms control; merely to state that it should be reserved exclusively for peaceful purposes was unsatisfactory. For that reason his delegation believed that the next step should be to arrange for the Eighteen-Nation Disarmament Committee, as the best-qualified body, to undertake a full study of the practical implications of the matter and was gratified that that Committee had placed the item on its agenda.

In conclusion, he welcomed the statement made by the United States representative the broad lines of which would certainly be sympathetically viewed by his Government.

Mr. HAQUE (Pakistan) observed that one of the most frightening inferences to be drawn from the excellent Secretariat document on the military uses of the sea-bed (A/AC.135/28) was that not only could the sea-bed be used for military purposes but it was possibly already being used for military activities, whether

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(Mr. Haque, Pakistan)

offensive or defensive. The prospects for world peace would be diminished if ever the sea-bed were to be used for the installation of military weapons or for other military purposes. His delegation therefore maintained its position that it should not be used for any military purpose whatsoever by any State.

Two proposals on referring the matter to the Eighteen-Nation Disarmament Committee (A/AC.135/20, A/AC.135/24) had been discussed in the Legal Working Group, a number of whose members had been opposed to such action. Those members had felt that, before recommending that the General Assembly should take action on any aspect of the Ad Hoc Committee's terms of reference, it should be requested to adopt a set of principles applicable to the entire issue covered by those terms of reference; they also believed that the military aspects should remain on the Ad Hoc Committee's agenda. The item in the meantime had been placed on the agenda of the Eighteen-Nation Disarmament Committee, but the proposals that the General Assembly should explicitly refer it to that Committee were still being pressed. In those circumstances it was legitimate to wonder why the endorsement of the Assembly was being sought and whether some matters of disarmament, rather than non-armament, were involved.

At all events, his delegation was opposed to transferring the matter from the Committee's purview. The Committee was, in its view, fully competent to deal with the military aspects of the use of the sea-bed and it would be inappropriate for it, as a subsidiary body of the Assembly, to delegate that or any other part of its work to another body.

Mr. KIKHIA (Libya) said that the political aspects of the issue before the Committee were of paramount importance and provided the background for all its work. The great danger was, in fact, that unless solutions were found rapidly for the new international problems created by technological progress in the exploration and use of the sea-bed, new international conflicts would arise. Such fundamental political issues as the national sovereignty of States, the interests of individual States or groups of States, and the new opportunities for co-operation in promoting the advancement of all mankind also had a bearing on the Committee's work.

One issue of a political rather than a legal nature, on which the Committee might usefully act was the definition of the continental shelf. His delegation believed that the Committee should recommend that the definition contained in the 1958 Geneva Convention should be clarified under United Nations auspices.

(Mr. Kikhia, Libya)

A second political issue was that of a possible moratorium on claims to exclusive rights to parts of the ocean floor and on extensions of the limits of the continental shelf. His delegation doubted the feasibility of such a moratorium in existing circumstances.

The forms which future international co-operation in the exploration and use of the sea-bed and the ocean floor might take raised essentially political considerations. His delegation had already expressed its support for the setting up of a world institution under the auspices of the United Nations to administer the sea-bed and its resources. The roles to be played by the technologically advanced Powers and the smaller and developing nations in the study and development of the sea-bed and its resources had to be considered in that connexion; it was essential that the less-favoured nations should have an adequate share in that work.

A matter which had as yet received little attention was the human and social aspects of the subject before the Committee. It might, for example, be advisable for the Committee to draw the attention of the ILO and other organizations concerned to the matter of conditions of work and manpower training for operations in the new environment, since in the foreseeable future those operations, and the new industries based on them, would be employing thousands.

Mr. RUDA (Argentina) agreed with the Secretariat view, expressed in paragraph 4 of its working paper on the military uses of the sea-bed (A/AC.135/28), that such information as was available served to show possible, rather than actual, trends of military use. Moreover, as the document pointed out, much of that information related to the continental shelf and was therefore outside the Committee's terms of reference. The report did, however, clearly illustrate the threat to peace which recent technological and military advances in the use of the sea-bed and the ocean floor represented; the sea-bed was acquiring greater military and strategic significance with every year that passed.

The two major objectives of the Committee's work were clearly stated in the title to resolution 2340 (XXII): that the sea-bed should be reserved for peaceful purposes only and that its resources should be exploited for the benefit of all mankind. It was therefore imperative that its work should ensure that the sea-bed was not utilized in any way which would endanger the common interest of mankind

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(Mr. Ruda, Argentina)

in the maintenance of international peace and security; in particular, the emplacement of weapons of mass destruction on the sea-bed should be prohibited as soon as possible. Accordingly, whatever difficulties the Committee might encounter in defining "peaceful purposes", it should not lose sight of the principal aim of all its work, the maintenance of peace and strengthening of international co-operation.

Mr. ZEGERS (Chile) said that at its present session the Ad Hoc Committee should formulate general political principles regarding the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. In accordance with General Assembly resolution 2340 (XXII), the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction should be considered the common heritage of mankind and no State should claim sovereignty over them; the exploitation of those depths should be conducted for the benefit of all mankind and solely for peaceful purposes; and all States should be able to utilize the sea-bed, in accordance with an international régime to be established. Furthermore, developing countries should be given a fair share of the resources discovered, and machinery should be set up to protect the interests of coastal States.

With regard to the military aspects, he noted that present knowledge of existing military uses of the ocean floor and its subsoil was inadequate and felt that those zones should be considered as non-armed areas. The Ad Hoc Committee was competent to make recommendations solely with regard to areas beyond the limits of national jurisdiction. While the Eighteen-Nation Disarmament Committee as a negotiating body, was competent to deal with some aspects of the matter, disarmament was not really the issue, and the Ad Hoc Committee was thus the proper forum for discussion of the reservation of the deep oceans for peaceful purposes. The General Assembly should renew the Ad Hoc Committee's mandate to enable it to continue the urgent work assigned to it in General Assembly resolution 2340 (XXII).

Mr. MAURTUA (Peru) felt that it was essential to prevent both offensive and defensive military activities on the sea-bed and ocean floor beyond the limits of national jurisdiction. The primary goal of all oceanographic research was to ensure the peaceful use of those regions. The Ad Hoc Committee had the humanitarian

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(Mr. Maurtua, Peru)

responsibility of formulating an emphatic declaration to direct international efforts in the deep oceans in accordance with moral principles, allowing no political loopholes that might jeopardize international peace and security. Respect for the political competence of States was essential to successful international action. Moreover, such action was required to prevent the contamination of existing and potential ocean resources which would accompany the military use of the sea-bed.

Mr. BENITES (Ecuador), referring to the United States representative's observation that some delegations felt that the matter of sea-bed arms control should not be referred to the Eighteen-Nation Disarmament Committee, emphasized that his delegation had not objected to having that Committee discuss the matter. As an organ dealing with disarmament and related topics, it certainly was competent to consider preventing the use of the sea-bed and the ocean floor for military purposes. However, it was a negotiating body, and its role should be viewed in its proper perspective.

The Ad Hoc Committee, as a subsidiary body of the General Assembly, the supreme authority for making recommendations to the world community, was most competent to study the ways and means of preventing an armaments race in the deep oceans, and he was certain that the great Powers recognized their responsibilities in that connexion. The Ad Hoc Committee should not relinquish any part of the mandate assigned to it by General Assembly resolution 2340 (XXII).

Mr. POPPER (United States of America) assured the representative of Ecuador that he had not meant to imply that that representative had questioned the competence of the Eighteen-Nation Disarmament Committee to consider the matter under discussion. He was convinced that all nations wished to ensure that the sea-bed and the ocean floor would be reserved exclusively for peaceful purposes, and invited further exchanges of views regarding the complementary roles of that Committee and the Ad Hoc Committee.

Mr. ARORA (India) welcomed the United States representative's statement of policy, to the effect that his delegation favoured the adoption of a General Assembly resolution declaring that the sea-bed and deep ocean floor should be used

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(Mr. Arora, India)

exclusively for peaceful purposes. That statement had come at a critical point in the Ad Hoc Committee's deliberations and would no doubt facilitate its work.

The CHAIRMAN, summing up, noted that the Ad Hoc Committee had completed its consideration of the political, military and other aspects of the item and that most speakers had stressed the military aspects. He summarized the salient points of document A/AC.135/28.

The debate had stressed that it was essential to arrest certain trends regarding the future use of the sea-bed and ocean floor before they were too far advanced for effective control. Concern had been expressed that military factors influenced increasing commitments of funds, equipment and manpower to oceanographic research and development.

There had been unanimous agreement that the sea-bed and ocean floor beyond the limits of national jurisdiction should be reserved exclusively for peaceful purposes and that the General Assembly should be urged to take immediate effective measures to prevent their use for military ends. The very importance of such measures warranted a cautious approach. It had also been suggested that a juridical régime should be established to govern the peaceful use of the deep oceans and the exploration, conservation and use of their resources.

Two approaches to the military aspects of the item and to the concept of the exclusive reservation of the area for peaceful purposes had emerged. The first, that peaceful use completely excluded all military use, had been reflected in a draft resolution (A/AC.135/20) submitted by the Union of Soviet Socialist Republics which, according to one view, had the merit of applying the principle of peaceful use to the areas "beyond the limits of territorial waters", thus encompassing the continental shelf, which was the area most likely to be used for military purposes in the immediate future. The other approach, calling for acceptance of the principle that the sea-bed should be used exclusively for peaceful purposes and that military activities in pursuit of peaceful aims or in fulfilment of peaceful intents, consistent with the United Nations Charter and international law, should not be banned, had been reflected in United States draft resolution A/AC.135/24. The Tanzanian representative had submitted variants of those proposals (A/AC.135/26 and A/AC.135/27) which had received considerable support, particularly as they removed some of the ambiguities inherent in

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(The Chairman)

expressions such as "peaceful uses". It had been widely recognized that an internationally acceptable definition of the precise limits of national jurisdiction had to be reached before legal principles applicable to the sea-bed and ocean floor could be usefully discussed.

A distinct difference of opinion had emerged regarding the procedure for dealing with the military aspects of the item, whether they were described as disarmament or non-armament. Some speakers had maintained that the Eighteen-Nation Committee on Disarmament was the appropriate body to consider those aspects, whereas others had felt that, since the various aspects of the peaceful use of the sea-bed were so closely related, effective action would be hampered if they were assigned to different bodies, and that, in any case, the Eighteen-Nation Committee on Disarmament was only a negotiating organ.

Importance had been attached to the need for even limited agreement at the present juncture on principles affecting the political aspects of the item. Among the principles cited were: that the area was not open to claims of national sovereignty, that international law and the principles of the Charter should govern all activities in the area, and that the resources discovered were the common heritage of all mankind. It had been suggested that the expression "benefit of mankind" should apply both to the increase in total resources available and to the granting of a fair share of them to all nations.

Lastly, it had been agreed that the study of the question should be continued, either by the Ad Hoc Committee itself with new and more specific terms of reference, or by a standing committee whose establishment the Ad Hoc Committee should recommend in its report to the General Assembly. Close international co-operation - involving the United Nations, its specialized agencies and States - in matters relating to the study of the sea-bed and the ocean floor had been considered essential.

Mr. DANIELI (United Republic of Tanzania) proposed that the Chairman's summary should be circulated as a Committee document.^{1/}

^{1/} Subsequently circulated as document A/AC.135/32.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) seconded the proposal, adding that he would have some comments to make on it at a later stage.

It was so decided.

Mr. RUIA (Argentina) stressed that the summary set forth only the view of the Chairman and in no way represented conclusions of the Committee regarding which his delegation had expressed its approval, consent or disapproval.

Mr. KIKHIA (Libya) pointed out that the summary omitted mention of the two points raised by his delegation concerning a moratorium on national claims and the human aspect of the problem.

In reply to a question from Mr. MAURTUA (Peru), the CHAIRMAN explained that the summary was merely a synthesis of the discussion and was not intended to form part of the Committee's report. The points to which the Libyan representative had referred would be included in the revised version of the summary. Referring to the Argentine representative's observation, he pointed out that his statement was a summary of the discussion and not an expression of his own point of view.

The meeting rose at 6.10 p.m.

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SUMMARY RECORD OF THE EIGHTEENTH MEETING

Held on Monday, 26 August 1968, at 10.20 a.m.

Chairman:

Mr. AMERASINGHE

Ceylon

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SCIENTIFIC ASPECTS OF THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION (A/AC.135/17) (continued)

Mr. POPPER (United States of America) said that his delegation had listened with great interest to the comments made in the Economic and Technical Working Group regarding the United States proposal for an international decade of ocean exploration and that it recognized that, as a co-operative programme, it would be modified in the course of further discussion and as the nations involved began to develop specific plans. The decade should be considered as one element in a long-range programme to be carried out under United Nations auspices with a view to encouraging investigation of sea-bed resources, fostering the co-operation required to explore and develop them and of making available to all nations the knowledge indispensable to their exploitation and use.

A wide range of activities would be undertaken as part of the decade, focusing on geographic and scientific exploration in its broadest sense. There was a need at the present stage for the exploration of sea-bed mineral deposits in order to determine what kinds of resources existed, in what environments they were found, how they were formed, what their characteristics were and what their potential might be. Such studies would include geological, geophysical and bathymetric mapping of the sea-bed to establish its topography and geological composition and structure and to help define sources of potentially valuable minerals. Such information was essential for the purpose of selecting targets for detailed exploration and exploitation.

Participating nations would be expected to formulate plans for specific projects, with such external assistance as might be required, to seek bilateral and multilateral co-operation and to arrange for financing and operations. IOC would play a vital role, in co-operation with the other international agencies concerned, in encouraging investigation, co-ordinating activities and facilitating the exchange of data. Although IOC's work programme would be heavier, its fundamental character would not be changed.

Nations of countries unable to organize ocean exploration projects would participate in studies undertaken by other nations, thus receiving training and experience which they would subsequently apply in their own countries. Developing countries could also arrange for the mapping of selected areas of their own continental shelves; they would share in the work as fully as possible and developed

(Mr. Popper, United States)

nations would furnish the equipment and technical and financial support required. Technical assistance funds might be expected to be available through the usual channels.

The United States was already providing training and technical assistance in marine science to scientists and engineers from developing countries at United States institutions and laboratories and on United States ships and was supporting marine research in fifteen developing countries. As ocean exploration activities expanded, technical and financial assistance from the United States and many other nations would no doubt increase.

The primary benefit resulting from a decade of ocean exploration would be greatly expanded knowledge of ocean resources, which would in turn be the key to development and utilization of those resources and would be available to all nations. It was significant that until the discovery only a few years earlier of deposits of metal-bearing muds in the Red Sea, their existence anywhere had not been suspected.

Of similar interest was the recent announcement by the United States National Science Foundation that the vessel "Glomar Challenger" which was carrying out shallow core-drilling to learn about the structure and composition of the ocean floor, had discovered a show of oil and gas in the deepest part of the Gulf of Mexico. Until that discovery the occurrence of oil at such depths had been wholly speculative, and the very fact of its existence made it worth while to develop the capability of locating and producing it efficiently.

Further benefits accruing from the decade would be improved instruments and methods for mineral exploitation and for other marine activities and the experience gained in working towards a common goal. Developing countries would have the opportunity to acquire technical capability in marine science and information to help them develop resources under their own national jurisdiction. The resources discovered would in turn prove useful in industry and industrialized agriculture.

He hoped that the Ad Hoc Committee would place on record its broad support for the concept of the decade in its report to the General Assembly.

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Mr. DENORME (Belgium) reaffirmed his delegation's appreciation of IOC's valuable contribution to oceanographic research and of the excellent report by the IOC secretariat on the scientific aspects of peaceful uses of the ocean floor (A/AC.135/17). Chapter I, dealing with the geological and chemical processes influencing the formation of marine minerals, was particularly important, since the data to be gleaned from those processes were essential for exploiting marine mineral resources. The importance of bathymetric surveys, sea-surface condition forecasting, standardization of scientific data presentation and the development of an international system for the archiving and retrieval of meteorological data was also rightly stressed. The major conclusion to be drawn from the report was that international co-operation in oceanographic research and close collaboration between specialists in many fields were essential. The Ad Hoc Committee should bring the report to the attention of the General Assembly.

His delegation endorsed the Secretary-General's recommendation that IOC should co-ordinate the expanded programme of international co-operation to assist in a better understanding of the marine environment through science; the proposal by the Chairman of IOC that the Commission should be recognized as the advisory body on marine science and the organization of marine science for any United Nations organ that might be set up to deal with the legal, political and economic aspects of the marine environment and the United States proposal for an international decade of ocean exploration.

The latter proposal was extremely vast in scope and covered activities outside the purview of the Ad Hoc Committee. However, several of those activities were closely related to the Committee's programme: determination of the geological structure and mineral and energy resource potential of the world's continental margins; preparation of topographic, geological and geophysical maps of selected areas of the deep-ocean floor; coring and drilling on the continental margins and deep-ocean floor in selected areas and mapping of selected areas of the continental shelf of developing nations. Instead of drawing a distinction between the continental shelf and the ocean floor beyond the limits of national jurisdiction, the project referred to the continental margins and the abyssal ocean floor. That difference had major economic implications.

The decade was significant not only because it called for international co-operation in scientific exploration, but also because it heralded an era of

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(Mr. Denorme, Belgium)

development for the benefit of all mankind of an area whose limits required to be precisely defined. His delegation had already voted in the Economic and Social Council in favour of resolution 1381 (XIV). It now wished to reiterate that Belgium welcomed the United States initiative concerning the international decade of ocean exploration.

Mr. BETTINI (Italy) said that adequate scientific knowledge regarding the sea-bed was a prerequisite to optimum utilization of its potential resources for the economic and social progress of mankind. The IOC proposals, the United States proposal and the Secretary-General's recommendations were commendable initiatives deserving thorough consideration. The Ad Hoc Committee should co-ordinate those activities.

As indicated in document A/AC.135/17, oceanographic research covered a vast field requiring the collaboration of experts in many specialties. Three aspects deserved particular attention: scientific problems related to the processes of formation, accumulation and geographical distribution of marine natural resources; methodological problems related to scientific research, location of natural resources and their quantitative and qualitative evaluation; and feasibility problems related to technology, human activity, safety regulations and pollution.

It was essential to combine scientific research with sound economic studies so as to determine the true benefit which would accrue from the findings of such investigation.

Mr. ABDEL-HAMID (United Arab Republic) said that international co-operation in oceanographic research should be expanded and co-ordinated as a matter of urgency. The United Nations and its specialized agencies - whose mandates should be reviewed - could play a major role in that connexion by ensuring the maintenance of international peace and security and the welfare of all mankind and by narrowing the gap between the wealthy and the less fortunate nations.

He therefore endorsed the IOC proposal for close collaboration between the secretariats of the United Nations bodies concerned and would welcome suggestions for further co-operation in the future.

His delegation required more time to consider the financial implications of the IOC proposals, as they required the attention of various ministries.

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(Mr. Abdel Hamid, United Arab Republic)

He had listened with considerable interest to the statement of the United States representative at the current meeting and, while supporting the concept of the decade in principle, he wondered whether the Ad Hoc Committee could take specific action regarding the decade in view of the position taken by the Economic and Social Council in operative paragraph 4 of resolution 1381 (XIV).

Mr. HARDERS (Australia), recalling the fruitful discussions in the Economic and Technical Working Group on the scientific aspects of the peaceful uses of the sea-bed, explained that his delegation had endorsed the proposals of the Secretary-General and the United States because it recognized the need for more knowledge about the deep oceans. In resolution 1381 (XIV) the Economic and Social Council had rightly emphasized the value of co-ordinated international efforts in view of the many activities already under way. The Secretary-General's report (E/4487) provided a useful framework for such co-ordination. It was particularly important to ensure effective co-operation between IOC, FAO and IMCO.

The Committee's mandate did not empower it to appeal to United Nations bodies to lend financial support to IOC.

While IOC might serve as the central co-ordinating body in scientific matters, its marine science organization function should not be compromised, for there was a danger of jurisdictional clashes with other United Nations bodies concerned with related subjects.

Further study was required to determine which United Nations authority should supervise the formulation of the expanded programme, and he wondered whether the machinery provided by the Executive Board of UNESCO or by the Economic and Social Council would be adequate.

Mr. ODA (Japan) said that Japan, whose active role in marine scientific research programmes was indicated in annex IX of document E/4487, felt that a co-ordinated long-term programme, particularly the expanded programme of international co-operation to assist in a better understanding of the marine environment through science advocated by the Secretary-General in his report (E/4487), would lead to the most effective and productive use of the deep-ocean floor for the benefit of all mankind. As a founding and active member of IOC, Japan appreciated the work the Commission had done in promoting scientific

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(Mr. Oda, Japan)

investigation. His delegation hoped that the General Assembly would consider the detailed aspects of the long-term programme at its twenty-third session in the light of Economic and Social Council resolution 1381 (XLV) in order to prevent duplication in the work of the United Nations family.

His delegation welcomed the United States proposal for an international decade of ocean exploration but felt that it should also be considered at the Assembly's twenty-third session under a more broadly worded item, because it related to the ocean as a whole and was not limited to the floor of the ocean beyond the limits of national jurisdiction.

Mr. KROYER (Iceland) said that his Government took a keen interest in continued and expanding international co-operation in the scientific research and exploration of the oceans and their resources. It had for several decades supported an organized programme of research in the marine areas surrounding Iceland. Despite its small size and population, his country was among the twenty referred to in the Secretary-General's report (E/4487) as most active in marine research in terms of absolute budgetary expenditure and support for research activities. His Government's annual expenditure on marine research amounted to approximately \$4 per capita; that represented a heavy tax burden on a small population, but his Government considered the money well spent. While it had been mainly concerned with the living resources of the sea, his Government also welcomed international co-operation for the exploration of the non-living resources of the sea-bed and ocean floor. It fully endorsed the Secretary-General's proposed programme for an expanded programme of international co-operation to assist in a better understanding of the marine environment through science and was willing to take part in that programme to the fullest extent.

Continuous and long-term exploration of the sea-bed and the ocean floor and its subsoil should be planned and co-ordinated by an appropriate United Nations body. Such exploration should complement existing national and private activities. An important step in that direction would be the free exchange of data, at both the regional and global level, and the standardization of instruments and methods of calculation. The long-term programme should also emphasize the training and education of specialists, with particular attention to the needs of the developing countries.

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(Mr. Kroyer, Iceland)

The United States proposal for an international decade of ocean exploration was likely to further the long-term programme of co-operation. His delegation agreed that IOC was the most suitable organ for co-ordinating the organization of the decade.

Mr. KIKHIA (Libya) felt that it was in the scientific field that the broadest scope for international co-operation existed at the present time. Despite the oceanographic activities of many nations, only a small part of the scientific knowledge necessary for exploiting the sea-bed and the ocean floor in the interest of mankind was available. It was only by continuing and intensifying international efforts that scientific knowledge of the oceans and their potential resources could be greatly increased. In view of the limited knowledge of the extent, situation and concentration of sea-bed resources, there was an urgent need to promote research and exploration through a broad programme of ocean exploration, which could be carried out only if all nations pooled their expertise and capabilities. The basic principle that should be adopted for such a programme was that freedom of scientific research and exploration in the sea-bed and the ocean floor must be preserved. In that connexion, useful guidelines could be found in the Antarctic Treaty and the Treaty on outer space.

Activities connected with scientific research on the sea-bed and ocean floor should be permissible for all nations and the results of such activities should be freely available. All nations, regardless of their geographical position with respect to the sea or level of economic or technological development, should be given the opportunity to participate in, and to benefit from, the study and exploration of the sea-bed and the ocean floor.

In his delegation's view, the Committee's recommendations to the General Assembly concerning the scientific aspects of the exploration and use of the sea-bed and the ocean floor should stress the following points:

(1) All countries should co-ordinate their activities in marine science and technology. Such co-ordination would involve:

(a) co-ordination of the activities of individual States at the national and international levels, with due regard to the possibilities of regional arrangements and bilateral or multilateral efforts;

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(Mr. Kikhia, Libya)

(b) co-ordination of national oceanographic activities with the activities of international organizations and institutions;

(c) co-ordination and harmonization of the activities of various existing international organizations, whether regional or global, inter-governmental or non-governmental, inside or outside the United Nations system, due regard being paid to the important role that might be played by regional organizations and arrangements;

(d) co-ordination of private activities and scientific private institutes with regional, international or global activities.

(2) The systematic dissemination of information on the results of scientific discovery at the national or international level should be promoted and improved by the establishment of an appropriate system which would promote studies on subjects of interest to the scientific community as a whole, provide scientists with a bibliography and retrieval system for literature on marine science, and make scientific documentation available to all nations and private institutions and individuals.

(3) National and international studies relating to the ocean and its floor should be encouraged and harmonized; education and training in the marine sciences should be promoted; and concerted scientific efforts should be furthered and co-ordinated under the auspices of the United Nations system.

(4) Adequate programmes for popularizing the oceanic sciences should be established under the direction of the United Nations with a view to encouraging general interest in the subject.

(5) Adequate programmes for technical assistance in science should be initiated and promoted with a view to helping the developing countries to expand their capacities in that connexion and to enabling them to share the experience acquired by the advanced countries.

In his view, international scientific activities should focus on certain major aspects, to which priority should be given. The first was the understanding of the ocean and the acquisition of a better knowledge of the marine environment, due attention being given to topographical studies of the ocean floor in order to prepare more accurate and detailed bathymetric charts of the sea-bed and to survey

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(Mr. Kikhia, Libya)

systematically the whole extent of the ocean floor. In that connexion, the preparation of an up-to-date geological/geophysical atlas of the Indian Ocean, mentioned on page 19 of document A/AC.135/17, could serve as an example for other regional seas, such as the Mediterranean.

The second major aspect was the improvement of the international data exchange system, in accordance with modern concepts of data management, in order to prepare it to cope with the flood of data that would result from the expanded programme. The procedures and instruments used in data reporting should be standardized, and he therefore endorsed the recommendations in chapter II, section 3, of document A/AC.135/17.

Another priority aspect was the promotion of international co-operation in order to prevent and control pollution resulting from activities on the ocean floor. Particular attention should be given to the conservation of the living resources of the sea-bed, to preservation of the biological, chemical and physical balance of the ocean, and to the control of pollution from radioactive materials and underwater drilling.

In any arrangement for scientific co-operation stress should be laid on preventing duplication of the work of the various international bodies: their action must be co-ordinated to be effective.

His delegation supported the Secretary-General's proposals in part III of his report (E/4487), particularly that relating to greater co-operation in education and training in marine sciences. He expressed his appreciation of the work of IOC and endorsed the suggestions made by the Chairman of IOC at the Committee's fifteenth meeting. His delegation also supported in principle the United States proposal for an international decade of ocean exploration in the hope that the decade would further international scientific co-operation and that technical assistance to the developing countries would form an important part of the programme. His delegation would express its views on the detailed programme in due course, probably in the General Assembly.

Mr. YANKOV (Bulgaria) said that because his Government fully agreed with the conclusion expressed in paragraph 63 of the report of the Economic and Technical Working Group (A/AC.135/L.3) and the statement by the Chairman of IOC (A/AC.135/SR.15) that there was a need for further research on the sea-bed and the

(Mr. Yankov, Bulgaria)

ocean floor and that great efforts should be made to co-ordinate the scientific activities of national, regional and international institutions, it was considering applying for membership in IOC, whose work is appreciated and which should play an important role in the promotion and co-ordination of scientific research and in the solution of the relevant practical problems. Bulgaria endorsed the four suggestions made by the Chairman of IOC in his statement. The international community should indeed promote all forms of international co-operation in scientific research and exploration, whether bilateral or multilateral, inter-institutional or national, local, regional or global and within and outside the United Nations system. Co-operation should be based on the principle of freedom of scientific research which was a precondition for the advancement of science and technology in the exploration and peaceful use of the sea-bed and the ocean floor.

He then drew attention to some points relevant to marine scientific research. The first was the importance of free access to scientific information and the free exchange of scientific data, in which IOC could play an important role by accumulating, processing and disseminating scientific data. The second was the universal character of basic scientific information. In that context the greatest need was for the formulation of universally recognized scientific concepts and terms. The considerations expressed in that regard in the introduction to the discussion of methodological problems in the IOC report (A/AC.135/17, p. 27) applied particularly to the developing countries, which could not afford to engage in research and exploration on a large scale. In that connexion, he attached great importance to the establishment of a common methodology and to international co-operation in solving methodological problems relating to the exploration of the sea-bed and its resources, because conflicting methodologies could easily lead to a waste of time, effort and funds.

The third was the obvious need for international co-operation in the study of oceanographic problems bearing on the exploration of the sea-bed and in the training of specialists. That implied co-operation between nations and universities and between other national and regional institutions, and scientific and technical assistance to all countries, particularly the developing countries, in the establishment of scientific research institutions and educational

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(Mr. Yankov, Bulgaria)

establishments. It would also entail joint studies, expeditions and laboratory work, technical assistance in the provision of equipment, and the dissemination of information on educational facilities, both governmental and private, perhaps through periodic reports which could be issued by the United Nations on national and international co-operative programmes and activities, and on the scholarships and fellowships available for oceanographic studies and research.

His delegation supported the proposals in the IOC report (A/AC.135/17) concerning the main fields of scientific research and emphasized the need to develop devices for precision navigation on the high seas, for accurate means of measuring the sea bottom and for the development and standardization of techniques and instruments for other important measurements. The feasibility and safety of sea exploration were particularly important. In that connexion, he endorsed the warning system proposed by IOC in its resolution IV-6.

His delegation believed that the international decade of ocean exploration proposed by the United States should be considered one of the international projects within the context of the expanded programme proposed by the Secretary-General, a project designed to promote and strengthen international co-operation. It should also be considered in the context of Economic and Social Council resolution 1381 (XLV). His Government favoured all such initiatives, which should be encouraged.

Mr. ARORA (India) thanked the United States delegation for further clarifying its conception of the international decade of oceanographic exploration in response to questions asked by the Indian delegation in the Economic and Technical Working Group. He particularly welcomed the statement that the concepts of the decade might be modified by discussion and that each participating nation would be expected to formulate plans for specific projects, with such external assistance as might be needed and wanted.

His Government visualized its participation in the decade in the same way as its participation in the International Biological Programme and the International Hydrographic Decade. In view of the United States representative's clarification, India would be able to take part in the decade under the over-all programme of the International Indian Ocean Expedition. His delegation therefore welcomed the idea

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(Mr. Arora, India)

of the decade as expressed in operative paragraph 1 of draft resolution A/AC.135/33. It hoped that India would be consulted when the programmes of the decade were being formulated and that its views would be taken into account when the programmes were finalized.

Mr. KORT (Union of Soviet Socialist Republics) said that the report prepared by the IOC secretariat (A/AC.135/17) at the request of the Committee was a valuable supplement to the material on the technical and economic aspects of the subject contained in the Secretary-General's report (E/4487). The enumeration of the scientific problems involved, in particular, would form an excellent basis for preparing the proposed expanded programme and his delegation accordingly considered that the document should be submitted to the General Assembly as a background paper on the scientific aspects of the Ad Hoc Committee's deliberations.

The States Members of the United Nations had requested the Committee to suggest practical means of utilizing the resources of the sea-bed and the ocean floor and the subsoil thereof for the benefit of all mankind. The Committee clearly held the unanimous view that the first step was to organize a broad programme of international co-operation in the scientific and technological study of the ocean environment and its mineral resources. The programme would necessarily have to cover not only the methodology and technology of exploration but detailed scientific study of the distribution, composition, formation and stratification of ocean floor deposits, and of the environmental factors likely to affect their exploitation, such as ocean currents, the effects of winds, the physical and chemical properties of ocean waters in individual regions, geological data and climatic conditions. Hence, it would have to be world-wide in scope.

The Soviet Union was already undertaking oceanographic research programmes which could be described as world-wide. Over one hundred USSR vessels were engaged in such work and most of the data collected were made available to international centres and, under exchange arrangements, to individual scientific institutions; moreover, the results of USSR oceanographic research were published in periodicals and monographs which were used by scientists in many countries. Again, many students from developing countries were receiving training and experience in the oceanographic institutes and vessels of his country.

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(Mr. Kort, USSR)

His delegation had already expressed its support for a long-term international programme of ocean studies, to be formulated by IOC, the first phase of which would embrace the useful United States proposal for a decade of ocean exploration, the Secretary-General's proposals and all other relevant programmes of international bodies. The problems still awaiting solution were, however, so numerous and so complex that results could not, in many cases, be expected for many years to come and certainly not within the forthcoming decade.

Mr. POPPER (United States of America) agreed with that statement. His proposal was not, however, intended to be a programme of studies which would end with the decade, but an instrument for mobilizing international co-operation.

The representative of the United Arab Republic had raised a valid point about the possibility of conflict between the Committee's report and Economic and Social Council resolution 1381 (XLV). It was his delegation's hope that any suggestions the Committee might make to the General Assembly would be explicitly submitted as dovetailing with the Council's proposals.

Mr. FLEMMING (United Kingdom) recalled that his delegation had already expressed its support for the proposed expanded programme and for any proposals which would contribute to its implementation. The many references that had been made to the work of IOC in that connexion had included suggestions that the Commission should have some direct responsibility to the Ad Hoc Committee or to the General Assembly. His delegation believed that those suggestions had serious procedural implications and would comment on them at a later stage of the Committee's proceedings.

Mr. HAQUE (Pakistan) believed that IOC would continue to play a very important role so far as the scientific aspects of oceanographic exploration was concerned and that it should have a very special place in the proposed expanded programme. He did not, however, consider that any change was required in IOC's Statutes for that purpose and his Government would have to give very careful consideration to the suggestions made by the Chairman of IOC at the Ad Hoc Committee's fifteenth meeting.

He thanked the United States representative for clarifying a number of matters concerning the proposed decade about which his delegation had had reservations.

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Mr. FEDOROV (United Nations Educational, Scientific and Cultural Organization) said that all the specialized agencies concerned with marine and ocean activities were fully aware of the importance of inter-agency co-operation and co-ordination and had already taken measures to facilitate the implementation of General Assembly resolutions 2172 (XXI) and 2340 (XXII). Recently, for example, a memorandum of understanding had been signed by the executive heads of FAO and UNESCO covering joint activities in marine science and fisheries, and a senior staff member of the FAO Department of Fisheries - a marine biologist - had been posted to UNESCO to serve as liaison officer and to collaborate in the work of IOC. Very similar arrangements were being worked out between UNESCO and WMO, and a WMO liaison officer had already been appointed to work with the IOC secretariat on common problems. A third example of inter-agency co-operation was the establishment of an IMCO/FAO/UNESCO group of experts on the scientific aspects of marine pollution. The Director-General of UNESCO considered that such developments would provide convincing evidence to the General Assembly of the value and appropriateness of the Secretary-General's proposals and, in particular, of those relating to the role of IOC in the expanded programme and its work with specialized agencies other than UNESCO. Such inter-agency efforts would, of course, also be relevant to the Committee's consideration of "practical means" to promote international co-operation.

On behalf of the Director-General of UNESCO, he thanked the Committee for its generous recognition of the work of IOC.

Rear-Admiral LANGERAAR (Chairman, Intergovernmental Oceanographic Commission) said that the status of IOC vis-à-vis UNESCO was described in the Secretary-General's report (annex XI, paras. 71, 84 and 85). IOC was not part of UNESCO, although most of its secretariat staff were provided by the Department of Natural Sciences of that agency, and some of its member countries were not members of UNESCO. Some of its decisions were carried out by UNESCO and some not.

The main emphasis in IOC's oceanographic research programme was on the scientific study of the sea and the ocean floor, with a view to rational exploitation of living and non-living marine resources. The Commission therefore considered itself competent to provide machinery through which other bodies and agencies could obtain the scientific information needed to facilitate their

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(Rear-Admiral Langeraar, IOC)

oceanographic work. In fact, IOC had been largely responsible for the organization of World Data Centres A and B and for a number of national, regional and specialized oceanographic data centres.

The Commission believed that the proposed expanded programme could with advantage encompass the marine productivity programmes of the International Biological Programme and the scientific aspects of the International Hydrographic Decade, in addition to the programmes of international co-operation currently under consideration by it. Projects recently suggested to IOC by member countries included investigation of the Antarctic, the North Atlantic, the South Pacific and the Caribbean and adjacent areas. Similarly, activities such as the current work of the International Council for the Exploration of the Sea (ICES) on turbidity in relation to marine pollution should, in the opinion of the Commission, find a place in the programme. He had quoted those examples to illustrate the fact that, until the content of the programme was finally determined, it would be premature to decide precisely how the role of the IOC should be broadened. At all events, exploitation and pre-exploitation development of mineral resources would not come within its competence.

Once the concepts of the programme had been precisely defined, its formulation - in other words, the translation of those concepts into instructions for the use of scientists and researchers - should be entrusted to scientists. Obviously, at that stage, the co-operation of all agencies and bodies involved would be vital, since each would have to specify the data it sought to obtain through its participation. In that connexion, it should be remembered that geological and geophysical research, a prerequisite for the exploitation of marine mineral resources, was an important component of such IOC-sponsored projects as the second phase of the Co-operative Study of the Kuroshio Current. Much of its work, in fact, consisted of the organization of scientific activities at sea, the visibility of all its projects being ensured by the fact that they were undertaken only after approval by one of its scientific advisory bodies, the Scientific Committee on Oceanic Research (SCOR) and the Advisory Committee on Marine Resources Research (ACMRR).

(Rear-Admiral Langeraar, IOC)

In order to obviate possible misunderstanding, he stressed that IOC had in no case participated in the drafting of treaties or conventions; such legal studies as it had undertaken were intended to provide information on circumstances in which existing provisions of the law of the sea, or the absence of such provisions, might be an impediment to scientific research. Similarly, its work on marine pollution and on an integrated global ocean station system, for example, was carried out in conjunction with IMCO, WHO and WMO and complemented the activities of those agencies. The Commission favoured the closest possible inter-agency co-operation, particularly at the present stage, when national co-ordination of oceanographic activities was still inadequate.

The meeting rose at 1.15 p.m.

SUMMARY RECORD OF THE NINETEENTH MEETING

Held on Monday, 26 August 1968, at 5 p.m.

Chairman:

later,

Mr. AMERASINGHE

Mr. DANIELI

Ceylon

United Republic of
Tanzania

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SCIENTIFIC ASPECTS OF THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION (A/AC.136/17) (concluded)

The CHAIRMAN, after recalling that the Intergovernmental Oceanographic Commission of UNESCO (IOC) had transmitted to the Ad Hoc Committee a study entitled "Scientific aspects of peaceful uses of the ocean floor" (A/AC.135/17) which, together with other documents, had served as the basis of the Committee's discussion of the question (A/AC.135/SR.15 and SR.18), pointed out that the Chairman of IOC, in presenting that study, had suggested that the Committee should support the Secretary-General's proposal to broaden the base of IOC so as to enable it, inter alia, to co-ordinate activities under the expanded programme of oceanic research and to ensure close collaboration with the United Nations bodies concerned.

At the 18th meeting, the United States representative had made a detailed statement on the international decade of ocean exploration which he proposed should begin in 1970. He had stressed that the decade was only one element in a long-range and long-term programme to be undertaken under the aegis of the United Nations and would be an important means of stimulating the investigation of sea-bed resources and of fostering international co-operation in their exploration and development. The primary purpose of the programme would be to study some of the sea floor resources of which little was yet known and to prepare accurate maps showing the geological composition of the sea-bed since such maps would facilitate the appraisal and location of possible deposits. IOC would be responsible for co-ordinating the preparatory work, a function which would not necessitate a broadening of its mandate. Besides giving the developing countries an opportunity to take part in research activities and to benefit from the results obtained, the decade would, that representative had felt, result in an expansion of knowledge of existing ocean resources, the improvement of the instruments and methods used in mineral exploitation and in navigation, the promotion of international co-operation, the expansion of the knowledge of the developing countries in marine science and technology and, most important of all, the opening up of the resources of that area to economic exploitation.

The need to avoid any duplication of activities in that field had been recognized by all delegations. It had been stated that the basic principle to be observed was the freedom of scientific research and the universal sharing of the

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(The Chairman)

results of such research. In that regard it had been suggested that the General Assembly should take steps to improve the dissemination of information and to promote training. It had also been suggested that priority should be given to the study of the topography of the ocean floor and to the preparation of accurate bathymetric maps, the improvement of the international data exchange system and the prevention of pollution. Many of those tasks were within the objectives of the proposed decade.

The Secretary-General's proposal that IOC should be instructed to formulate an expanded programme of international co-operation had been widely endorsed, although some speakers had expressed reservations regarding the financial implications of such a programme. The Chairman of IOC had emphasized that the Commission's collaboration would be exclusively scientific in nature, regardless of how its mandate might later be broadened. Several speakers had stressed that the United Nations should co-ordinate and supervise the scientific research activities undertaken. Some delegations had expressed the hope that the General Assembly would carefully consider any programme of activities concerned with the oceans as a whole, whether in connexion with the decade or with the work of IOC.

The Soviet Union representative had agreed with IOC's conclusion that the international decade of ocean exploration could stimulate the preparation of an expanded programme. In the view of that representative, such a programme should include a study of the stratification of deep-lying minerals and of the techniques to explore marine resources and should provide for their exploitation. In preparing its expanded programme, IOC should take into account the Secretary-General's proposals and the objectives of the international decade suggested by the United States.

The representative of UNESCO had said that, in order to foster inter-agency co-operation, IMCO, UNESCO and FAO would probably establish a world group of experts to study the scientific aspects of ocean exploration.

Lastly, the establishment of an international decade and an expanded programme under IOC co-ordination had been widely welcomed.

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CONSIDERATION OF PRACTICAL MEANS TO PROMOTE INTERNATIONAL CO-OPERATION IN THE EXPLORATION, CONSERVATION AND USE OF THE SEA-BED AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, AND OF THEIR RESOURCES

Mr. MEEKER (United States of America) said the Committee was at the stage of taking stock. It was not possible at this time to establish a boundary for the new environment under consideration or to work out the texts of international agreements respecting a régime for the sea-bed and deep ocean floor beyond the limits of national jurisdiction. He assumed that the General Assembly would want to arrange for carrying forward a sustained effort on those questions.

Several draft resolutions had been introduced in the Legal Working Group during the Ad Hoc Committee's second session. He assumed those would be forwarded to the General Assembly for its consideration. Nevertheless, the Committee was already in a position to state certain basic propositions upon which a consensus had been reached. First, as several delegations had already stated, the existence of an area of the sea-bed and the ocean floor beyond the limits of national jurisdiction should be affirmed. Next, it should be stated that a clear boundary of this area is needed and that work to this end should go forward, taking into account the provisions of article 1 of the 1958 Geneva Convention on the Continental Shelf, with the understanding that any exploitation or use of the area prior to the definition of those boundaries would not affect its location. A third suggestion for consensus was that international arrangements governing the exploitation of the resources of the sea-bed and the deep ocean floor should be agreed upon as soon as practicable.

Furthermore, certain principles could be recognized as applying immediately to activities on the sea-bed and the ocean floor which would subsequently be reflected in any future international arrangements. First, there could be no incorporation into national territory of areas beyond the limits of national jurisdiction where those limits have been established. Secondly, there should be no discrimination in the availability of that region. Thirdly, such exploration and use should be carried on for the benefit and in the interests of all mankind. Fourthly, the sea-bed and the deep ocean floor beyond the limits of national jurisdiction should be used exclusively for peaceful purposes. Fifthly, activities in that area should be conducted in accordance with the rules of international law, including the Charter of the United Nations.

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Mr. DENORME (Belgium) formally presented his Government's proposal concerning the establishment of a standing committee on the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction, which had been circulated as document A/AC.135/29, and pointed out that the Ad Hoc Committee's work had brought to light highly complex and controversial aspects of the question of their peaceful uses. There could be no question, however, of abandoning the task that had been undertaken. In that connexion, he recalled that the representative of Belgium had already suggested to the Ad Hoc Committee on 9 July 1968 that a recommendation be made to the General Assembly to establish a standing committee responsible not only for enumerating the problems but also for preparing solutions that would be acceptable to the international community.

After giving careful thought to the problems involved in the establishment of a standing committee and hearing the views and suggestions put forward by a large number of delegations, the Belgian delegation thought that it would be premature to discuss paragraph 5 of working paper A/AC.135/29, which dealt with the composition of the standing committee, a question that did not come within the purview of the Ad Hoc Committee. On the other hand, it would be useful to have a preliminary exchange of views on the terms of reference of the proposed committee.

Speaking of the working paper, he said that the standing committee should play a leading role in the political, legal and economic spheres, but leave the major responsibility for the remaining areas to other organs.

The main task of the standing committee would relate to the régime to be established for the sea-bed and the ocean floor beyond the limits of national jurisdiction. The Legal Working Group, moreover, deemed it necessary for international arrangements to be agreed upon with respect to the uses of the resources in that area. He referred, in that respect, to paragraph 31 of the report of the Legal Working Group, and paragraphs 23 and 55 of the report of the Economic and Technical Working Group (A/AC.135/L.3).

In the light of the consensus of opinion expressed in the reports of both Working Groups on the régime to be established for the sea-bed and the ocean floor beyond the limits of national jurisdiction, the delegation of Belgium had framed the second point of the draft terms of reference for the standing committee (A/AC.135/29, paragraph 3 (2)), which he read out to the Ad Hoc Committee.

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(Mr. Denorme, Belgium)

The second major aspect of the standing committee's future mandate concerned economic matters. In appraising the extent of the marine mineral resources and their geographical distribution, the Economic and Technical Working Group had pointed out that information on such resources beyond the continental shelf was still limited and incomplete. Moreover, when discussing the present techniques for the exploration and evaluation of marine mineral resources, the Working Group had been cautious in its forecasts of the future tempo of technological development, without, however, discounting the possibility of new break-throughs.

With regard to the development of those resources, the potential impact of their production on the world market and prices, and the harmful effects that such development might have on the traditional uses of the sea, the conclusions of the Economic and Technical Working Group contained reservations that were dictated by the inadequacy of the factual information on which the conclusions were based. The proposed standing committee should therefore continue to study those questions, updating the information and revising earlier forecasts, while bearing in mind the unanimous opinion of the Ad Hoc Committee that international co-operation was needed to develop marine mineral resources for the benefit of all mankind. That point was covered in the terms of reference of the proposed standing committee by paragraph 3 (3), which he read out.

The third question which the standing committee should deal with was the use of the sea-bed and the ocean floor beyond the limits of national jurisdiction exclusively for peaceful purposes. That principle had already been affirmed by the Permanent Representative of Belgium in the First Committee on 15 November 1967. The Belgian delegation had continued to uphold that principle, which was expressed in the fourth point of the draft terms of reference (A/AC.135/29, paragraph 3 (4)), which he read out.

His delegation was happy to note that its position on that point now seemed to be shared by the majority of delegations. It was reflected, in particular, in paragraph 3 of the draft declaration submitted by the delegation of India (A/AC.135/L.1, annex III) and it had been expressed in various ways in the statements made by numerous delegations, in particular that of the United States, which had stressed the need to prevent the arms race from spreading to new environments, and expressed the hope that the General Assembly would adopt a

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(Mr. Denorme, Belgium)

resolution declaring that the sea-bed and the ocean floor should be used exclusively for peaceful purposes.

In drawing up the draft terms of reference for the proposed standing committee, the Belgian delegation had not overlooked the existence of other organs specially concerned with disarmament or the role that they should play in the negotiation of possible agreements. Its purpose had been simply to entrust the standing committee with a co-ordinating role in all matters pertaining to the sea-bed and the ocean floor.

Turning to the part that the standing committee might play in scientific matters, he explained that his delegation had not intended in any way to disregard the activities of the Intergovernmental Oceanographic Commission, which had proved its value and had prepared an excellent report on the scientific aspects of the item to enable the Ad Hoc Committee to carry out its mandate. The close co-operation which had thus been established between IOC and the Ad Hoc Committee should be strengthened. It was worthy of note that, in his statement on 21 August, the Chairman of IOC had expressed the hope that the Ad Hoc Committee would recognize IOC as the specialized scientific advisory body on marine science and the organization of marine science for any United Nations organ dealing with the legal, political and economic aspects of the marine environment. The Belgian delegation fully endorsed that view, and that was the interpretation which should be given to the first point of the Belgian draft terms of reference (A/AC.135/29, paragraph 3 (1)), which he read out.

Turning to the problem of marine pollution, which had been studied by both Working Groups, he drew attention to paragraph 47 of the report of the Economic and Technical Working Group and to paragraph 39 of the report of the Legal Working Group (A/AC.135/L.1, annex II). In his view, the standing committee should "study the measures of co-operation which the international community might adopt to prevent all forms of marine pollution, particularly that which may result from the development of mineral resources of the sea-bed and ocean floor" (A/AC.135/29, paragraph 3 (5)).

In that regard, due importance should be given to the role already being played by some of the specialized agencies, particularly IMCO and IAEA, and efforts should be made to prevent the standing committee's co-ordinating function from giving rise to conflicts of competence or to duplication.

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(Mr. Denorme, Belgium)

In his delegation's view, the General Assembly could not delegate its powers to a small committee, and all conclusions to which the standing committee might come should be subject to approval. That was why the standing committee should be instructed to submit to the General Assembly annual reports on its activities, including specific recommendations on ways and means of solving some of the problems which had been brought out in the reports of the Working Groups. It was in the light of those considerations that the sixth point of the Belgian draft terms of reference (A/AC.135/29, paragraph 3 (6)) which he read out, had been drafted.

The scope and complexity of the problems raised by the item under consideration confirmed the need for the establishment of a standing committee with a co-ordinating role; the committee might refer some questions to subsidiary organs, but it would receive reports from them and would co-ordinate their work. That was the spirit in which the seventh point of the Belgian draft terms of reference (A/AC.135/29, paragraph 3 (7)), which he read out, had been drafted.

The documents received from the different competent sources also revealed the need for a standing committee capable of ensuring the necessary co-ordination in so complex a field. That standing committee should not, however, be considered as a kind of managing board for the ocean floor as there was nothing yet to show that such a body was even desirable. However, as the Ecuadorian representative had pointed out, it was important to prevent the study of the question with which General Assembly resolution 2340 (XXII) was concerned from losing its unity and even the reason for its existence by splitting up its various aspects among a large number of specialized bodies. If it based itself on operative paragraph 4 of the Indian draft declaration (A/AC.135/L.1, annex III), the General Assembly could prevent any duplication on that point or any conflict of competence, which must be detrimental to co-operation.

In preparing its draft terms of reference for the standing committee, his delegation had not attempted to change either the item included in the agenda of the General Assembly's twenty-second session at the request of the Maltese delegation or the title of resolution 2340 (XXII). The words "in this field" which occurred in various passages of the text of the draft resolution annexed to the working paper (A/AC.135/29) had been used only for convenience and as a substitute for the full expression, which was "the sea-bed and the ocean floor and the subsoil

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(Mr. Denorme, Belgium)

thereof beyond the limits of national jurisdiction"; that was the sense in which those words should be understood and interpreted.

When his delegation had proposed the establishment of the Ad Hoc Committee at the twenty-second session of the General Assembly, as a compromise, some delegations had expressed the fear that the mandate of the Ad Hoc Committee would be renewed, that the study requested would take more than a year to complete and that the compromise formula might be in reality a delaying tactic. The reassurance given by his delegation at the time would prove to have been justified if the General Assembly recognized that the Ad Hoc Committee had carried out its task, and if it decided to set up the standing committee to which some reference had been made by every delegation during the debate.

All that would then remain to be done would be to lay down the standing committee's exact terms of reference. Preliminary consultations had shown that some changes would have to be made in the text of the present draft. His delegation would warmly welcome any suggestions that might be made and it hoped that a draft resolution in final form could be submitted to the General Assembly on behalf of all the Ad Hoc Committee's thirty-five members. Such unanimity would provide a solid foundation for the work of the future standing committee.

In his delegation's view, there could be no doubt that the measures which the Ad Hoc Committee would call to the attention of the General Assembly with respect to international co-operation for the exploration and exploitation of the resources of the sea-bed and the ocean floor in the interests of mankind should include the establishment of a standing committee on the peaceful utilization of the sea-bed and the ocean floor beyond the limits of national jurisdiction, a committee with a mandate roughly along the lines that he had just indicated. His delegation believed that the factual data compiled by the Ad Hoc Committee fully justified such a step, and it trusted that there would be a unanimous recommendation to that effect.

Mr. Danielli (United Republic of Tanzania) took the Chair.

Mr. GAUCI (Malta), speaking as representative of Malta, said that the time had come to identify the areas of agreement and to try to narrow differences.

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(Mr. Gauci, Malta)

The Committee had recognized the existence of an area which was at present beyond the limits of national jurisdiction and was not subject to claims of sovereignty; the area was potentially very rich in resources and those resources were to be used for the benefit of all mankind; it was already accessible and would become increasingly so as technology advanced; it was not yet adequately covered by existing international law and a new juridical structure had to be considered; and international scientific co-operation must be promoted to broaden existing knowledge of the area. The Committee had also acknowledged the need for further study and agreed that the unity of the item should be maintained and that the extension of the arms race to the ocean floor must be prevented.

For all those reasons it was clearly necessary to set up a committee with more time at its disposal and with broader terms of reference than the Ad Hoc Committee.

Members had also felt that the General Assembly should adopt a declaration of principles, particularly those which had received wide support and were contained in paragraph 43 of the Legal Working Group's report. His delegation welcomed the constructive statement just made by the United States representative. It was important that the international community should take steps to prevent further extensions of national sovereignty until such time as the area beyond the limits of present national jurisdiction was defined.

The problems were complex and difficult to solve; pressures of an economic and military nature to exploit the sea-bed were increasing, and no effective regulatory system had yet been devised. It was sufficient to recall the plans for a manned habitat within three to five years on the mid-Atlantic ridge, which probably contained extensive petroleum and natural gas deposits. The article which had appeared in the British journal "Mining" of 12 July 1968 was particularly informative. It was therefore high time to act.

Mention should also be made of the licences issued by some twenty States for the exploitation of areas situated at a depth greater than 200 metres and, in some cases, more than 200 miles off shore. The report of the National Petroleum Council, dated 9 July 1968, was explicit and foresaw the exploitation of the ocean floor, which was defined in the report of the Technical and Economic Working Group as "a rolling plain from 3,300 to 5,500 metres below the surface of the water".

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(Mr. Gauci, Malta)

That was a far cry from the 200-metre depth mentioned in the Convention on the Continental Shelf. The existing situation might undergo radical and rapid change, and for that further reason the consideration of the remaining problems should be concluded as soon as possible, in order that all the possibilities could be faced.

Furthermore, as was pointed out in document E/4487, the developing countries were in an unfavourable position with regard to oceanographic activities, and had been unable to negotiate equitable contracts to exploit the resources of their own continental shelf. There was a considerable gap between a few fortunate countries and the developing countries where oceanographic research was concerned. Only about twenty countries had oceanographers and oceanographic vessels, and allocated varying sums of money to research. The distribution of resources among those countries was also very unequal, since six of them possessed more than half of the personnel and funds available. In the most favourable circumstances the situation would only improve very slowly, from the point of view both of personnel and of funds and equipment. There was also a considerable disparity between the resources available to European oceanographic institutes and the sums spent on oceanographic research by the country most active in the area. If the arms race spread to the sea-bed, involving very heavy expenditure, the volume of international aid to oceanography, which was already inadequate, would inevitably decline.

The idea for an international decade of ocean exploration put forward by the United States was very interesting, and IOC could be given the task of co-ordinating activities under it. The developing countries could definitely benefit from the exploration of their own continental shelf, but the fact remained that only the few countries having the funds and technical means required would actually participate in the decade, which would therefore not solve the basic problem before the Committee.

Nevertheless, the knowledge gained during the decade should be communicated to all interested countries, and the terms of reference of the proposed standing committee should include the study of the activities undertaken within its framework. His delegation also welcomed the two other specific proposals made by the representative of the United States, that Rose Island should be made available for scientific investigations and that certain areas of the ocean floor should be kept as natural preserves. The working paper introduced by the representative of Belgium

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(Mr. Gauci, Malta)

would provide a useful basis for continuing the work which remained to be done. The proposed committee should endeavour, bearing in mind the work of other United Nations bodies, to provide direction to international and intergovernmental activities involving the sea-bed and the ocean floor beyond the limits of present national jurisdiction. It should also encourage international co-operation in the exploration and exploitation of the area and criteria for the establishment of a satisfactory legal régime.

The other aspects of the Committee's future terms of reference were set out clearly in the working paper submitted by the representative of Belgium.

All the members of the Ad Hoc Committee appeared to share the views expressed by the Ambassador of Malta when he introduced the item before the First Committee in 1967. The Committee should now chart a course of action such that the exploration and use of the earth's last remaining frontier would be a united endeavour.

The meeting rose at 6.30 p.m.

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SUMMARY RECORD OF THE TWENTIETH MEETING

Held on Tuesday, 27 August 1968, at 11.05 a.m.

Chairman:

Mr. AMERASINGHE

Ceylon

later,

Mr. KRAJEWSKI

Poland

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CONSIDERATION OF PRACTICAL MEANS TO PROMOTE INTERNATIONAL CO-OPERATION IN THE EXPLORATION, CONSERVATION AND USE OF THE SEA-BED AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, AND OF THEIR RESOURCES (continued)

Mr. HARDERS (Australia) said that the Committee's current discussion of practical means of promoting international co-operation in the exploration, conservation and use of the sea-bed and ocean floor and of their resources provided his delegation with an opportunity to restate its position on the matters on which the Committee was required to report to the General Assembly.

His delegation, in common with a number of others, was convinced that the function of the Committee, under its terms of reference, to which the Committee should at all time address itself, was to explore, not to decide. The General Assembly in resolution 2340 (XXII), had clearly recognized that the Committee could not be expected to do more in the study requested in operative paragraph 2 than to begin the examination of the very substantial problems of law and policy relevant to its terms of reference. The "indication of practical means to promote international co-operation in the exploration" of the sea-bed, which was to be embodied in that study, should make it clear that, despite the paucity of existing information concerning the sea-bed and ocean floor beyond the limits of national jurisdiction, study of the ocean depths was continuing and should be intensified. In that connexion, his delegation supported the Secretary-General's proposals and the United States proposal for an international decade of ocean exploration.

The item related also to the use of the sea-bed and the ocean floor beyond the limits of national jurisdiction and, as implied in the title, the field of study clearly did not include the use of the continental shelf and its resources. It had never been suggested that the use of the resources of the continental shelf was within the Committee's charter. On the subject of the use of the sea-bed exclusively for peaceful purposes, he supported the views expressed by the representatives of the United States and the United Kingdom at the seventeenth meeting; resolution 2340 (XXII) was not directed towards or against uses of the sea-bed of the kind described by the United States representative. Moreover, it would be idle to think of preventing the use of defensive devices on the sea-bed while offensive measures in the high seas above it continued to be free of restriction. He supported the principle of the reservation of the sea-bed exclusively for peaceful purposes and maintained that the most appropriate machinery

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(Mr. Harders, Australia)

for further consideration of the peaceful uses was the Committee on Disarmament. Referral to that Committee as an experienced negotiating body, would not, of course, preclude the General Assembly from undertaking a general study of all aspects of the subject and to assigning an appropriate role to a future sea-bed committee.

A number of matters concerning the use of the sea-bed and the ocean floor beyond the limits of national jurisdiction had been affirmed so frequently that they could be recorded in the Committee's report as issues on which the Committee had made some progress. Some of them might seem simple and elementary but they were nevertheless fundamental. The first was the general conclusion that there existed an area of submerged land beyond the limits of national jurisdiction. That conclusion should be amplified by a reference to the conviction of his and other delegations that the Committee, in considering the practical means of promoting international co-operation, must bear in mind that many States had accepted the rights and obligations devolving upon them as parties to the Convention on the Continental Shelf and had, in fact, given effect to its provisions in national legislation concerning rights of exploration and exploitation.

Secondly, the report should mention two views which had gained wide acceptance in the Committee: that the area under discussion in the Committee should not be susceptible to national appropriation or claims of national sovereignty and that its resources should be available for the benefit of all mankind. It should also mention that international law did not provide an adequate basis for control of the exploitation of the resources of the sea-bed beyond the limits of national jurisdiction. The differences of opinion concerning the means by which national boundaries might be defined and the precise limits of national jurisdiction were matters which were obviously not going to be easy to solve.

Other matters which might be included in the report as requiring international co-operation for their solution included marine pollution and the accommodation of other interests, such as navigation and fishing in any new oceanic activities; moreover, reference should be made to the need for all activities of the kind the Committee was considering to be conducted in accordance with the principles of international law and of the United Nations Charter. It was his delegation's view that the Committee's work was the first stage in the writing of an important

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(Mr. Harpers, Australia)

chapter in the law of the sea and that the work would have to be continued, either by extending the term of the Ad Hoc Committee or by setting up a standing committee.

There appeared to be considerable support in the Committee for the Belgian proposal to set up a standing committee (A/AC.135/29) and his delegation was prepared to support it if it should prove acceptable to the majority. A desirable preliminary step might be to examine the Ad Hoc Committee's existing terms of reference with a view to determining how best they could be extended and strengthened, bearing in mind that they called only for an indication of means that might be adopted. One course would be to keep close to the language of the present terms of reference, with such extensions as seemed indicated in the light of the Committee's experience and the fact that a new committee would be expected to develop and take the matter further.

Mr. ANDRASSY (Yugoslavia) complimented the Belgian delegation on the constructive proposal it had submitted at the previous meeting. All members of the Committee agreed that its important work should be pursued further and that the subject-matter required thorough study. The Committee had made satisfactory progress in some respects and had laid a solid foundation upon which work on the many remaining problems, particularly those concerned with exploitation, could be based. He accordingly supported the proposal for a standing committee and would take the opportunity at a later stage to speak on its possible terms of reference and the form in which the Committee might submit its views and recommendations to the General Assembly.

Mr. SCHRAM (Iceland) said that many of the documents considered by the Committee referred to the danger of pollution of the marine environment. The Secretary-General's report (E/4487, para. 278) stated that international action to control marine pollution was becoming urgent; the effects of indiscriminate waste disposal on living marine resources were referred to in a Secretariat paper (A/AC.135/15), in the Secretary-General's report on the resources of the sea (E/4449/Add.1) and in the United States proposal for an international decade of ocean exploration. Moreover, the view had already been expressed in the Committee

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(Mr. Schram, Iceland)

that any future international legal régime should make provision for minimizing accidental pollution of the seas and the disturbance of existing biological, chemical and physical processes and balances.

Advances in the exploitation of the resources of the sea-bed and the ocean floor had created a new danger of accidental marine pollution, which was all the more serious in that the expansion of the world's fisheries in the foreseeable future was expected to provide much of the additional food supply required by an expanding population. There was therefore a clear need for intergovernmental agreements based on a code of rules accepted by the entire world community.

It was in that spirit that his delegation was submitting a draft resolution on marine pollution (A/AC.135/31). It believed that to deal with the subject in a draft resolution for the consideration of the General Assembly, rather than as one of a series of principles, would do much to encourage an internationally negotiated agreement on the subject. The subject of the draft resolution was, as members of the Committee would note, not marine pollution in general but possible pollution of the marine environment which might arise from the exploration and exploitation of the sea-bed and the ocean floor and the subsoil thereof. The purpose of operative paragraphs 1 and 2 was to draw the attention of Member States to the need to fill a vacuum in international law: neither the Convention for the Prevention of Pollution of the Sea by Oil nor the Convention on the High Seas made adequate provision for protection against the kind of marine pollution he had described. A study of appropriate legislation might be undertaken by a special conference or by a future United Nations conference on the law of the sea. As operative paragraph 3 indicated, such a study should also cover the need to minimize mutual interference between operations by which ocean wealth was harvested and the protection of living and non-living resources liable to pollution. In operative paragraph 4, the Secretary-General was requested to arrange for such a study. The Intergovernmental Maritime Consultative Organization (IMCO) was, in his delegation's opinion, the body best qualified to do that work, in co-operation with the Joint Group of Experts on the Scientific Aspects of Marine Pollution.

Mr. BEAULIEU (Canada) said that the Committee, in completing its consideration of the use of the sea-bed beyond the limits of national jurisdiction for peaceful purposes only, had discharged one of its most important functions.

(Mr. Beaulieu, Canada)

Such problems as the potential effect of exploitation on navigation and fisheries had, perhaps, not been studied in sufficient detail, but the foundation had been laid for future work. In line with operative paragraph 2 (c) of General Assembly resolution 2340 (XXII), the final part of its work at the current session should not result in the submission of recommendations or suggestions to the General Assembly: the "indication mentioned in that paragraph should be interpreted as a statement of issues on which the Committee had reached unanimous - or even general agreement. If, however, the Committee as a whole considered that its terms of reference permitted it to submit a declaration of principles to the Assembly, his delegation would be prepared to reconsider its position.

There appeared to be general agreement within the Committee on a number of matters. It had not been disputed, for example, that there existed outside the limits of national jurisdiction an area susceptible to regulation by provisions of international law other than those of the Convention on the Continental Shelf. No delegation had contended that national jurisdiction was limited otherwise than by the median line or the criterion of exploitability. His delegation recognized that a new definition of national jurisdiction was required and that submerged areas outside that jurisdiction should be deemed to be an international zone accessible to all and not susceptible to claims of national sovereignty.

Canada maintained its position of giving full support to any affirmation that the sea-bed and the ocean floor should be used exclusively for peaceful purposes. However, simply to assert that principle would not suffice to prevent a new arms race in the area; the Committee was also called upon to indicate practical measures for attaining that end. In course of his statement at the Committee's 19th meeting, the representative of the United States had proposed such measures and suggested that the Eighteen-Nation Committee on Disarmament should take up the matter in order to prohibit weapons of mass destruction on the sea-bed and the ocean floor. Other measures aiming at general and complete disarmament would naturally follow, but again a simple proclamation of principle would not be sufficient; the final solution would have to rest on a realistic foundation and gain the support of the large majority of States. Control machinery to ensure compliance would also have to be provided.

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(Mr. Beaulieu, Canada)

While he agreed with the representative of Ecuador that all Members of the General Assembly had the right to concern themselves with disarmament, he believed that the Eighteen-Nation Committee on Disarmament, as an expert group, was the appropriate body to give final form to the proposals being discussed by the Ad Hoc Committee.

Care should be taken to ensure that the expression "peaceful uses" was not interpreted so broadly as to become meaningless. It could not be taken to cover all military activity irrespective of its nature or purpose, since the right to self-defence remained, no less than the principle of non-aggression, a fundamental principle of international law.

There was unanimous agreement in the Committee that more scientific and technical knowledge was needed concerning the exploration, conservation and exploitation of the natural resources of the sea-bed and the ocean floor, and the subsoil thereof. Although the Committee's terms of reference were confined to the area beyond the limits of national jurisdiction, very little was known of the sea-bed which came within national jurisdiction under the terms of the 1958 Convention; however, it was clear that progress made in that area would have a decisive effect on what might one day be possible beyond those limits.

His delegation would therefore support any plan for co-ordinating and publicizing work done in that area, but did not believe that there was any need to change the statutes of the international organizations already dealing with the matter. Canada was therefore in favour of expanding the co-ordinating role of IOC, in co-operation with the other agencies concerned, and was prepared to study practical means of implementing the United States proposal for an international decade of ocean exploration.

The view of some delegations that all exploration and exploitation in the area being studied by the Committee should be prohibited until a precise legal system had been devised seemed unjustified, since any such system would be unsatisfactory unless based on adequate scientific knowledge. It seemed unwise to attempt to draft detailed regulations at the present stage, in view of the effect which they might have on navigation, fishing and the conservation of biological resources; the Committee should for the moment confine itself to stating its belief in the value of existing international regulations. Reference to international law

(Mr. Beaulieu, Canada)

and to the United Nations Charter would be sufficient to maintain the principles of freedom of the seas, responsibility, non-intervention, the maintenance of peace and the progress of mankind. While the Committee had made considerable progress, which should be indicated in its report to the General Assembly, its work was not yet sufficiently far advanced for it to do anything more than indicate, by concentrating on the ideas which were generally acceptable to its members, the general direction which future activities should follow.

Mr. ARORA (India) said that ever since the question of the sea-bed had been raised by the representative of Malta at the twenty-second session of the General Assembly, his delegation had been in favour of the Assembly recommending principles to guide subsequent activities in the area. At the seventh meeting of the Ad Hoc Committee, it had recommended the adoption of a declaration based on the principles that the sea-bed and the ocean floor beyond the limits of national jurisdiction were part of the common heritage of mankind and should be used for the benefit of all countries, particularly the developing countries; that any exploration and exploitation carried out should be in accordance with international law and the United Nations Charter; and that the United Nations should give direction and purpose to activities which might later be undertaken.

At the 11th meeting of the Committee, the Indian delegation had submitted the draft declaration contained in document A/AC.135/21, and at the twelfth meeting it had stated that the declaration had obtained wide support in the Legal Working Group.

He noted that at the twelfth meeting the USSR delegation had proposed that the Committee should recommend the General Assembly to appeal to all States to use the sea-bed and the ocean floor beyond territorial waters solely for peaceful purposes and to request the Eighteen-Nation Committee on Disarmament to discuss the matter as a matter of urgency. At the same time, the USSR delegation had stated that it did not exclude the possibility of discussing, at the Committee's third session, 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. Such statements seemed incompatible with the view, expressed by the USSR representative at the 16th meeting, that it would be premature to draft legal

(Mr. Arora, India)

systems regulating the activities of States in the area, since the nature of those activities was not yet clearly defined. The Indian delegation hoped that the Soviet Union's position could be modified to allow the Committee to adopt a declaration at the current session.

The statement of principles in the draft resolution submitted by the United States (A/AC.135/25) failed to mention the main principles of concern to the developing countries. It was silent regarding the exploration and use of the sea-bed and ocean floor beyond national jurisdiction for peaceful purposes, that such use should be exclusively for the benefit of mankind as a whole, and the fact that the sea-bed and ocean floor were not subject to national appropriation. In addition, it referred to "the deep ocean floor" rather than "the sea-bed and the ocean floor beyond the limits of present national jurisdiction" - the words used in the title of the item - and mentioned the subsoil thereof only in operative paragraph 3. The objectives stated in paragraph 2, referring to arrangements governing the exploitation of resources, also seemed to be at variance with the title of the item. No mention was made of the special interests of the developing countries and adequate stress was not laid on the need for international regulation and co-operation. The aim of the draft as a whole seemed in fact to be to facilitate the activities of the technologically advanced countries rather than those of the developing countries.

In his statement at the 19th meeting of the Committee, the representative of the United States had advanced three basic propositions. The first was that there was and would continue to be an area of the sea-bed and deep ocean floor beyond the limits of national jurisdiction; the second, that the boundary of that area needed more precise definition; and the third, that there should be established as soon as practicable internationally agreed arrangements governing the exploitation of its resources. The Indian delegation had no objection to the first two propositions, but would oppose the third if the arrangements were those specified in the United States draft resolution. The statement in that text that "no States may claim or exercise sovereignty or sovereign rights" over any part of the sea-bed or the ocean floor beyond the limits of national jurisdiction was acceptable, but the provision that there should be no discrimination in the availability of the area for exploration and use by all States and their nationals seemed premature,

(Mr. Arora, India)

since it might preclude the establishment of the necessary machinery under an international régime. To avoid widening the economic gap between the developed and the developing countries, it should be made clear that particular attention would be paid to the interests of the latter. His delegation welcomed the acceptance by the United States of the principle that the sea-bed and the ocean floor should be used exclusively for peaceful purposes and agreed that activities in the area should be conducted in accordance with international law, including the United Nations Charter; both those points were included in the Indian draft declaration (A/AC.135/21). The developing countries were making an effort to formulate generally acceptable principles in that connexion, and he hoped that all members of the Committee would show a spirit of accommodation and endorse them when submitted.

After the introductory statement by the representative of Belgium, the Belgian proposal regarding the standing committee and its mandate (A/AC.135/29) was more acceptable to his delegation. He wished however to propose the following revised version of paragraph 3 (2):

"To study the elaboration of a body of rules and the establishment of an international régime which would promote international co-operation in the exploration and utilization of the sea-bed and ocean floor and the subsoil thereof beyond national jurisdiction and, in particular, the legal rules which should govern such activities and to study the economic requirements that such a régime should satisfy in order to meet the interests of the international community."

At a previous meeting of the Committee, his delegation had stressed the importance of preserving the unity of the item as defined in the Committee's terms of reference; only thus could effective progress be made towards utilizing the resources of the sea-bed and the ocean floor for the benefit of mankind. He therefore regretted the failure of the delegations of the Soviet Union and the United States to accept that view, and hoped that in the light of the convincing statements made by, among others, the representatives of Ecuador and Malta, they would find it possible to endorse a broader mandate and increased responsibilities for the standing committee whose establishment was proposed by the Belgian delegation.

Mr. Krajewski (Poland) took the Chair.

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Mr. GORALCZYK (Poland) considered that the idea of establishing a standing committee to continue the work of the Ad Hoc Committee deserved support in principle. The Ad Hoc Committee had only begun the discussion of the very complicated and vast problems before it; that discussion should be continued, and when the necessary scientific, technological and economic information had been obtained, it would be possible to reach useful legal conclusions and to secure acceptance of the principles which would govern the future activities of States on the sea-bed and the ocean floor.

In establishing the terms of reference of the new committee, duplication of the work of existing United Nations bodies should be avoided. His delegation wished to stress, in particular, the role of the Intergovernmental Oceanographic Commission (IOC) in the co-ordination of national and international scientific research programmes. IOC deserved full support, and his delegation saw no reason to deprive it of part of its functions or to duplicate its work. Consequently, in the matter of international co-operation in scientific research, the functions of the proposed committee and of IOC should be carefully defined, with due regard to the present leading role of IOC. Similarly, with regard to measures for the prevention of the pollution of the sea, stress should be laid on the role played by the Inter-Governmental Maritime Consultative Organization (IMCO), which already had considerable experience in the study and implementation of measures to prevent pollution of the sea by oil.

As to the military aspects of the problem, the Eighteen-Nation Committee on Disarmament was the most appropriate body for studying practical measures for preventing the use of the sea-bed and the ocean floor for other than peaceful purposes. Only it had the military experts competent to deal with the complex and very delicate technical problems of non-armament and disarmament.

The clarifications given by the Belgian delegation, in presenting its working paper (A/AC.135/29), generally speaking, covered the points made by the Polish delegation. The definition of the committee's terms of reference in the Belgian draft resolution might be amended somewhat, in the light of those clarifications and of the ensuing discussion in the Committee. Moreover, the limits of national jurisdiction were still not sufficiently defined and established. Consequently, the new committee might be asked to study that problem. Lastly,

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(Mr. Goralczyk, Poland)

the function of the standing committee should be not to take decisions, but to submit proposals for consideration by the General Assembly. The committee should be an advisory body and a working organ of the General Assembly, with authority to study political, economic and legal problems and to make appropriate recommendations to the General Assembly.

Mr. BETTINI (Italy) said that the key point in the item under discussion was the future of the Ad Hoc Committee. There were three possibilities: extension of the Ad Hoc Committee for one year; extension of the Ad Hoc Committee without limitation of time; and the establishment of a standing committee. His delegation would accept any of them but preferred the third. In any case, the problem of membership and terms of reference would have to be considered. In his view, the present composition of the Ad Hoc Committee was fair, and it would be convenient to retain it, thus avoiding the raising of a delicate issue. On the other hand, even if it was decided simply to extend the term of the Ad Hoc Committee, its terms of reference should be brought up to date. Lastly, the role of the Committee should be clarified and should include the co-ordination of all international activities in the exploration and utilization of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction, and the co-ordination of the work of international organizations concerned with those activities. Such co-ordination would facilitate international co-operation, promote the interests of mankind, and ensure the proper use of the means available. In that connexion, his delegation warmly commended the draft resolution submitted by Iceland (A/AC.135/31), which dealt with a problem of particular importance so far as internal seas were concerned.

Mr. ILLSINGER (Austria) said that, as the Chairman had indicated (A/AC.135/30), the Ad Hoc Committee's most important function was to comply with operative paragraph 2 (c) of General Assembly resolution 2340 (XXII). The views expressed and suggestions put forward by Member States at the twenty-second session of the General Assembly had been amplified during the meetings of the Ad Hoc Committee and had been considered by its Working Groups. The Economic and Technical Working Group had succeeded in identifying problems which needed to be solved if the challenge raised in General Assembly resolution 2340 (XXII) was to

(Mr. Illsinger, Austria)

to met. One such problem was the limited knowledge of the ocean floor and its resources. Obviously there must be an effort to broaden existing knowledge of the extent and properties of those resources and of the environment in which they were found. A closely related matter was the technical means needed to overcome the difficulties of exploiting marine mineral deposits. Without a sufficient factual background, general policy decisions were unlikely to be of much use.

The best way to fill in the gaps in present knowledge was, undoubtedly, increased research and exploration activities through international co-operation. Since the problems to be solved were world-wide and the need for more information about the nature of the sea and the ocean floor was universal, co-operation in marine scientific exploration and research should be undertaken on a global level. Hence his delegation welcomed the United States draft resolution (A/AC.135/33). Since the first session of the Ad Hoc Committee, at which his delegation had expressed keen interest in the proposal, his Government had had an opportunity to study it carefully, and had concluded that it would provide an excellent basis for the widest possible exchange of scientific knowledge of ocean exploration. Several Austrian scientific institutions, engaged in scientific research programmes of the kind visualized for the decade of ocean exploration, would be given an opportunity to make their contributions. In turn, by concerted planning the decade would stimulate national research activities and allow greater specialization and co-ordination at the national level. The importance which his Government attached to the proposal was underlined by its active participation in IOC projects, such as the International Indian Ocean Expedition. Austria intended to make its contribution to the decade in nanno-plankton research. Since 1960 nanno-plankton investigations had been carried out in Austria to determine the geologic age of the ocean bottom; such investigations also helped to assess the quality of ocean sections as food-producing areas, and were of importance for the evaluation of mineral deposits on the ocean floor and for determining the magnitude and speed of certain underwater currents. Austria could make other contributions in the biochemical analysis of ocean floor sediments, chemical analysis of manganese nodules, and the investigation of psamma which had a bearing on the formation of hydrocarbons.

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(Mr. Illsinger, Austria)

Another need recognized by the Economic and Technical Working Group was that of ensuring exploration and exploitation of marine mineral deposits for the benefit of mankind. Generally accepted formulas for achieving that objective had not yet been found. His delegation considered that, at the present stage, the most promising approach would be to transform the Ad Hoc Committee into a standing committee at the forthcoming General Assembly. At the end of its third session, the Ad Hoc Committee would have successfully completed its mandate, which was to submit a study of past and present activities and to identify the issues which deserved further consideration. It was not a function of the Ad Hoc Committee to present agreed solutions. A standing committee could more appropriately discuss those matters and make recommendations to the General Assembly which would pave the way for eventual decisions on the organizational and other aspects of the matter. In that connexion, the working paper prepared by the Belgian delegation (A/AC.135/29) would greatly facilitate consideration of the problem.

Despite some divergencies, there was a considerable area of common agreement, and his delegation was confident that the Ad Hoc Committee would be able to submit to the General Assembly a number of generally agreed principles, which would form the basis for a satisfactory solution of that complex and challenging issue.

Miss MARTIN SANE (France) said that the Ad Hoc Committee, by adopting the procedure of preparing a report, was adhering strictly to the letter and spirit of General Assembly resolution 2340 (XXII), in that it was not taking decisions or even making recommendations, but providing an indication regarding practical means to promote international co-operation. According to the wording of the resolution, the Ad Hoc Committee should merely set out in its report the different opinions expressed and attach the various draft resolutions submitted as working papers. However, it seemed possible - and it would of course be preferable - to reach an agreement and, in a final section of the report, to record the consensus on a number of principles. Her delegation would be pleased if, as a tribute to the hospitality of the Brazilian Government, those principles were to be known as the "Principles of Rio de Janeiro".

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(Miss Martin Sane, France)

In her delegation's opinion, one practical way of promoting international co-operation would be to establish, in the text of the Ad Hoc Committee's report, a list of principles to govern the future régime of the sea-bed and the ocean floor. If the list was to be of practical value, it should enumerate principles which could be effectively complied with, in other words, they would have to command the widest possible support, first of all in the Committee itself. Her delegation would therefore hesitate to propose a formulation which might prove controversial and preferred to confine itself to principles based either on the logic of the Committee's work or on general agreement. Of course, it would have no objection to having the report indicate, with regard to other points, that divergent opinions had been expressed.

The following principles seemed to her delegation to be generally accepted. Part of the sea-bed and the ocean floor was, and would remain, beyond the limits of national jurisdiction. As a logical corollary, it was necessary to define the limits of the sea-bed and the ocean floor in relation to national jurisdiction. The sea-bed and the ocean floor should be used exclusively for peaceful purposes. All States had a right to explore and exploit the sea-bed and the ocean floor, a right which had as a corollary the principle of the non-appropriation by nations of the sea-bed and the ocean floor. The exploration and utilization of the sea-bed and the ocean floor beyond the limits of national jurisdiction should be for the benefit and in the interests of mankind as a whole, with due regard for the needs of the developing countries. Activities on the sea-bed and the ocean floor must be conducted in accordance with international law, including the United Nations Charter. The freedom of the high seas must be respected and interference with traditional maritime activities avoided. Measures must be taken to conserve maritime resources.

A second practical method would be to indicate in the Ad Hoc Committee's report that international co-operation might be ensured by a United Nations committee. The report should mention the various proposals made on that matter. In a communication of 13 May 1968 (A/AC.135/1/Add.6), France had agreed in principle to the establishment of a committee along the lines of the Committee on the Peaceful Uses of Outer Space, but had stressed that its establishment

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(Miss Martin Sane, France)

should not deprive the Intergovernmental Oceanographic Commission of the role which it played, in co-operation with other intergovernmental institutions in scientific matters. IOC should continue to perform those functions and, in particular, should co-ordinate the programmes of the international decade of ocean exploration, to which her delegation had given its full support. The main function of the sea co-ordinating committee should be to help promote political, economic and legal studies and to prevent duplication. The approach suggested by the Belgian delegation in its working paper (A/AC.135/29) was, on the whole, acceptable to her delegation, subject to the considerations she had mentioned. She hoped that the final section of the Ad Hoc Committee's report would record not only its agreement on a number of principles and on the proposal for an international decade of ocean exploration but also its conviction that its work should be continued.

The important draft resolution submitted by the delegation of Iceland (A/AC.135/31) should be annexed to the Ad Hoc Committee's report. She suggested that the Icelandic delegation might include a preambular paragraph to take note of the Inter-Governmental Maritime Consultative Organization's efforts to prevent and control the pollution of the sea by preparing new draft conventions and amendments to existing conventions.

The meeting rose at 1 p.m.

SUMMARY RECORD OF THE TWENTY-FIRST MEETING

Held on Tuesday, 27 August 1968, at 3.35 p.m.

Chairman:

Mr. AMERASINGHE

Ceylon

CONSIDERATION OF PRACTICAL MEANS TO PROMOTE INTERNATIONAL CO-OPERATION IN THE EXPLORATION, CONSERVATION AND USE OF THE SEA-BED AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, AND OF THEIR RESOURCES (concluded)

Mr. KIKHIA (Libya) wished to state his delegation's position on several points which it considered particularly important.

Firstly, concerning the institutional aspect, his delegation thought that the sea-bed and its resources, should be administered by a world body under the auspices of the United Nations. Such a body could only be established on the basis of a detailed study by experts of the legal, economic, technical, practical and political aspects of the problem. It might be necessary at that stage to revise the structure of the existing international machinery. His delegation suggested that at the present stage the Ad Hoc Committee should simply agree on the necessity of establishing such an international authority in the future, leaving aside the questions of its mandate and structure.

Pending the establishment of that permanent body, Member States should endeavour to promote international co-operation in the field of the use and exploitation of the sea-bed, in particular, by giving full and general support to the recommendations of the Secretary-General for increasing the effectiveness of the existing international structure (E/4487).

Regarding the future of the Ad Hoc Committee, his delegation supported the Belgian proposals (A/AC.135/29), to the effect that a recommendation should be addressed to the General Assembly that it should establish a standing committee with broader terms of reference. It reserved the right to state its position in more detail when a draft resolution relating to that question was under consideration.

Regarding the question of pollution, his delegation supported the suggestions contained in the Icelandic draft resolution on a study of means for minimizing the danger of pollution of the marine environment which might arise from the exploration and exploitation of the sea-bed and ocean floor and the subsoil thereof (A/AC.135/31). It would revert to that matter at an appropriate time.

Regarding the question of convening a United Nations conference on the law of the sea, his delegation thought that there was a need to review the law of the sea and to work out the basis of a legal régime for the sea-bed and the ocean floor which would be acceptable to all countries. There was also a need to define

(Mr. Kikhia, Libya)

the boundaries of the area under consideration by the Ad Hoc Committee. The idea had been advanced that the status quo could be maintained with respect to the limits of national jurisdiction and that claims of sovereignty could be frozen. His delegation had expressed reservations regarding that solution, which it considered impracticable and which might be inequitable to some countries. He hoped that the suggestion concerning the convening of a third conference on the law of the sea would be mentioned in the report.

His delegation supported the idea of a declaration of principles to be enunciated by the General Assembly, which would be the first step towards the establishment of a legal régime for the sea-bed, and thought that agreement could be reached on some basic principles. It hoped that the declaration would include the following principles:

- (1) There existed an area of the sea-bed outside the limits of national jurisdiction, which should be considered separately from the superjacent waters of the high seas; that area should be preserved from national or private appropriation.
- (2) The resources of the sea-bed should be exploited for the common benefit of mankind, in the interests of world peace and with a view to maximum efficiency, in order that all countries and peoples should participate equitably in their exploitation and use.
- (3) The exploitation of the sea-bed and its resources should be administered and controlled by a competent world organization under United Nations auspices.
- (4) The sea-bed should be used exclusively for peaceful purposes, and should not be made available for military use by any State or group of States.
- (5) The exploration and use of the sea-bed and the ocean floor should be carried out in accordance with international law, including the United Nations Charter.
- (6) The principle that all States have the right to carry out scientific research and exploration involving the sea-bed and the ocean floor should not be questioned, the results of such scientific activities should be made available to all countries without discrimination, and international scientific co-operation with regard to the sea-bed should be encouraged.
- (7) All activities related to the exploration and use of the sea-bed should be carried out in accordance with relevant rules concerning the prevention of marine pollution and the conservation of the living resources of the sea.

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(Mr. Kikhia, Libya)

(8) The exploration and use of the sea-bed and the ocean floor beyond the limits of national jurisdiction should not affect the legal status of the superjacent waters or of the air space above them.

(9) The exploration and use of the sea-bed and the ocean floor beyond the limits of national jurisdiction should be effected with reasonable regard for the interest of other States in their exercise of the right of freedom of the high seas, as recognized by the provisions and practice of the law of the sea.

The Ad Hoc Committee had before it two draft declarations submitted respectively by India (A/AC.135/21) and the United States (A/AC.135/23). He hoped that a compromise could be reached so that the Committee might submit an acceptable draft to the General Assembly. It was obvious that no draft declaration could be definitive, perfect or complete; the text to be submitted to the General Assembly would be subject to improvement in the light of the discussions and of the suggestions made by Member States.

The Libyan delegation had listened with great interest to the statement by the representative of the United States, and hoped that it would be possible to reduce the gap between the United States position and that of the developing countries. The text of paragraphs 43 and 44 of the Legal Working Group's report on its first session (A/AC.135/L.1, annex II) made it clear that the divergence of views between the advanced and the developing countries stemmed from the fact that the former were reluctant to accept any restriction of their freedom of action and of their privileges, while the latter were trying to preserve their interests for the future. The hesitations of some countries were obviously due less to the lack of scientific knowledge than to the fact that negotiations between the great Powers had not yet reached the stage at which reconciling international endeavour with their own economic, political and strategic interests, they could make a joint effort to establish a new legal régime and adequate control machinery. In those circumstances it was hardly surprising that the small and developing countries feared that they might have to pay for any compromise between the great Powers by abdicating in advance the role which might be theirs, thus sacrificing their own future interests.

Mr. UDA (Japan) shared the view expressed by other representatives that the general principles on which broad agreement was reached should be formulated in a declaration. The Japanese delegation had already expressed its views on the matter on 20 August. It welcomed the draft resolution submitted by Iceland, which deserved detailed examination and considered the Belgian delegation's working paper (A/AC.135/29) to be of great interest. Nevertheless, it was preferable for the Committee to continue its work within its present terms of reference. Any change in them might give rise to complex questions. It was sure that the Committee would eventually be able to prepare a study containing indications as to the practical means of promoting international co-operation in the exploration, conservation and use of the deep ocean floor.

Mr. TILAKARATNA (Ceylon) said that the General Assembly, in its resolution 2340 (XXII), had given the Committee a clear and precise mandate. It had requested the Committee to undertake a study in three parts, of which the third consisted in giving an indication of practical means of promoting international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor, and the subsoil thereof, and of their resources.

The Committee had made every effort to carry out the task entrusted to it under operative paragraphs 2 (a) and 2 (b) of the resolution. It now remained for it to identify and consider all the practical means of promoting international co-operation in the field concerned. As the Chairman had indicated in his statement of 19 August (A/AC.135/30), it was not necessary, under the Committee's terms of reference, for the recommendations on such means to be unanimously adopted. The Committee was required, however, to transmit to the General Assembly detailed information on the views and suggestions that had been put forward during its deliberations. A number of specific proposals had been made on the subject, in particular, the United States proposal for an international decade of ocean exploration. The delegation of Ceylon had wondered what relationship there would be between the activities proposed for the decade and similar activities undertaken by United Nations bodies, and, even further, how they would be linked with the future functions of the Committee, whether or not it became a standing body. It therefore welcomed the statement made by the United States representative on 26 August, when he had explained that the decade was regarded as one element in a long-range programme to be carried out under the aegis of the United Nations and not as an alternative to the programme suggested by the Secretary-General, or to other endeavours.

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(Mr. Tilakaratna, Ceylon)

In that connexion, it should be remembered that although knowledge of the resources of the sea-bed and the ocean floor was still very fragmentary, it was nevertheless sufficient to justify the consideration, if not adoption, of principles designed to prevent the appropriation of the sea-bed and the ocean floor and to ensure that their resources would be exploited for the benefit of all mankind.

The report of the 33rd American Assembly on Uses of the Sea - a body with an impressive list of trustees, which had met in New York from 2 to 5 May 1968 - contained a number of important ideas and proposals on the law of the sea, the definition of the continental shelf, the revision of the 1958 Geneva Convention, the United States position with respect to the definition of the continental shelf, the issuance of licences for exploitation by the United States in adjacent areas, the establishment of international machinery under United Nations auspices and its functions with respect to the issuance of licences, the collection of revenues and the referral of disputes to arbitration, etc. The members of the Committee could usefully study that report.

The delegation of Ceylon welcomed the views expressed by the USSR representative on the subject of the declaration of principles at the Committee's second session. The developing countries of Asia, Africa and Latin America were working on a set of principles reflecting their aspirations and the points on which they were in agreement.

His delegation approved the Belgian proposal for the establishment of a standing committee and the principle should receive the unanimous endorsement of the Committee. It would be premature to consider the details of its composition and terms of reference, which would be a matter for the General Assembly. The standing committee's most important role should be that of co-ordinating all efforts to find solutions to the problems of the sea-bed and the ocean floor.

As in the case of the peaceful uses of outer space, it had been said that there was no need for undue haste. The only link of most of the countries represented on the Committee with outer space was - and was likely to be for some time to come - the accidental landing of an astronaut in their territory. On the other hand, the realm of the seas and oceans had a direct and inescapable impact

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(Mr. Tilakaratna, Ceylon)

on the existence of most of the countries represented in the Committee. Time had overtaken Longfellow's idea that the oceans not only separated but also united mankind. The real separation was between the haves and the have-nots, and perhaps the oceans offered the last opportunity of bridging the gap between them.

Mr. DANIELI (United Republic of Tanzania) said that, as his delegation had already given its views on the item under discussion several times, he would not do more than make a few comments on two specially important questions, the establishment of a standing committee and the preparation of a declaration of principles. In that connexion, his delegation fully endorsed the statements made the previous day by the representative of Malta and by the representatives of India, Libya and Ceylon at the current meeting.

Regarding the question of establishing a standing committee, his delegation welcomed the Belgian proposal, on which a broad measure of agreement seemed likely in the Committee. It was to be hoped that there would be unanimous support for the draft declaration of principles also. Although the United States position fell short of what the developing countries considered to be the barest basic principles, it had at least the merit of frankness. The Committee's work would have been greatly simplified if other delegations, and specifically that of the Soviet Union, had made an equally clear statement of their position.

In conclusion, he asked why the United States representative had used the expression "deep" ocean floor.

Mr. CHALOEMTIARANA (Thailand) said that his delegation had taken a keen interest in the debate on the item under discussion. In all quarters the desire had been expressed that the exploration, conservation and exploitation of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction should be carried on exclusively for peaceful purposes and for the benefit of all mankind, particularly the developing countries.

There seemed, however, to be differences of opinion regarding the practical means of promoting international co-operation to achieve the objectives set forth in General Assembly resolution 2340 (XXII). Many delegations had given their views and made suggestions regarding those practical means, as was clear from paragraphs 62 to 80 of the Economic and Technical Working Group's report

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(Mr. Chaloeontiarana, Thailand)

(A/AC.135/L.3). His delegation had stated its position at the first and second sessions, but he wished to reiterate that the question under discussion was of the highest importance. It was important to establish, before it was too late, certain general principles to guide every aspect of exploration and exploitation and those principles should be enunciated by the General Assembly in a declaration. Those principles were: that the exploration and exploitation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, should be carried out exclusively for peaceful purposes and for the benefit of all mankind, particularly the developing countries; that no State might claim or exercise sovereignty over any part of the sea-bed, the ocean floor or the subsoil thereof; that the activities of States in the exploration and exploitation of that area should be in accordance with the Purposes and Principles of the United Nations Charter, in the interests of maintaining peace and security and of promoting economic development, particularly in the developing countries; that the international régime to be established under the auspices of the United Nations should provide for the best and most equitable application of the benefits obtained from the exploration and exploitation of the sea-bed and the ocean floor through suitable international machinery designed to promote the economic, social and scientific progress of the developing countries; and that that régime should apply to areas beyond the limits of national jurisdiction, but not to those areas in which the question of jurisdiction was regulated by the 1958 Convention on the Continental Shelf.

His delegation was prepared to support any draft resolution or declaration based on those principles and gave general support to the idea of setting up a standing committee, as outlined in the Belgian draft resolution (A/AC.135/29).

Mr. OFSTAD (Norway) welcomed the statement by the representative of Iceland, which should be supported by all members of the Committee. Pollution of the marine environment was a critical problem, as the "Torrey Canyon" incident had shown. Pollution by oil, however, was not the only form to be taken into consideration. Mineral wastes from mining operations on the sea-bed might cause serious damage to marine fauna.

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(Mr. Ofstad, Norway)

Moreover, explosives might be used to produce the low-frequency sound waves required in oil prospecting. The explosions created shock waves which, on being reflected from the sea-bed and its underlying layers, were registered and analysed. Such explosions, unfortunately, resulted in the death of large quantities of edible fish, as had happened in California in 1947 and 1948, when the authorities had had to revoke prospecting permits for two years.

His Government supported the United States proposal for an international decade of ocean exploration and was gratified to note that the USSR had also given its approval to that proposal. Obviously, it would take much longer than ten years to solve the problems involved in the exploration and exploitation of the resources of the sea-bed and the ocean floor, but the important thing was to make a start. As the United States representatives had said, the boundaries of the area under national jurisdiction would have to be precisely defined and, in the meantime, it must be understood that the exploitation or use of any part of that area would in no way prejudice their location.

His delegation fully shared that view and suggested that, as a temporary arrangement, machinery should be established within the framework of the United Nations to register activities carried out in the area in question. Such an arrangement would avoid serious international tensions until such time as an international régime for the sea-bed was established.

In conclusion, his delegation supported the Belgian proposal for the setting up of a standing committee to continue the work of the Ad Hoc Committee. The question of the new committee's terms of reference could be solved at the twenty-third session of the General Assembly.

Mr. ABDEL-HAMID (United Arab Republic) recalled that reference had often been made during the Committee's three sessions to the need for the adoption of a declaration of legal principles, the establishment of permanent machinery and the launching of an international decade and an expanded programme of ocean research.

His delegation had stated at the Committee's first and second sessions that the resources of the sea-bed and the ocean floor should be rationally exploited in the interest of mankind and that no part of that area should be subject to

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(Mr. Abdel-Hamid, United Arab Republic)

appropriation by any State or private enterprise. The joint exploitation of marine resources should take place within the context of broad international co-operation and should help to narrow the gap between the developed countries and the others. In his statement of the previous day the United States representative had avoided any mention of the words "developing countries" and had advocated what he considered to be a non-discriminatory approach but that approach seemed to favour the developed countries for the simple reason that it would have the effect of perpetuating the existing situation.

The existence of considerable resources on the sea-bed and ocean floor was already an established fact and would have repercussions on relations between States. The question now was whether the colonial system would be revived or whether an effort would be made to promote international co-operation on the basis of justice and equity. The proposed declaration should lay down the following principles: the sea-bed and the ocean floor beyond the limits of national jurisdiction were the common heritage of all mankind and all countries had a common interest in their exploration and exploitation; activities to that end should be exclusively peaceful in nature; no State should appropriate any part whatsoever of that area; provision should be made for international co-operation; and the best way to ensure such co-operation was to establish international machinery under United Nations auspices; the right of developing countries to share the economic benefits derived from the exploitation of marine resources should be recognized. All Member States, as well as governmental and intergovernmental organizations and the specialized agencies should carry on their activities in accordance with that declaration.

With regard to the possible establishment of permanent machinery, the main point at issue was its terms of reference. The statement by the Belgian representative on the establishment of such a standing committee contained specific proposals for its terms of reference and served as a practical basis for discussion. In any case, a standing committee should be set up to co-ordinate and guide the activities of the United Nations bodies and Governments in the field under consideration.

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(Mr. Abdel-Hamid, United Arab Republic)

A long-term international programme of oceanographic research, like the decade proposed by the United States, could be another practical means of promoting international co-operation provided due heed was paid to the interests of the developing countries; that concept should also be clearly mentioned in the declaration of principles.

Immediate steps must also be taken to prevent pollution of the marine environment, and the point raised by the Icelandic delegation was particularly pertinent in that connexion.

With regard to the demilitarization of the sea-bed and the ocean floor beyond the limits of national jurisdiction, some delegations had felt that it was premature to refer the matter to the Eighteen-Nation Committee on Disarmament. The report by the Secretariat on the military uses of the sea-bed (A/AC.135/28) indicated that that was an urgent matter and, if other United Nations organs could help the Committee to solve the problem, there was no reason for the Committee not to avail itself of their assistance.

The matter of delimiting the area now under consideration should also be settled and the 1958 Convention on the Continental Shelf, particularly the definition of the shelf itself, should be revised.

Mr. ANDRASSY (Yugoslavia) recalled that, at the tenth meeting of the Legal Working Group, the Yugoslav delegation had enumerated the general principles which emerged from the Ad Hoc Committee's deliberations and which were likely to be acceptable to all delegations (A/AC.135/WG.1/SR.10, p. 13). With regard to the Soviet and United States proposals concerning the prohibition of the utilization of the sea-bed and the ocean floor for military purposes, he reaffirmed the opinion which he had expressed at the seventh meeting of the Legal Working Group (A/AC.135/WG.1/SR.7, p. 14). His delegation also supported the Belgian draft resolution concerning the establishment of a standing committee and the Icelandic proposal regarding pollution of the marine environment. In that connexion, preventive action should be taken and rules defining responsibilities in the event of damage should be formulated as a matter of urgency. It would, moreover, be recalled that the International Court of Justice has already ruled that States were responsible for damage originating in their territory.

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Mr. KULAZHENKOV (Union of Soviet Socialist Republics) said that prohibition of the utilization of the sea-bed and the ocean floor for military purposes was a highly important and practical method of promoting international co-operation in the exploration, conservation and exploitation of the resources of that area. That was a point which his delegation wished to emphasize and, in that connexion, provision could be made for a régime to guarantee that the sea-bed and the ocean floor were used exclusively for peaceful purposes. The Soviet Union had proposed that the Ad Hoc Committee should recommend that the General Assembly should adopt a resolution calling 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 and to 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. That draft resolution would be the best way of solving the problem and would thus facilitate international co-operation. The French and United States delegations had also formulated important proposals on the subject. It was vital to continue the efforts already begun, firstly, in order to solve the problem of delimiting the area which is not subject to national jurisdiction and, secondly, in order to find solutions to legal problems arising from the exploration and use of the ocean floor, with due regard to the principle of the freedom of the high seas.

So far as the possible establishment of a standing committee was concerned, he did not object to establishing such a committee. That committee's terms of reference should be limited to the consideration of legal, technical and economic aspects of the sea-bed and the ocean floor. It should be a consultative body of the General Assembly and should take decisions on the basis of reaching unanimous agreement among its members. His delegation believed that such a body should maintain close ties with competent international institutions, dealing with problems of the sea-bed, but that it should in no case duplicate the work of, or replace, those institutions. However, his delegation also welcomed the proposals to extend the term of the Ad Hoc Committee. In that connexion it would be desirable for all the comments and proposals submitted to be reflected in the Committee's report so that the States Members of the United Nations could study them before reaching a decision on the matter.

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Mr. HOLDER (Liberia) stated, with regard to drawing up a list of principles, that his delegation fully endorsed the Indian representative's analysis, as amended by the French representative. It would seem that the following generally acceptable conclusions could be drawn from the Ad Hoc Committee's deliberations: that there existed an area of the sea-bed and the ocean floor which was not subject to national jurisdiction; that the limits of the area should be precisely defined; that the existing provisions of international law on the subject were inadequate; that the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction were the heritage of all mankind and were not subject to national appropriation; that that area should be reserved exclusively for peaceful uses; that all uses of the ocean floor should take into account existing rights to the marine environment; that all mankind should benefit equitably from the utilization of that area; that all activities in that area should be carried out under the auspices of the United Nations and in accordance with international law, including the United Nations Charter; and that the responsibility for co-ordinating those activities should be assigned by the United Nations to a special body.

He wondered what special significance the United States representative consistently attached to the inclusion of the word "deep" when referring to the "deep ocean floor".

Mr. MEEKER (United States of America) explained, in reply to the representatives of Liberia and the United Republic of Tanzania, that his delegation had used the expression "deep ocean floor" in this context to designate the entire area situated beyond the limits of national jurisdiction. It was intended to mean the same as "the sea-bed and the ocean floor, and the subsoil thereof, underlying the high sea beyond the limits of national jurisdiction".

Mr. MLADEK (Czechoslovakia) emphasized the importance which he attached, among the many proposals submitted, to the Secretary-General's recommendation for an expanded programme of international co-operation and to the United States draft proposal for an international decade of ocean exploration. The Ad Hoc Committee scarcely had enough time to draw up a list of principles acceptable to all delegations. Furthermore, in the light of its terms of reference, the Ad Hoc

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(Mr. Mladek, Czechoslovakia)

Committee was not expected to submit such a draft declaration of principles to the General Assembly. Nevertheless, the very interesting draft resolutions, especially those submitted by the delegations of India, the United States and Iceland, could be considered by the General Assembly.

So far as the continuation of the work begun by the Ad Hoc Committee was concerned, his delegation favoured the establishment of a standing committee and welcomed the Belgian draft resolution (A/AC.135/29). Such a committee should, however, be explicitly instructed to study the delimitation of the sea-bed area beyond the limits of present national jurisdiction, a question whose importance had been stressed by the United States delegation, among others. In view of the modest results achieved by the Ad Hoc Committee in the matter of law, that aspect should be gone into more thoroughly in the future.

Mr. HAQUE (Pakistan) said that international co-operation in the field under consideration must be carried out only in accordance with international law, including the Charter of the United Nations, and under the auspices of the United Nations. The developing countries attached special importance to the establishment of international co-operation which would enable them to benefit from the exploitation of the resources of the sea-bed on an equal footing and would help to narrow the gap separating them from the developed countries.

It was also important that the sea-bed and the ocean floor should be used exclusively for peaceful purposes and he welcomed the statement made by the United States delegation in that connexion.

There was general agreement that there existed an area of the ocean beyond the limits of national jurisdiction, whose boundaries should be defined, which was the common heritage of all mankind and which should be exploited for the benefit of all mankind. His delegation felt that an international régime, which should act as a trustee for the international community but would not assume jurisdiction as a sovereign entity, should be established as soon as practicable, if possible in 1970. In the meantime, there should be a freeze on all claims concerning areas beyond the limits of present national jurisdiction. The sea-bed and ocean floor should also be open to scientific investigation by all countries without discrimination. In that respect, as his delegation, among others, had

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(Mr. Haque, Pakistan)

already emphasized, scientific investigation did not and could not create any rights of exploitation. Those general principles should be incorporated in the draft declaration which the committee should submit to the General Assembly.

The type of international co-operation proposed in the United States draft resolution (A/AC.135/25) was too limited. Moreover, some of the principles advocated by the developing nations and subsequently accepted by the United States delegation were not included in the text. On the other hand, the Indian draft resolution (A/AC.135/21) had not aroused any strong disagreement in the Committee.

His delegation was in favour of the establishment of a standing committee with terms of reference formulated along the lines of the observations made by the Ceylonese representative, which reflected the views held by the African-Asian group. In conclusion, the most important point was that the General Assembly should adopt a declaration of general principles on the subject referred to the Ad Hoc Committee for consideration.

Mr. BUSHA (Inter-Governmental Maritime Consultative Organization) said that IMCO attached great importance to resolution 2340 (XXII) which sought to preserve the area in question from "actions and uses which might be detrimental to the common interests of mankind". The most common causes of pollution had so far been persistent oils, radioactive substances and chemicals. As document A/AC.135/15 pointed out, there would be an increasing risk of pollution as the exploitation of the sea-bed and the ocean floor progressed.

IMCO had a large-scale programme concerning the scientific, technical and legal aspects of marine pollution. IMCO had studied in particular ways and means of avoiding the pollution resulting from mishaps to devices of exploration and exploitation; indeed, drilling rigs had suffered all too many such mishaps. The experience which IMCO had acquired in that respect was at the disposal of the Committee.

With regard to the co-ordination of the activities of the various international institutions concerned with marine pollution, he pointed out that all the interested organizations (the United Nations, FAO, UNESCO, WHO, WMO, IMCO and IAEA) were giving their concerted attention to avoiding duplication in their work. In that connexion, the establishment by UNESCO/IOC, FAO and IMCO of a Joint Working

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(Mr. Busha, IMCO)

Group of Experts to advise on scientific aspects related to the pollution of the sea represented definite progress. The Working Group, which was scheduled to meet early in 1969, would be eminently competent to study, if requested, the causes of pollution of the marine environment mentioned in the draft resolution submitted by Iceland.

Mr. POPPER (United States of America) said that it would be preferable to renew the Ad Hoc Committee's mandate for a year rather than establish a standing committee as proposed by Belgium (A/AC.135/29). If a standing committee were nevertheless set up, care should be taken to avoid duplication between its activities and those of other United Nations bodies.

Mr. AUDLAND (United Kingdom) said that the Ad Hoc Committee should adopt a list of principles for recommendation to the General Assembly, as some delegations had suggested. The list submitted by the representative of France corresponded most closely to the views of the United Kingdom delegation.

His delegation welcomed the draft resolutions presented by Iceland and Belgium, but hoped that certain amendments would be made to them when they were discussed.

He expressed the hope that the discussion of the draft report would afford the Ad Hoc Committee an opportunity to adopt a document that would reflect the broad measure of agreement that had been reached on numerous points.

Mr. FEDEROV (United Nations Educational, Scientific and Cultural Organization) expressed his appreciation of the tributes paid to the Intergovernmental Oceanographic Commission. He was happy to note that a large number of representatives had wished it to continue with its work on the scientific aspects of the item, and had warned against the dangers of duplication between its activities and those of the proposed new committee, or of the Ad Hoc Committee, if its mandate was renewed. UNESCO attached very great importance to the nature of the terms of reference to be given to the body responsible for studying the peaceful uses of the sea-bed and the ocean floor, and he was disquieted by the fact that some countries proposed to make it responsible for studying the scientific aspects of their use also. He was all the more surprised that such a proposal should be put forward by countries that were the first to benefit from the joint

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(Mr. Federov, UNESCO)

programmes of action organized by UNESCO. He could only suppose that the aid and training programmes organized by IOC and FAO were unknown outside the agencies concerned. In that connexion, he enumerated activities that had been undertaken in the Indian, Atlantic and Pacific Oceans under the aegis of the two organizations.

If the task of co-ordination in the scientific field was delegated to another United Nations body, the result would be the reverse of what was hoped for. The funds and staff of international organizations were being assigned increasingly to such activities as co-ordination and the preparation of reports, instead of being used for the actual provision of assistance.

Moreover, studies on the marine environment were carried out by scientists and technical experts, who should be provided with directives by competent international bodies if opposition and discontent were not to be aroused at the practical level. That was a problem which the Ad Hoc Committee should bear in mind in taking its decisions.

Mr. RUDA (Argentina) said that the solution of the problem before the Ad Hoc Committee called for both vision and caution. A hasty decision lacking general support would jeopardize the very international co-operation they sought to promote. If agreement could not be reached, the proposals made and the views expressed during the debate should be mentioned in the Committee's report.

The work of the Committee had so far been of a preliminary nature, which was in accordance with resolution 2340 (XXII). In view of the importance of every aspect of the item, including that of peace-keeping, it was imperative to request the General Assembly to renew the Committee's mandate, or to establish a new body, as the Belgian delegation had proposed. The Argentine delegation favoured the renewal of the Committee's mandate, since it had not yet fully accomplished its task, and its composition met the criterion of equitable geographical distribution, and satisfactorily reflected the interests of the different countries. His delegation would, however, bow to the will of the majority and support the establishment of a standing committee if most delegations were in favour of that solution.

(Mr. Ruda, Argentina)

If that solution was decided upon, the standing committee's terms of reference should be such as to make its task as easy as possible. In that connexion, it might be useful to draw on General Assembly resolution 1472 (XIV), setting up the Committee on the Peaceful Uses of Outer Space, particularly where the legal problems presented by the exploration and exploitation of the sea-bed and the ocean floor were concerned.

Although it would refrain from taking up a definite position on the terms of reference for the standing committee until the question was considered by the General Assembly, his delegation thought that operative paragraph 2 (2) of the Belgian draft resolution should be amended along the lines proposed by the representative of India at the previous meeting.

As regards the principles to be formulated, his delegation considered that it would be difficult for the Ad Hoc Committee to frame other than general principles that could be unanimously accepted by all delegations.

In conclusion, he reiterated his delegation's endorsement of the United States draft resolution (A/AC.135/33).

Mr. MAURTUA (Peru), speaking of marine pollution, expressed the view that measures of the kind described in the draft resolution submitted by Iceland must be taken (A/AC.135/31). In addition, States should have the right to take steps to protect the living resources in the areas under their jurisdiction.

He hoped that the words "allay the serious damage", in the third preambular paragraph of the draft resolution, would be replaced by some other expression, such as "avoid the serious damage".

Referring to the Belgian proposal to establish a standing committee with broader terms of reference than those of the Ad Hoc Committee, he pointed out that, apart from the questions specifically mentioned in working paper A/AC.135/29, there were other problems for which a legal solution must eventually be found, such as the peaceful uses of the sea-bed and the ocean floor, and marine pollution. A coherent legal régime would have to be worked out, specifying, inter alia, the international responsibility of States for damage. But in order to establish a régime of that kind, it was necessary to determine how conflicts of interest were to be resolved.

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(Mr. Maurtua, Peru)

His delegation also felt that the Belgian proposal was liable to create difficulties as regards the composition of the standing committee. The proposed guidelines for its composition appeared to indicate that its membership would be larger than that of the Ad Hoc Committee.

Mr. DENORME (Belgium), replying to the Peruvian representative, recalled that he had said at the 19th meeting that the composition of the proposed standing committee did not come within the purview of the Ad Hoc Committee.

The Belgian delegation had felt that it might be helpful if it suggested certain criteria to assist the General Assembly in deciding on the composition of the standing committee, but its proposals had given rise to a great deal of misunderstanding. He therefore proposed that paragraph 5 of working paper A/AC.135/20 should be considered null and void.

His delegation was in agreement with the Peruvian representative regarding the legal régime to be established for the sea-bed and the ocean floor. Whatever the régime, it would have to be based on certain principles which were now being formulated. Decisions as to methods would have to be entrusted to the standing committee, which must therefore be given very general terms of reference.

Regarding the UNESCO representative's objection, he said that the delegations that were in favour of establishing a standing committee had two main concerns in mind: first, to maintain the unity of the item placed on the agenda by the delegation of Malta, and, secondly, to avoid any overlapping of the spheres of competence of existing bodies, particularly IOC. In that connexion, he recalled that he had been careful to emphasize at the 19th meeting that the standing committee would not replace IOC, which had proved its value and co-operated with the Ad Hoc Committee in preparing a report on the scientific aspects of the item. Consequently it could be expected that there would be a strengthening of the co-operation established between IOC and the Ad Hoc Committee.

He was grateful to the many delegations which supported the establishment of a standing committee and the draft terms of reference proposed by Belgium in working paper A/AC.135/29. He was grateful also to those representatives who had put forward suggestions that would help to define the functions to be given to the standing committee.

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(Mr. Denorme, Belgium)

When considering working paper A/AC.135/29, delegations should remember that the draft resolution it contained was only a provisional text, intended as a basis for discussion. He was at the disposal of any delegations which wished to obtain clarification or to suggest amendments regarding that text.

His delegation trusted that there would be agreement on a recommendation that the General Assembly should establish a body to continue the task undertaken by the Ad Hoc Committee and that it should specify that body's terms of reference in accordance with the basic principles laid down in the Belgian working paper.

The CHAIRMAN noted that paragraph 5 of working paper A/AC.135/29 had been withdrawn by the Belgian representative.

Mr. DANIELI (United Republic of Tanzania) proposed that a small committee should be set up, composed of the Chairman of the Ad Hoc Committee, the members of the Bureau and the Chairmen of the two Working Groups, to discuss the Belgian proposal in more detail.

Mr. SCHRAM (Iceland) said that he was gratified by the support which his draft resolution had received. He would bear in mind the amendments that had been proposed to his text.

He thanked the representative of IMCO for the additional information he had supplied on the subject covered by the draft resolution.

Mr. ARORA (India) said that, in his view the UNESCO representative's statement was of great importance; he would give it careful study. He reserved the right to speak again, if necessary on points arising out of it.

The CHAIRMAN^{1/} recalled that the United States proposal for the establishment of an international decade of ocean exploration had been welcomed by all speakers. It would be transmitted to the General Assembly in the Committee's report, together with the observations made on it.

On the question of the conservation of natural resources, the draft resolution submitted by Iceland (A/AC.135/31) had received almost unanimous support.

1/ The full text of the Chairman's statement was subsequently circulated as document A/AC.135/35.

(The Chairman)

It could therefore be included in the Committee's report as one of the practical means recommended to the General Assembly.

On the question of the use of the sea-bed and the ocean floor and subsoil thereof and of their resources, the Committee had had before it many draft resolutions regarding a statement of general principles which should serve as the foundation for future international co-operation and future activities in relation to the use of the sea-bed and the ocean floor. The Committee had also had before it a proposal relating to the institutional arrangements necessary for continued study of the item, and an Indian draft declaration (A/AC.135/21) on the use of the sea-bed and the ocean floor exclusively for peaceful purposes. Another draft resolution, containing a statement of principles concerning the deep ocean floor (A/AC.135/25), had been submitted by the United States.

Those proposals had all received varying degrees of support, and it was to be hoped that the consultations that were in progress would be productive of an even wider measure of agreement. It had been contended that any legal rules governing activities on the sea-bed and the ocean floor should be based on certain general principles, and it had been recognized that there was an area beyond the limits of national jurisdiction which was the concern of the Ad Hoc Committee. It had been felt that the limits of that area required precise definition.

It had been maintained that it would be the responsibility of the General Assembly to make appropriate arrangements for an international examination of the question, and it had been suggested that a third conference on the law of the sea should be convened to consider the limits of the continental shelf.

The principles which had been formulated were the following: the area studied could not be subject to any appropriation or claim of sovereignty; the exploration and exploitation of the sea-bed and ocean floor should be carried out in the interest of mankind, with due regard for existing rights; the sea-bed and the ocean floor should be used exclusively for peaceful purposes; the freedom of research should be maintained without interference or discrimination.

(The Chairman)

There had also been some appreciation of the need for arrangements to govern the exploitation of marine resources, and the importance of the principle of responsibility for damage caused in the marine environment as a result of exploration and exploitation activities had been stressed.

Finally, the Committee had had before it the Belgian proposal (A/AC.135/29, with the exception of paragraph 5, which had been withdrawn) for the establishment of a standing committee. Many delegations, while approving that proposal in principle, had reserved their right to consider the standing committee's proposed terms of reference on a later and more appropriate occasion. The same delegations had been prepared, however, to agree to the continuation of the Ad Hoc Committee if such a decision was adopted.

The Committee had been given a clarification of the meaning of the expression "deep ocean floor" by the United States representative, and it had had before it, proposals relating to the use of the area for military purposes, together with draft resolutions submitted by the USSR, the United States and the United Republic of Tanzania on related matters.

The Committee's final decisions would depend on the outcome of the consultations and negotiations then in progress, the results of which would be recorded in the report.

He expressed the hope that the Committee would be able to achieve a wide enough measure of agreement to simplify the General Assembly's task in arriving at the important decisions it would be called upon to take.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) proposed that the Chairman's statement should be circulated as a Committee document.

It was so decided.

The meeting rose at 6.40 p.m.

SUMMARY RECORD OF THE TWENTY-SECOND MEETING

Held on Wednesday, 28 August 1968, at 3.35 p.m.

Chairman:

Mr. AMERASINGHE

Ceylon

APPROVAL OF THE REPORT OF THE ECONOMIC AND TECHNICAL WORKING GROUP (A/AC.135/L.3)

Mr. PROHASKA (Austria), Rapporteur of the Economic and Technical Working Group, introducing document A/AC.135/L.3, noted that the Group had already submitted a progress report at the end of the Ad Hoc Committee's second session, during which it had not had sufficient time to complete its work. At the current session the Working Group had considered the last item on its agenda, "Prospects for international co-operation in the development and exploitation of the resources of the ocean floor", and had given detailed consideration to its draft report, which it had adopted unanimously.

He read out the five items which the Working Group had decided to include in its programme of work, in accordance with the suggestion by the Chairman of the Ad Hoc Committee in his statement of 17 June 1968. Those items had been examined in an order which allowed a steady progression from an inventory of the present situation with regard to marine mineral exploitation to an assessment of future prospects and the consideration of the practical means of channelling international co-operation to meet mankind's future needs.

When necessary, the Working Group had also considered scientific, legal or political matters relating to the items on its programme of work, in accordance with the suggestion by the Chairman of the Ad Hoc Committee in the statement he had already mentioned.

He then briefly indicated the contents of the seven chapters of the report, and drew attention to the summaries at the end of each chapter. Those summaries, prepared by the Chairman of the Working Group after the consideration of each item, faithfully reflected the discussion. The Chairman of the Group had clearly shown which ideas had had the support of all delegations and which had been accepted by only a few delegations and been opposed by others.

He expressed the hope that the Working Group's draft report would be endorsed by the Ad Hoc Committee and that its findings would be useful to the General Assembly.

The CHAIRMAN thanked the Rapporteur of the Working Group on behalf of the Committee.

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(The Chairman)

Since the Working Group was a committee of the whole, he thought that there was no need to discuss its report, which he proposed should be annexed to the Committee's report.

It was so decided.

Mr. KORT (Union of Soviet Socialist Republics) said that the report of the Economic and Technical Working Group was objective and most interesting. Nevertheless, he wished to draw attention to two points which he thought should be amended.

First, in paragraph 8 the Working Group had noted that leases had already been issued for the evaluation and exploitation of mineral resources beyond the continental shelf. If that was so, the matter should be considered separately; if not, the statement should be deleted. His delegation proposed that the first sentence of that paragraph should end with the words "is already taking place".

Secondly, his delegation proposed that the words "It was noted", at the beginning of paragraph 51, should be replaced by the words "Some delegations noted".

Mr. HAQUE (Pakistan), speaking on a point of order, wondered whether the submission of amendments was in order after a report had been adopted. If the discussion was reopened, other amendments might also be proposed.

The CHAIRMAN said that, if the Soviet Union representative pressed for the consideration of his amendments, he would have to refer the report (A/AC.135/L.3) back to the Economic and Technical Working Group.

It might perhaps be better to mention the points which the USSR delegation had just raised in the Committee's report.

Mr. KORT (Union of Soviet Socialist Republics) said that he had submitted his two amendments in writing to the Chairman of the Economic and Technical Working Group for inclusion in the report.

He wished to stress once again that the granting of leases for evaluation and exploitation of marine mineral resources beyond the continental shelf was a very important matter. He doubted whether a mere mention of the matter in the Working Group's summary records would be enough. However, he would agree

(Mr. Kort, USSR)

to the Chairman's proposal that his observations should be included in the Committee's report.

The report of the Economic and Technical Working Group (A/AC.135/L.3) was approved.

ADOPTION OF THE REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY (A/AC.135/R.3)

Mr. GAUCI (Malta), Rapporteur, introducing the draft report (A/AC.135/R.3), said that in preparing the report he had followed the order in which the points were set out in General Assembly resolution 2340 (XXII).

The reports of the Economic and Technical Working Group and the Legal Working Group would be appended to the Committee's report as annexes I and II, respectively. Annex III would contain all the resolutions. Lastly, annex IV would contain a list of all the documents relating to the item which had been prepared for the Committee by the Secretariat, the specialized agencies and other bodies.

He informed the Committee that the following changes should be made in the draft report: in paragraph 4, the word "able", in the last sentence, should be replaced by the word "free"; in paragraph 7, the words "Some of the meetings of the Working Group were held informally, and no summary records were kept" should be added after the last sentence; in paragraph 8, the words "its military and political aspects", in the first sentence, should be replaced by the words "its military, political and other aspects"; in paragraph 20, the words "Any such research and exploration, it was stated, could not give rise to any right of exploitation" should be inserted after the first sentence; and the word "in" should be inserted after the words "stimulate public interest", in the last sentence of the same paragraph; in paragraph 27, the words "together with other delegations" should be inserted after the words "the representative of the USSR"; paragraph 47 of the Russian text should be brought into line with the English text; in paragraph 58, the words "that at most it could only recommend to the General Assembly the adoption of certain resolutions", in the fifth sentence, should be deleted.

He had attempted to reflect objectively all the opinions stated during the debate and he trusted that his draft report would be adopted by the Committee.

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The CHAIRMAN thanked the Rapporteur and pointed out that the draft report was based on the summary records and on the documents used during the debate.

He suggested the addition of the sentence "Some delegations expressed reservations with regard to the summary" at the end of paragraph 45. That was an important sentence because the delegations concerned had been prevented by lack of time from indicating in what way their views differed from those presented in the proposed text.

He ~~invited~~ the Committee to consider the draft report section by section and paragraph by paragraph.

Mr. GUERREIRO (Brazil) said that the developing countries of Africa, Asia and Latin America which were members of the Committee had prepared a working paper setting forth their joint position on principles that should guide all activities connected with the exploration and exploitation of the sea-bed beyond the limits of present national jurisdiction. That document had been distributed to the Committee informally and the countries concerned would like it to be annexed to the report.

It was so decided.

Draft report (A/AC.135/R.3)

Introduction

Paragraphs 1 to 7

Paragraphs 1 to 7 were adopted.

Paragraph 8

Mr. DENORME (Belgium) proposed that the word "préoccupé", in the first sentence of paragraph 8 of the French version, should be replaced by the word "efforcé".

It was so decided.

Mr. ABDEL-HAMID (United Arab Republic) proposed that the word "Accordingly", at the beginning of the penultimate sentence, should be deleted.

It was so decided.

Paragraph 8, as amended, was adopted.

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Paragraphs 9 and 10

Paragraphs 9 and 10 were adopted.

Section IParagraphs 11 and 12

Paragraphs 11 and 12 were adopted.

Section IIParagraph 13

Paragraph 13 was adopted.

Paragraph 14

Mr. KIKHIA (Libya) proposed that the following sentence should be added at the end of the paragraph: "The suggestion of the Chairman of the IOC received wide support".

After an exchange of views between Mr. KIKHIA (Libya) and Mr. ARORA (India), the CHAIRMAN suggested that the word "wide" should be eliminated from the representative of Libya's amendment.

The proposal was accepted.

Mr. KORT (Union of Soviet Socialist Republics) suggested that the following paragraph should be inserted after paragraph 14:

"In his report on marine science and technology (E/4487), the Secretary-General submitted a proposal for an expanded programme of international co-operation to assist in a better understanding of the marine environment through science. The Economic and Social Council, having considered that report, invites the General Assembly to endorse the concept of a co-ordinated long-term programme of oceanographic research designed to increase, in the interests of world economic development, the resources available to all people of the world, taking also into account such initiatives as the proposal for an international decade of ocean exploration and several international programmes already considered, approved and adopted by the Inter-governmental Oceanographic Commission for implementation, in some cases, in co-operation with other specialized agencies."

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Mr. HARDERS (Australia) proposed the addition of the following sentence at the end of paragraph 14: "Some delegations pointed out that the problems of agency cross-funding would require further consideration."

Mr. BEAULIEU (Canada) said that the Australian amendment met part of the difficulty that he had been concerned about. However, he would like to know whether the financing required to support the activities of the IOC would be provided by States or from United Nations funds.

The CHAIRMAN explained that the text of the paragraph echoed the wording used by the Chairman of the IOC in his statement. He suggested that the word "relevant", in the penultimate line of the paragraph, should be deleted.

It was so decided.

Mr. POPPER (United States of America) proposed that the words "Delegations had taken note of the fact that" should be inserted at the beginning of the new paragraph proposed by the representative of the Soviet Union.

Mr. KORT (Union of Soviet Socialist Republics) accepted that amendment.

Mr. ODA (Japan) proposed the addition of the following sentence at the end of the paragraph: "Some delegations drew the attention of the Committee to the fact that the problems relating to the functions of the IOC were also discussed by the Economic and Technical Working Group".

Mr. MAURTUA (Peru) noted that it had been suggested that the Committee should endorse the Secretary-General's proposal concerning the IOC. He stated for the record that the Peruvian delegation was concerned at the frequent proposals to amend the statutes of international organizations, which represented a tendency that was detrimental to the proper functioning of such organizations.

Mr. AUDLAND (United Kingdom) pointed out that the misgivings expressed by the representative of Peru were reflected in the Australian amendment.

Mr. ARORA (India) supported the amendments proposed to paragraph 14 by the representatives of Australia and Japan.

Mr. HAQUE (Pakistan) proposed the addition of the following sentence to paragraph 14: "Some delegations had expressed reservations with regard to the broadening of the basis of the IOC".

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Mr. HAQUE (Pakistan) proposed the addition of the following sentence to paragraph 14: "Some delegations had expressed reservations with regard to the broadening of the basis of the IOC".

The CHAIRMAN felt that the report was sufficiently clear in that respect. However, the Rapporteur would take note of that proposal. With regard to the Libyan amendment, he felt that the views expressed could be reconciled by the wording: "The suggestion of the Chairman of the IOC received some support." The new paragraph proposed by the USSR representative, together with the United States representative's amendment would become paragraph 15 of the revised text.

Paragraph 14, as amended, was adopted.

Paragraph 15

Mr. POPPER (United States of America) proposed that the word "only" should be deleted from the wording "was only one element", in the second sentence, that the period at the end of that sentence should be replaced by a semi-colon and the rest of the text should read: "thus it was not the only means, although it was an important one, of stimulating...".

Mr. KIKHIA (Libya) questioned the meaning of the word "comprehensively" in the first line of the paragraph.

Mr. ABDEL-HAMID (United Arab Republic) proposed that an expression such as "Thus, in his view..." should be inserted at the beginning of the third sentence of the original text.

After an exchange of views in which Mr. HOLDER (Liberia) and Mr. POPPER (United States of America) took part, the CHAIRMAN suggested that the word "comprehensively" should be replaced by the word "extensively", and that the United States amendment to the second and third sentences should be adopted.

Paragraph 15, as thus amended, was adopted.

Paragraph 16

Mr. KORT (Union of Soviet Socialist Republics) proposed that the last sentence should be deleted, as it appeared to prejudice IOC's activities.

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Mr. HARDERS (Australia) believed that the words "scope of work" should be replaced by the word "competence" in the last sentence. Furthermore, in the penultimate sentence, the phrase "in co-operation with other interested international agencies" should be inserted following a comma, after the words "The IOC".

Paragraph 16, as thus amended, was adopted.

Paragraphs 17 and 18

Mr. KIKHIA (Libya) felt that paragraphs 17 and 18 should be combined with paragraph 16, since they were a continuation of the summary of a statement made by the United States representative, which was not clear from the present version of the text.

The CHAIRMAN suggested that paragraphs 17 and 18 should be combined in a single paragraph, which would be introduced by the following words: "The representative of the United States further declared that...".

Mr. BEAULIEU (Canada) felt that the meaning of the last sentence of paragraph 17 of the original text was vague. It should be ascertained whether the reference was to funds presently available or to new resources.

Mr. POPPER (United States of America) proposed that, in order to clarify the text, the word "also", in the last sentence of paragraph 17, should be deleted.

Paragraphs 17 and 18, as amended, were adopted and combined in a single paragraph.

Paragraph 19

After an exchange of views in which Mr. HARDERS (Australia), Mr. BENITES (Ecuador), Mr. POPPER (United States of America), Mr. ARORA (India), Mr. KOKHIA (Libya) and Mr. KORT (Union of Soviet Socialist Republics) took part, paragraph 19 was amended to read as follows:

"During the discussion of this item, there was agreement that the activities of all bodies (international, national, regional, non-governmental or governmental) within or outside the United Nations, engaged in scientific

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research into the sea-bed and the ocean floor and their resources, should be co-ordinated to avoid overlapping and promote efficiency. It was also noted that IOC should play a major role in organizing international collaboration in the study of the sea-bed and the ocean floor and their resources."

Paragraph 19, as amended, was adopted.

Paragraph 20

Mr. YANKOV (Bulgaria) noted that the Committee had decided to insert the following sentence after the first sentence of the paragraph: "Any such research and exploration, it was stated, could not give rise to any right of exploitation." He felt that the word "exclusive" should be added before the words "right of exploitation".

Mr. ZEGERS (Chile) noted that many delegations had affirmed that scientific exploration did not create any right of exploitation. The Bulgarian representative seemed to be suggesting that scientific research could confer certain rights on those engaged in it. He wondered what those rights were.

Mr. YANKOV (Bulgaria) said that, in a spirit of compromise, he would agree that the words "it was stated" should be replaced by the words "several delegations stated".

Mr. ZEGERS (Chile), supported by Mr. BENITES (Ecuador), Mr. HAQUE (Pakistan), Mr. ARORA (India) and Mr. MAURTUA (Peru), said that the expression "several delegations", proposed by the Bulgarian representative, was too weak and did not accurately reflect the discussions on that point. It should be replaced by the words "many delegations".

Mr. HOLDER (Liberia) expressed the hope that the sentence proposed by the Rapporteur would not be changed, as it correctly reflected the discussion.

Mr. HAQUE (Pakistan) expressed the hope that the words "for developing countries", in the penultimate line of the paragraph, would be left unchanged.

Mr. YANKOV (Bulgaria), supported by Mr. KORT (Union of Soviet Socialist Republics), proposed that the term "developing countries" should be replaced by the words "all countries in need of them".

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Mr. OSANYA-NYENEGUE (Kenya) proposed the addition of the following words after the term "developing countries": "or (according to some delegations) any other countries that may need such assistance".

The CHAIRMAN suggested that the Committee should agree to the words "and of any other countries that may need such assistance" after the words "developing countries".

It was so decided.

Mr. ABDEL-HAMID (United Arab Republic) reminded the Committee that the report of the Legal Working Group (A/AC.135/L.1, annex II, paragraph 36) contained the following sentence: "Some members expressed the view that scientific exploration should not serve as a basis for claims to exploitation".

Mr. ARORA (India) pointed out that there had been further discussion in the Ad Hoc Committee after the report of the Legal Working Group had been adopted.

Mr. KIKHIA (Libya) remarked that the report of the Economic and Technical Working Group (A/AC.135/L.3, paragraph 68) contained the following sentence: "Several delegations also stated that scientific research could not create rights of exploitation in the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction."

Mr. ZEGERS (Chile), supported by Mr. BENITES (Ecuador), said that the insertion of the sentence mentioned by the representative of Libya would be acceptable if the words "Several delegations" were replaced by the words "Many delegations".

The CHAIRMAN suggested that the Ad Hoc Committee should use the wording that the Economic and Technical Working Group had just adopted in its report.

It was so decided.

Mr. BEAULIEU (Canada), supported by Miss MARTIN SANE (France), said that the term "devrait signaler" in the French text of paragraph 20 was more satisfactory than the words "should recommend" in the English version, which should therefore be modified.

Mr. GAUCI (Malta), Rapporteur, suggested that the word "recommend" in the English text should be replaced by the word "commend", and that the words "the Committee should recommend", two lines further down, should be deleted.

It was so decided.

Paragraph 20, as amended, was adopted.

The meeting rose at 7 p.m.

SUMMARY RECORD OF THE TWENTY-THIRD MEETING

Held on Thursday, 29 August 1968, at 10.35 a.m.

Chairman:

Mr. AMERASINGHE

Ceylon

ADOPTION OF THE REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY (A/AC.135/R.3)
(continued)

Paragraphs 21 and 22

Mr. KORT (Union of the Soviet Socialist Republics) said that paragraphs 21 and 22 simply gave examples of scientific research projects suggested for the proposed international decade of ocean exploration and should therefore be combined with paragraphs 15, 16 and 17 dealing with the decade.

Mr. POPPER (United States of America) agreed that paragraphs 21 and 22 reflected the discussion of the international decade and that the point might be made clear. He proposed that, as a matter of technical accuracy, the word "topography" should be replaced by the words "geology and geophysics", the word "shelf" by the word "margins", and the word "depths" by the word "floor".

The CHAIRMAN explained that the observations in paragraph 21 related, not to the international decade, but to a general international programme of scientific research.

Mr. KORT (Union of the Soviet Socialist Republics) said that in that case, the paragraph should contain a reference to the document prepared by the Intergovernmental Oceanographic Commission secretariat (A/AC.135/17), since it described in some detail the scientific research which would have to be carried out to ensure the peaceful uses of the ocean floor. After reference had been made to that comprehensive document, the fields in paragraph 21 could be mentioned as examples of areas in which scientific research should be concentrated. He still had some doubts about paragraph 22, which laid too much stress on research projects relating to the continental shelf. It should be stated, at least, that the examples in that paragraph had been cited by some delegations.

Mr. POPPER (United States of America) said that his delegation would welcome the addition of a reference to document A/AC.135/17. Paragraph 22 summarized the discussion in the Committee.

The CHAIRMAN suggested that paragraphs 21 and 22 should be combined in one paragraph, which would begin with a new sentence reading: "Note was taken of the programme of scientific research set out in the paper of the IOC (A/AC.135/17)

(The Chairman)

entitled scientific aspects of peaceful uses of the ocean floor". The beginning of the present paragraph 22 should be amended to read: "Other examples, falling within the objectives of the proposed international decade and mentioned by certain delegations, are", and the technical amendments proposed by the United States delegation should be adopted.

It was so decided.

Mr. HOLDER (Liberia) suggested that the word "deep" in the expression "deep ocean floor" should be deleted, for its use was inconsistent with the view stated in paragraph 26.

Mr. POPPER (United States of America) agreed to the deletion.

Paragraphs 21 and 22, as amended, were adopted.

Paragraphs 23 and 24

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) thought that it should be made clear that the Intergovernmental Oceanographic Commission in formulating an expanded programme of international co-operation, should take account of the United States proposal for an international decade of ocean exploration.

The CHAIRMAN suggested, to meet that point, that the following sentence should be inserted after the first sentence of the paragraph: "It was suggested that this programme should take into account the proposal for an international decade of ocean exploration."

It was so decided.

Mr. GRANELLI (Argentina) proposed the addition of the following sentence: "The practice of inviting non-governmental scientific advisory bodies such as the Scientific Committee for Oceanic Research (SCOR), the International Council of Scientific Unions (ICSU) and the Advisory Committee on Marine Resources Research of FAO (ACMRR) to evaluate the expanded programme which is to be planned and co-ordinated by IOC should be continued."

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The CHAIRMAN said that the Argentine suggestion could not be included in the report, since it had not been put forward during the discussion, but it would be entered in the record of the meeting.

Paragraph 23, as amended, was adopted.

Paragraph 24 was adopted.

Paragraph 25

Mr. YANKOV (Bulgaria) said that paragraph 25 reflected only one of the approaches to the problem. To make it more balanced, he proposed that the text should begin with the words "Some delegations emphasized the view that...", and should be followed by another sentence which would read: "Other delegations stressed the point that the Intergovernmental Oceanographic Commission should assume an important role in promoting, assisting and co-ordinating the international co-operative effort in this field."

Mr. FLEMMING (United Kingdom) noted that the point raised in the Bulgarian amendment was discussed in paragraph 16. As paragraph 25 failed to take account of the excellent work that had been done by United Nations agencies, he proposed the following redrafting:

"The view was emphasized by some delegations that the relevant agencies of the United Nations should have a central role in co-ordinating activities in the field of scientific research, and that there should be increased co-operation between international agencies, governmental and non-governmental, to ensure adequate supervision and planning."

The CHAIRMAN suggested that the final words should read: "adequate supervision over programming and planning".

Mr. TILAKARATNA (Ceylon) said that there seemed to be some misunderstanding: there had never been any intention to derogate from the functions of IOC. Some developing countries, however, were not certain where the political aspects ended and the scientific aspects began, and they therefore favoured the establishment of a central United Nations body which would be concerned with all aspects of the problem. Since there had never been any intention of supplanting IOC, the Bulgarian amendment was unnecessary.

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Mr. YANKOV (Bulgaria) pointed out that paragraph 16 presented the view of the United States delegation, whereas paragraph 25 stated the opinion of the Committee: the one could not take the place of the other. His amendment was without prejudice to the co-ordinating role of the United Nations.

Mr. FLEMMING (United Kingdom) suggested that the Bulgarian amendment should be made a sub-amendment to his proposal. In that case, the word "central" should be applied to the role of IOC, and the word "important" to the role of the United Nations agencies.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) supported that suggestion. The wording proposed by the United Kingdom delegation simply amplified the original text of paragraph 25: together with the Bulgarian proposal, it would reflect the substance of the discussion.

Miss MARTIN SANE (France) thought that the United Kingdom proposal, together with the Bulgarian proposal, would be a satisfactory statement of the facts.

Mr. HOLDER (Liberia) said that paragraph 25, in its present form, was a faithful summary of the discussion in the Committee. The United Kingdom amendment would completely alter the facts, and should not be adopted.

The CHAIRMAN pointed out that views put forward in the United Kingdom amendment had in fact been stated in the discussion.

He suggested that paragraph 25 should begin with the present text, amended by the insertion of the words "by some delegations" after the word "emphasized", should continue with the new sentence proposed in the Bulgarian amendment, the word "central" being substituted for "important", and should conclude with the text of the United Kingdom amendment, the word "important" being substituted for "central", and with the minor drafting change which he had suggested.

It was so decided.

Paragraph 25 was adopted.

Paragraph 26

The CHAIRMAN suggested that the paragraph should be deleted, as the points covered had been dealt with adequately elsewhere in the report.

It was so decided.

Paragraph 27

The CHAIRMAN suggested the following amended text:

"27. The proposal for an international decade was welcomed as a useful initiative and widely supported. The suggestion that IOC, in preparing a programme for expanded co-operation, should utilize the proposal of the Secretary-General and take into consideration the proposal for the decade was also supported. It was appreciated that a long-term programme would extend beyond the decade and that the period would vary for different programmes. With respect to ECOSOC resolution 1381 (XLV), what was envisaged in the proposal for an international decade was a dovetailing of approaches, rather than a conflict."

Mr. KIKHIA (Libya) supported that suggestion.

Paragraph 27, as amended, was adopted.

Paragraph 28

Paragraph 28 was adopted.

Paragraph 29

The CHAIRMAN suggested that the words "Wide support was given to the proposal for an international decade of ocean exploration and to" should be deleted and the words "received general approval" added at the end of the paragraph.

It was so decided.

Mr. ZEGERS (Chile) pointed out that, as the report of the Economic and Technical Working Group made abundantly clear, a number of delegations had supported the proposal mentioned in the amended version of the paragraph only in so far as it came within the Ad Hoc Committee's terms of reference, in other words, only in so far as it related to areas beyond the national jurisdiction of States. He proposed that a reference should be made to that fact in the paragraph.

Mr. MAURTUA (Peru) agreed.

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The CHAIRMAN suggested that the phrase, "in so far as it fell within the limits of the competence of the Committee" should be added at the end of the paragraph.

It was so decided.

Mr. ODA (Japan) proposed that the following sentence should be added to the paragraph to reflect a view that had been expressed repeatedly:

"It was observed by some delegations that the work of IOC and the concept of the international decade were designed to ensure more effective exploitation of the ocean as a whole, whereas the task of the Ad Hoc Committee was strictly limited to the sea-bed and ocean floor beyond the limits of national jurisdiction."

Mr. FLEMMING (United Kingdom) supported that proposal.

The amendment was adopted.

Paragraph 29, as amended, was adopted.

Paragraph 30

Mr. MICU (Romania) said that it was no exaggeration to say that the Ad Hoc Committee had been unanimous in expressing its satisfaction with the work of IOC. He accordingly proposed that the paragraph should be amplified by adding the following sentence:

"The Ad Hoc Committee expressed its unanimous appreciation of the work done by IOC".

It was so decided.

Paragraph 30, as amended, was adopted.

Paragraph 31

Paragraph 31 was adopted.

Paragraph 32

Mr. ABDEL-HAMID (United Arab Republic) proposed that the section of the paragraph reading "as well as other documents and available authoritative sources of information" should be replaced by:

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(Mr. Abdel-Hamid, United Arab Republic)

"Resolutions 1381 (XLV) and 1380 (XLV) adopted by the Economic and Social Council at its forty-fifth session were brought to the attention of the Working Group. The Group also had before it other documents and available authoritative sources of information."

Mr. FLEMING (United Kingdom) proposed that the following sentence should be added at the end of the paragraph:

"Some delegations drew attention to the excellence of the documents provided by the Secretariat."

Both amendments were adopted.

Paragraph 32, as amended, was adopted.

Paragraphs 33 and 34

Paragraphs 33 and 34 were adopted.

Paragraph 35

Mr. ABDEL-HAMID (United Arab Republic), supported by Mr. PROHASKA (Austria), Mr. KIKHIA (Libya) and Mr. FELLENS (Belgium), suggested that the second sentence of the paragraph was unnecessary.

The CHAIRMAN suggested that the entire paragraph should be deleted.

It was so decided.

Paragraph 36

Mr. ARORA (India) said that paragraph 61 (1) of the report of the Economic and Technical Working Group, which was the subject of the paragraph, referred to the possibility of requesting the Secretary-General to undertake "a detailed comparative study of mechanisms that could be established" in connexion with any international régime. His delegation would welcome some indication from the Secretariat of the time which it would take to prepare a report on the type of mechanism outlined by the Secretary-General in document E/C.1/952.

Mr. de BREUVERY (Representative of the Under-Secretary-General for Economic and Social Affairs) said that the work might take about six months.

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After a brief discussion, in which Mr. ARORA (India), Mr. POPPER (United States of America), Mr. TILAKARATNA (Ceylon) and Mr. LAPOINTE (Canada) participated, the CHAIRMAN suggested that further discussion of a possible request to the Secretary-General to prepare a report should be deferred.

It was so agreed.

Paragraph 36 was adopted.

Paragraphs 37 to 39

Paragraphs 37 to 39 were adopted.

Paragraph 40

Mr. POPPER (United States of America) said that the last sentence of the paragraph was somewhat misleading: a number of draft declarations or statements of principles had been submitted to the Committee and not all delegations were of the opinion that those referred to in that sentence were appropriate for submission to the Assembly. He therefore proposed that the words "and in various draft resolutions submitted to the Committee" should be added after the words "Legal Working Group".

Mr. ABDEL-HAMID (United Arab Republic), supported by Mr. ARORA (India), said that he had no objection to the inclusion of that point in the paragraph as a separate sentence.

Mr. POPPER (United States of America) said that he would, in that case, withdraw his amendment and proposed that the following sentence should be added at the end of the paragraph:

"Some delegations suggested that other statements of legal principles should also be considered in this connexion."

It was so decided.

Mr. POPPER (United States of America) said that his delegation, while not wishing formally to propose an amendment, wished to place on record its view that the use of the word "present" in the phrase "underlying the high seas beyond present national jurisdiction" was inappropriate.

Paragraph 40, as amended, was adopted.

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Paragraphs 41 to 43

Paragraphs 41 to 43 were adopted.

Paragraph 44

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) proposed that the third sentence of the paragraph should be deleted. The information contained in it was out of date, since at its last session the Eighteen-Nation Committee on Disarmament had discussed possible military uses of the sea-bed and the ocean floor.

Mr. DANIELI (United Republic of Tanzania), supported by Mr. HAGUE (Pakistan), said that that was not strictly relevant, since the report was merely recording the fact that the Committee had received certain information.

The CHAIRMAN agreed with the representative of the Soviet Union that the information contained in the sentence was now superfluous, and therefore assumed that if there were no further objections it could be deleted.

It was so decided.

Mr. AUDLAND (United Kingdom) proposed the addition at the end of the last sentence of the words "emphasizing that the document was based on published material only and stating that important and relevant aspects might still be unknown or not generally appreciated. Some delegations referred to this reservation".

The CHAIRMAN suggested that the amendment, without the second sentence and beginning with the words "Some delegations emphasized... ", might more appropriately be included at the end of paragraph 45.

Mr. KIKHIA (Libya) said he doubted the relevance of referring in the second sentence to the views submitted by Governments: such a reference could be made for every item discussed by the Committee.

The CHAIRMAN said that the reference was relevant in the present case; it could also be inserted elsewhere if necessary.

Paragraph 44, as amended, was adopted.

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Paragraph 45

Mr. HAQUE (Pakistan) pointed out that the amendment proposed by the United Kingdom should be inserted before the last sentence of the paragraph; otherwise it would refer to document A/AC.135/32 rather than A/AC.135/28.

The CHAIRMAN agreed, and pointed out that a final sentence should be added stating that some delegations had also expressed reservations with regard to the Chairman's summary.

Paragraph 45, as amended, was adopted.

Paragraph 46

Paragraph 46 was adopted.

Paragraph 47

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) proposed that the second and third sentences of the paragraph should be deleted, because delegations had attempted to define political aspects and reference to the records of the meetings tended to belittle the significance of the report itself.

Paragraph 47, as amended, was adopted.

Paragraph 48

Mr. AUDLAND (United Kingdom) said that the wording of the paragraph suggested that there had been general agreement on the subject discussed, which was not the case. He therefore proposed the insertion of the words "by several delegations" after "stressed".

Mr. HAQUE (Pakistan) suggested that, since the wording of the paragraph was a milder version of the reference to complete unanimity in paragraph 49, the amendment was not strictly necessary.

The CHAIRMAN pointed out that, while it had been the unanimous view that the sea-bed and the ocean floor beyond the limits of national jurisdiction should be used exclusively for peaceful purposes, there had been some difference of opinion as to the precise definition of those purposes. The amendment was therefore justified.

Paragraph 48, as amended, was adopted.

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Paragraph 49

Mr. DANIELI (United Republic of Tanzania) proposed the deletion of the words "among all those who participated in the debate", because they weakened the meaning of the first sentence.

Mr. YANKOV (Bulgaria), Mr. ARORA (India), Mr. KIKHIA (Libya), and Mr. ABDEL-HAMID (United Arab Republic) agreed.

The Tanzanian amendment was adopted.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) said that in the first sentence, it was not strictly true to state that there had been complete unanimity that the sea-bed and the ocean floor beyond the limits of national jurisdiction should be used exclusively for peaceful purposes; the view had also been advanced that it should be the area beyond the limits of the territorial waters of coastal States which should be so reserved. In view of that difference of opinion, and since the question of national jurisdiction still awaited a final solution, it would be preferable to delete the qualifying phrase and refer simply to the sea-bed and the ocean floor.

Mr. LAPOINTE (Canada) said that, since the Committee's terms of reference were restricted to the area beyond the limits of national jurisdiction, the qualifying phrase should be retained.

Miss MARTIN SANE (France) pointed out that the question whether the phrase "territorial waters" should be used was dealt with extensively in paragraphs 52 to 56 of the report. The phrase generally used in the discussions had been "beyond the limits of national jurisdiction", and in any case the area outside the territorial waters was also outside national jurisdiction. She therefore agreed that the original wording of the paragraph should be retained.

Mr. YANKOV (Bulgaria) said that his delegation was among those which believed that the demilitarized zone should be as extensive as possible, in order to facilitate the peaceful uses of the area. He would therefore welcome unanimous agreement that the continental shelf should be used exclusively for peaceful purposes; however, if that was not possible, all the views which had been expressed should be reflected.

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Mr. MAURTUA (Peru) said that there appeared to be an attempt to extend the Committee's terms of reference. The support for use of the phrase "territorial waters" had not been unanimous: his delegation for one had reserved its position. He believed that, in the third sentence of paragraph 49, the words "effective measures" should be replaced by a stronger phrase, such as "the necessary measures".

Mr. KIKHIA (Libya) said that the first sentence of the paragraph should be kept in its present form, since it was factually correct. It could be followed by a further sentence reading "However, some delegations suggested that this provision should be extended to the continental shelf".

The CHAIRMAN suggested that the wording of the proposed new sentence should be "... suggested that the area covered should be even wider".

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) said that, if the Committee insisted on retaining the words "beyond the limits of national jurisdiction", the simplest course would be to replace "There was complete unanimity" by some such phrase as "It was noted".

Mr. HAQUE (Pakistan) said that, while he agreed that the demilitarized zone should be as wide as possible, the original wording reflected more accurately the discussions which had taken place. The position of the Soviet Union seemed to be covered by the Libyan amendment.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) pointed out that his delegation had submitted a draft resolution (A/AC.135/20) making clear its position that it was the area beyond the limits of the territorial waters of coastal states which should be used exclusively for peaceful purposes. It would be unwise to indulge in a lengthy discussion of national jurisdiction at the present stage, and he therefore maintained his original amendment.

The CHAIRMAN pointed out that there had not been complete unanimity on the wording which that amendment would entail.

Mr. AUDLAND (United Kingdom) said he did not believe the position of the Soviet delegation to be that the sea-bed and the ocean floor beyond the limits of national jurisdiction should not be used exclusively for peaceful purposes,

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(Mr. Audland, United Kingdom)

although that was the logical conclusion to be drawn from the statements which had been made. The position of the Soviet Union seemed to be adequately covered by the Libyan amendment, which could be further modified, in line with the Soviet draft resolution, to read: "Some delegations also proposed that this principle should also apply to the sea-bed and the ocean floor beyond the territorial waters of coastal States".

Mr. YANKOV (Bulgaria) proposed that the beginning of the United Kingdom amendment should be changed to read "Wide support was expressed for the idea that this principle...".

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) said the Bulgarian version of the amendment was acceptable. He further proposed the addition of a sentence reading "It was further proposed that the Committee should recommend the General Assembly to adopt a resolution calling upon all States to use the sea-bed and the ocean floor beyond the territorial waters of coastal States exclusively for peaceful purposes, and requesting the Eighteen-Nation Committee on Disarmament to discuss the question as an urgent measure to stop the arms race and achieve disarmament".

The CHAIRMAN pointed out that the point was covered in a later part of the report. He felt that the existing first sentence of the paragraph, together with the new second sentence proposed by the Libyan representative and amended by the representatives of the United Kingdom and Bulgaria, would best reflect the discussions.

Mr. LAPOINTE (Canada) said that it was not correct to refer, as the Bulgarian amendment did, to "wide support": there were at least two other draft resolutions, apart from that submitted by the Soviet Union, which referred to the area beyond the limits of national jurisdiction. The views of the Soviet Union could be reflected in the summary record of the meeting, but should not appear in the Committee's report.

Mr. ZEGERS (Chile) said that he could accept the wording favoured by the Soviet Union and Bulgaria, provided it was also stated that the Committee's competence extended only to the area beyond present national jurisdiction.

The meeting rose at 1.15 p.m.

SUMMARY RECORD OF THE TWENTY-FOURTH MEETING

Held on Thursday, 29 August 1968, at 3.20 p.m.

Chairman

Mr. AMERASINGHE

Ceylon

ADOPTION OF THE REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY (A/AC.135/R.3, and Add.1) (continued)

A/AC.135/R.3, paragraph 49 (continued)

The CHAIRMAN announced that, during the recess, the USSR delegation had proposed, first, that the words "There was complete unanimity" in the first sentence, should be replaced by the words "It was widely recognized", and secondly, that the following text should be inserted immediately after that sentence:

"The view was, however, expressed that the principle of peaceful use should apply to the sea-bed and ocean floor beyond the limits of the territorial waters of coastal States. This view received support."

Mr. DANIELI (United Republic of Tanzania) felt that the words "This view received support" were superfluous as the fact that the view had received support was self-evident.

Mr. LAPOINTE (Canada) said that he had no objection to the USSR amendments but he felt that the second should contain a reference to paragraphs 55 and 56, which qualified the view expressed.

The CHAIRMAN pointed out that some delegations which had not taken part in the debate also supported the view to which the Tanzanian representative had referred. He doubted whether a reference to paragraphs 55 and 56 was necessary, inasmuch as the report would be read as a whole.

Mr. ANDRASSY (Yugoslavia) wished to place on record that his delegation considered that, as far as the use of the sea-bed for military purposes was concerned, the limits of territorial waters coincided with the present limits of national jurisdiction.

Mr. AUKLAND (United Kingdom) said that the Soviet proposal might cause difficulty not least because in the view of some delegations, the Committee was not competent to discuss territorial waters.

The CHAIRMAN pointed out that the Committee's terms of reference did not prevent any representative from referring to broader issues during the debate, and that any view expressed should be reflected in the report.

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Mr. POPPER (United States of America), supported by Mr. AUDLAND (United Kingdom), proposed that the word "some" should be inserted after the words "this view received", in the second sentence of the USSR representative's second amendment, to indicate that some representatives disagreed with the view expressed.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) felt that the view expressed was more widely accepted than the word "some" would imply; he proposed that it should be replaced by the word "wide".

It was so decided.

Mr. HOLDER (Liberia) felt that the word "however", in the first sentence of the second USSR amendment, was unnecessary since that sentence was not in opposition to the first sentence of paragraph 49 but additional to it.

Mr. ZEGERS (Chile) proposed that the words "Some delegations stated, however, that the recommendations exceeded the competence of the Committee" should be inserted after the USSR representative's second amendment.

The CHAIRMAN pointed out that what was at stake was not a recommendation but a view expressed during the debate, when any representative had been free to refer to any issue which, in his opinion, fell within the Committee's terms of reference. The question of competence therefore did not arise.

Mr. ZEGERS (Chile) said that he had no objection to the inclusion of the USSR representative's view in the report, but he felt that his delegation's view that the matter was not within the Committee's terms of reference should also be included.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) recalled that his delegation had submitted a draft resolution (A/AC.135/20) containing the paragraph "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", which it had explained in its statements and which had been supported by many delegations; the question of competence had not been raised at that time. In his view, the Chilean representative's proposal was tantamount to

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(Mr. Kulazhenkov, USSR)

opening a debate of substance on the meaning of the words "territorial waters", the limits of which, many delegations believed, coincided with those of national jurisdiction. His delegation merely wished to have its views reflected in the report.

In response to an appeal by the CHAIRMAN, Mr. ZIEGERS (Chile) said that he would be satisfied if the Committee's records showed that, while his delegation did not oppose the demilitarization of the sea-bed beyond the limits of national jurisdiction, it felt that the Committee had no competence under its terms of reference to make recommendations concerning areas falling within national jurisdiction of States.

Mr. BENITES (Ecuador) said that his delegation accepted that resolution but wished to place on record its view that the solution was illogical. He failed to understand why the representative of the Soviet Union was not satisfied with the phrase "beyond the limits of national jurisdiction" in connexion with the peaceful uses of the sea-bed and the ocean floor, since the area which the Soviet Union wished to cover in its amendment was covered by the first sentence of paragraph 49. It was his understanding that the delegation of the Soviet Union had never objected to the demilitarization of the area beyond national jurisdiction.

Mr. PADILLA Y VELASCO (El Salvador) and Mr. RUDA (Argentina) fully endorsed the position of the Chilean and Ecuadorian delegations.

Mr. OSARYA-NYNEQUE (Kenya) said that it was important for delegations to distinguish between providing a postscript to their discussions, on the one hand, and correcting the Rapporteur's draft, on the other. He did not consider that the USSR amendment to paragraph 49 adequately reflected what the Committee had agreed upon, and the proper expression of their views was the most important consideration. A single delegation should not be allowed to speak for the whole Committee on any matter. He therefore wished to record that the delegation of Kenya was unable to accept the USSR amendments to paragraph 49.

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Mr. MAURTUA (Peru) said that he was surprised that the second USSR amendment had been formulated without due regard for the wording of General Assembly resolution 2340 (XXII), which the Committee was bound to respect. In referring to "national jurisdiction" in its report, the Committee was using the term employed in the resolution. He wished to state for the record that, in his opinion, the addition suggested by the Soviet Union was tantamount to redefining a substantive and basic concept.

The CHAIRMAN said that there were two further amendments to paragraph 49, consisting in the addition of two sub-paragraphs, the first proposed by the USSR, and the second by the United States. They read as follows:

"(1) A proposal was made that the Committee should recommend to the General Assembly the adoption of a resolution calling 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 and requesting the Eighteen-Nation Committee on Disarmament to consider as an urgent matter the question of prohibiting the use of the same area for military purposes.

"(2) Yet another proposal was made to the effect that, considering that the term 'peaceful purposes' does not preclude military activities generally, specific limitation on certain military activities with regard to the sea-bed and the ocean floor would require the negotiation of a detailed arms control agreement. It was noted that the question was on the agenda of the Eighteen-Nation Committee on Disarmament."

Mr. DANIELI (United Republic of Tanzania) said that the report was not the appropriate place for indicating the views of the different delegations on every simple question considered. The summary records were the proper place for detailed statements of views.

Mr. RUDA (Argentina) supported the previous speaker.

Mr. KIKHIA (Libya) appealed to delegations not to press for the inclusion of the amendment, since the question referring the consideration of military uses to the Committee on Disarmament was covered in paragraphs 57 and 58.

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Mr. POPPER (United States of America) said that his delegation could not withdraw the first sentence of its amendment, because paragraph 49, as modified by the first two Soviet amendments, reflected only one approach to the question of the peaceful use of the sea-bed and the ocean floor, whereas the United States proposal embodied a second approach, and had the support of many delegations. He was prepared, however, to withdraw the second sentence of the amendment.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) expressed the view that if the sub-paragraph proposed by the Soviet Union was included in paragraph 49 which seemed to him to be the most appropriate place for it, that paragraph would give a clearer picture of the stage reached by the Committee in its work.

Mr. AUDLAND (United Kingdom) agreed that paragraph 53 was in some sense an answer to the third sentence of paragraph 49, and to the statements in paragraph 52. In order to achieve a proper balance, a summary of paragraph 53 should also be inserted in paragraph 49, or no reference should be made to the matter in either paragraph.

The CHAIRMAN pointed out that that would involve the deletion of the last two sentences of paragraph 49, which would disrupt it unnecessarily. The best solution would probably be to annex the amendments to the report rather than attempt to fit them into particular paragraphs.

Mr. POPPER (United States of America) said that when a delegation made a suggestion which it regarded as important, it was entitled to have its view expressed in the report, especially when they were supported by other delegations.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) said that his delegation was unwilling to accept a compromise solution, since the point it wished to make was exceptionally important. He suggested deleting the last sentence in paragraph 49 and replacing it by the Soviet Union amendment.

The CHAIRMAN pointed out that that would be unacceptable, since a number of delegations were pressing for an immediate ban to be placed on the military use of the sea-bed and the ocean floor.

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Mr. DANIELI (United Republic of Tanzania), supported by Mr. ARORA (India) suggested that the discussion on paragraph 49 should be completed at a later stage.

The CHAIRMAN said that it would be preferable to dispose of that paragraph without delay, and read out the Soviet delegation's amendment.

Mr. DANIELI (United Republic of Tanzania) considered that the words "Several delegations suggested..." might be used, and that the following sentence could be added at the end of the Soviet amendment: "It was also stated that the ENDC should, as a matter of urgency, consider the question of banning the use of the sea-bed and ocean floor, beyond the limits of present national jurisdiction, by nuclear submarines, and banning fortifications and missile bases on the sea-bed".

Mr. GAUCI (Malta) said that his Government attached particular importance to the position of the great Powers on that point.

Mr. ABDEL-HAMID (United Arab Republic) said that he was prepared to accept the proposed amendments, on the understanding that the Tanzanian amendment would be inserted between the Soviet amendment and the United States amendment.

Paragraph 49, as amended was adopted.

Paragraph 50

At the suggestion of the Chairman, paragraph 50 was deleted.

Paragraph 51

On the proposal of the Rapporteur, paragraph 51 was deleted.

Paragraph 52

Mr. POPPER (United States of America) said that the first sentence reflected only one of the opinions expressed, and proposed that the following words should be inserted after that sentence: "Other delegations expressed the view that military activities, as well as others, conducted consistently with international law, should not require authorization".

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Mr. GAUCI (Malta) pointed out that that view was stated later in the text.

Mr. ABDEL-HAMID (United Arab Republic) requested an explanation of the words "as well as others".

Mr. POPPER (United States of America) was willing to delete those words, and proposed that the first sentence of the paragraph should be amended to read: "A number of delegations have proposed that all military activities should be banned in the area contemplated in the item".

Mr. KROYER (Iceland) supported that proposal, which would give the text more continuity, now that paragraphs 50 and 51 had been deleted.

In reply to a question by Mr. KIKHIA (Libya), the CHAIRMAN suggested that the words "beyond the limits of territorial waters" in the seventh line of the paragraph should be deleted.

Mr. ARORA (India) suggested the following changes in the United States amendment: the use of the words "A large number of delegations" and the substitution of the word "stressed" for the word "proposed".

Mr. POPPER (United States of America) accepted those changes.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) proposed that the term "opinions" should be substituted for the term "approaches" in the fourth line of the paragraph.

It was so decided.

Paragraph 52, as amended, was adopted.

Paragraph 53

Mr. AUDLAND (United Kingdom) proposed that the present text of paragraph 53 should be replaced by the following text, which summarized his delegation's views accurately: "It was argued that the interpretation of 'peaceful uses' as excluding all military activities beyond the limits of national jurisdiction would not prove acceptable to all nations. Attention was drawn to the existence of large submarine fleets which gave nations a justifiable interest in the development of defensive systems, including surveillance devices. Such

(Mr. Audland, United Kingdom)

an interpretation also ignored the interrelationship between the sea-bed and the high seas above it. There was no general prohibition of military activities in the high seas, nor even any proposal for such a prohibition. Consequently, to give but one example, it would be both impracticable and illogical to seek to prevent submarines, which were free to use superjacent high seas, from resting on the sea-bed itself. Research by naval vessels and military use of submarine cables were also mentioned as examples of military uses of the sea-bed which should not be prohibited."

Mr. HAQUE (Pakistan) thought that the words "Some delegations were of the opinion" should be substituted for "It was argued", so as to indicate the degree of support which those views had received.

It was so decided.

Paragraph 53, as amended, was adopted.

Paragraph 54

The CHAIRMAN informed the Committee that it had been decided that the first sentence should be revised to read: "An internationally acceptable definition of the precise limits of the area under consideration was regarded by several delegations as central to the whole question and one which required careful study as it was highly complex, although it went beyond the Ad Hoc Committee's terms of reference."

Mr. POPPER (United States of America) proposed that the words "it had been mentioned" should be inserted after the word "although" to make the sentence clearer.

It was so decided.

Paragraph 54, as amended, was adopted.

Paragraph 55

Mr. YANKOV (Bulgaria) proposed that the following two new sentences should be inserted before the last sentence of the paragraph:

"Furthermore, it was emphasized that the military use of the sea-bed underlying the high seas, beyond territorial waters, in the area of the continental shelf, would inevitably affect the peaceful exploration and

(Mr. Yankov, Bulgaria)

use of the sea-bed and the ocean floor beyond the limits of national jurisdiction. It was therefore pointed out that the greater the area of demilitarization, the better it would be for the peaceful uses of the sea-bed beyond the limits of national jurisdiction."

The report would thus reflect more accurately the viewpoint expressed by Bulgaria during the discussion.

In reply to an objection raised by Mr. POPPER (United States of America), the CHAIRMAN suggested that the Rapporteur should be entrusted with the task of revising the text of the Bulgarian amendment so as to indicate that the whole paragraph reflected a single statement.

It was so decided.

Subject to that revision, paragraph 55, as amended, was adopted.

Paragraph 56

Mr. LAPOINTE (Canada) proposed that the words "were not fixed and" in the first sentence should be deleted.

Miss MARTIN SANE (France) supported the Canadian amendment.

Mr. KIKHIA (Libya) proposed that the words "were not fixed" should be replaced by the following words: "were not internationally agreed".

Mr. LAPOINTE (Canada) said that if the Libyan proposal was adopted, the words "the breadth" should be substituted for the word "limits".

The CHAIRMAN thought it unnecessary to stress the idea of international agreement.

Mr. HOLDER (Liberia) said that the first sentence could be deleted since territorial waters were not within the Ad Hoc Committee's terms of reference.

The CHAIRMAN recalled that that question had already been raised, and suggested that the first sentence should be maintained.

It was so decided.

Mr. AUDLAND (United Kingdom) proposed that the words "by some delegations" should be inserted after the words "pointed out" at the beginning of the second sentence.

It was so decided.

Paragraph 56, as amended, was adopted.

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Paragraph 57

Mr. POPPER (United States of America), referring to his delegation's proposal concerning the Eighteen-Nation Committee on Disarmament, requested that the following new sentence should be inserted after the fourth sentence: "Another delegation proposed that the ENDC examine the question whether a viable international agreement might be achieved in which each party would agree not to emplace or fix weapons of mass destruction on the sea-bed."

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) proposed the following amendments: in the first sentence, to delete the word "clear"; in the first sentence, to delete the words "whether they be described as disarmament or non-armament"; in the fourth sentence, to substitute for the second part of the sentence the following text: "the exclusive use of the sea-bed and ocean floor for peaceful purposes fell within the context of immediate and partial measures for ending the arms race and achieving disarmament"; after the sentence proposed by the United States delegation, to add the following sentence: "On the other hand, it was proposed that the ENDC should 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 CHAIRMAN recalled that many delegations had stressed that a distinction should be made between disarmament and non-armament. Accordingly, he asked the Soviet representative to withdraw his amendment to the first sentence.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) withdrew his amendment.

The CHAIRMAN pointed out that the text proposed by the Soviet delegation in place of the second part of the fourth sentence repeated ideas which had already been expressed, and that the report would deal too heavily with disarmament.

Mr. DANIELI (United Republic of Tanzania) considered that the expression "a clear difference of opinion" in the English text correctly reflected the discussion, and asked that the word "clear" should be maintained in the English version; the Russian version would be brought into line with the English text.

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Mr. YANKOV (Bulgaria) agreed with the representative of the Soviet Union that it was inadvisable to lay too much stress on differences of opinion.

Concerning the term "non-armament", which some delegations had used, his delegation noted that in the context of the peaceful use of outer space, prohibition of the use of celestial bodies for military purposes had been considered a disarmament measure. Moreover, in United Nations terminology, partial disarmament measures were always considered as falling within the context of general and complete disarmament.

Lastly, since the United States draft resolution (A/AC.135/24) would be mentioned in the text, it was natural that the Soviet delegation should wish to have its draft resolution mentioned also.

Mr. OSANYA-NYINEQUE (Kenya) thought that the solution might lie in substituting for the first sentence of the paragraph the following text: "There was a clear difference of opinion in the Committee regarding the procedure for dealing with all military aspects of the item."

The CHAIRMAN saw no point in reopening the discussion on the first sentence, since the representative of the Soviet Union had agreed to the retention of the second part.

Mr. YANKOV (Bulgaria) thought that it would be preferable to follow the customary terminology, but supported the Chairman's position.

In reply to an objection raised by Mr. POPPER (United States of America) the CHAIRMAN suggested that the following words should be inserted at the beginning of the third Soviet amendment: "According to these speakers".

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) accepted that sub-amendment.

Mr. KIKHIA (Libya) requested that the expression "a clear difference" and the clause "whether they be described as disarmament or non-armament" should be retained.

He asked the sponsors of amendments not to press for the adoption of their proposals, in order not to delay the Committee's work.

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Mr. TILAKARATNA (Ceylon) also urged that the clause "whether they be described as disarmament or non-armament" should be retained.

The CHAIRMAN suggested that the word "clear" should be retained in the English text and that the Russian text should be brought into line with that version.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) in response to an appeal by the Chairman, agreed not to press for the deletion of the word "clear" (first line of the paragraph) and of the clause "whether they be described as disarmament or non-armament" (third line of the paragraph).

The CHAIRMAN recalled that the Committee still had before it three amendments. Firstly, the Soviet delegation had requested the deletion of the clause beginning with the words "the exclusive use" and ending with the words "of general and complete disarmament" (eighth to tenth lines of the paragraph), and had proposed that it should be replaced by the following text: "the exclusive use of the sea-bed and ocean floor for peaceful purposes fell within the context of immediate and partial measures for ending the arms race and achieving disarmament". Secondly, the United States representative had proposed that after that new clause there should be inserted another sentence beginning with the words: "A delegation proposed, etc.". Thirdly, the representative of the Soviet Union had requested that after the sentence proposed by the United States delegation there should be inserted another sentence beginning with the words: "On the other hand, it was proposed that the ENDC, etc.".

Mr. POPPER (United States of America) suggested that the beginning of the second sentence proposed by the representative of the Soviet Union should read: "On the other hand, another delegation proposed that the ENDC, etc.".

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) accepted that suggestion.

The proposed amendments were adopted.

Paragraph 57, as amended, was adopted.

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Paragraph 58

Mr. GAUCI (Malta), Rapporteur, recalled that, in accordance with his proposal, the words "that at most it could only recommend to the General Assembly the adoption of certain resolutions" (eighteenth and nineteenth lines) had been deleted.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) supported by Mr. YANKOV (Bulgaria), proposed that the first part of that sentence, which read "A constitutional objection in regard to the ENDC's status in the matter was also raised: that it was only a negotiating organ", should also be deleted.

Mr. KIKHIA (Libya) opposed that proposal, since the sentence in question reflected statements which had been made in the Committee.

The CHAIRMAN suggested that the words "by some delegations" should be inserted after the word "raised" in that sentence.

It was so decided.

Paragraph 58, as amended, was adopted.

Mr. YANKOV (Bulgaria) proposed that the Committee should take up paragraph 62 next and defer until later the adoption of paragraphs 59, 60 and 61, which dealt with political rather than military questions and therefore should be inserted in the second section of the draft report.

Mr. GAUCI (Malta), Rapporteur, said that since most of the military questions dealt with in paragraph 61 had been taken up in the amendments proposed earlier, he supported the Bulgarian representative's proposal.

It was so decided.

Paragraph 62

Miss MARTIN SANE (France) proposed that the words "that the Ad Hoc Committee could recommend to the General Assembly the adoption of a resolution" in the third to fifth lines of the paragraph should be replaced by the words "that the General Assembly should adopt a resolution".

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) said that consideration of that paragraph might lead to lengthy discussions, since the reference therein to unanimous agreement might place some delegations in a difficult position. He proposed that the paragraph should be deleted.

Mr. KIKHIA (Libya) supported that proposal.

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The CHAIRMAN said that paragraph 62 summarized the first section of the report and that such a summary was not at all necessary. He suggested that the paragraph should be deleted.

It was so decided.

Mr. MAURTUA (Peru) said that the Soviet Union was apparently requesting that paragraph 62 should be deleted because it contained the expression "beyond the limits of national jurisdiction". That reason was unacceptable considering the conception of territorial waters espoused by the Soviet Union.

The CHAIRMAN said that only the reasons that he had cited, in suggesting the deletion of the paragraph should be taken into consideration.

The meeting rose at 6.15 p.m.

SUMMARY RECORD OF THE TWENTY-FIFTH MEETING

Held on Friday, 30 August 1968, at 10.45 a.m.

Chairman:

Mr. AMERASINGHE

Ceylon

ADOPTION OF THE REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY.
(A/AC.135/R.3 and Add.1) (continued)

The CHAIRMAN recalled that discussion of paragraphs 59 to 61 had been deferred. It was his understanding that there was general agreement to delete them.

Mr. AUDLAND (United Kingdom) said he had no objection to their deletion. His delegation had drafted an additional paragraph, the text of which had been circulated, to be inserted after paragraph 58. It had been prepared in collaboration with other delegations and was intended to make good the report's failure to stress sufficiently the apparent consensus which had been reached on a number of points.

The CHAIRMAN pointed out that a consensus had in fact not been reached on all of the points contained in the text submitted by the United Kingdom; in any case, such a text would be more appropriately included in the conclusions to the report.

Mr. AUDLAND (United Kingdom) said he would have no objection to his proposed additional paragraph being discussed at a later stage.

It was so decided.

Mr. KIKHIA (Libya) said he had no objection to the deletion of paragraphs 59 to 61. He then proposed the following additional paragraph which could appropriately be included in the section on military, political and other aspects: "It was suggested that the attention of the International Labour Organisation and other organizations concerned be drawn to the human and social aspects of the question, in particular conditions of work and the protection and training of manpower engaged in the new environment."

Mr. YANKOV (Bulgaria), Miss MARTIN SANE (France), Mr. KROYER (Iceland), Mr. ARORA (India), Mr. HOLDER (Liberia), Mr. KULAZHENKOV (Union of Soviet Socialist Republics) and Mr. ANDRASSY (Yugoslavia) supported the proposal.

The additional paragraph proposed by the representative of Libya was adopted.

III. Operative paragraph 2 (c) of resolution 2340 (XXII)

Mr. GAUCI (Malta), Rapporteur, introduced a number of corrections to the text contained in document A/AC.135/R.3/Add.1. The paragraphs affected by the change were: paragraphs 64, 65, 66, 69, 73, 76, 77, 78, 79, 87, 89, 90 and 94; there would also be a new paragraph reading as follows: "A list of all the documents presented for consideration by the Ad Hoc Committee will appear in annex IV to the present report."

Paragraph 63

Paragraph 63 was adopted.

Paragraphs 64 and 65

Paragraphs 64 and 65, incorporating the Rapporteur's amendments, were adopted.

Paragraph 66

Mr. POPPER (United States of America) said that, in view of the separate treatment of the proposals discussed in paragraphs 65 and 66, he wished to place on record his view that international co-operation in the development and exploitation of marine mineral resources should be regarded as part of international co-operation to assist in a better understanding of the marine environment through science.

Paragraph 66 was adopted.

Paragraph 67

Mr. ABDEL-HAMID (United Arab Republic) proposed the addition at the end of the paragraph of the following sentence: "It was also emphasized that the views of the countries directly concerned are of paramount importance for establishing successful and workable regional arrangements."

Mr. DARWIN (United Kingdom) proposed the replacement of the word "paramount" by "great".

Mr. ABDEL-HAMID (United Arab Republic) accepted the amendment.

Paragraph 67, as amended, was adopted.

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Paragraph 68

Mr. DARWIN (United Kingdom) said that the wording of the paragraph suggested that there had been unconditional endorsement of every aspect of the wide range of proposals contained in the preceding paragraphs. He therefore proposed deletion of the words "these proposals would promote" from the first sentence, the insertion of the words "should be promoted" after "world-wide level", and the replacement of the word "agreed" in the second sentence by "suggested".

Miss MARTIN SANE (France) supported the United Kingdom proposal.

Paragraph 68, as amended, was adopted.

Paragraph 69

Mr. DENORME (Belgium) said that it was important for delegations to have the opportunity not merely of revising the report if necessary, but also of stating their views for the record. His delegation was in favour of practical measures to prevent pollution arising from the exploration and exploitation of the sea-bed and the ocean floor beyond the limits of national jurisdiction, and therefore welcomed the draft resolution submitted by the representative of Iceland (A/AC.135/31). Paragraphs 2 and 3 of that resolution should be submitted to the General Assembly by whatever body continued the Committee's work.

Mr. YANKOV (Bulgaria) said that his delegation, too, welcomed the Icelandic draft resolution. The problem of pollution was very important, but it should not be forgotten that there might be other harmful effects of the exploitation of the sea-bed and the ocean floor. He therefore wondered whether the draft resolution might be amended to include reference to "other hazardous and harmful effects which might arise from the exploration and exploitation of the sea-bed and the ocean floor and the subsoil thereof".

Mr. KROYER (Iceland) said he would be pleased to incorporate such an amendment in his draft resolution when it was submitted to the General Assembly. However, no such reference could be inserted in paragraph 69.

Paragraph 69 was adopted.

Paragraph 70

Mr. YANKOV (Bulgaria) proposed that the words "and other hazardous and harmful effects" should be inserted after the word "pollution".

Mr. KIKHIA (Libya) supported the Bulgarian proposal. Furthermore, he thought that the discharge of oil on the surface of the high seas should not be singled out as the only source of the danger of pollution: accordingly, he proposed that the words "as well as chemical and radio-active waste products in the waters and" should be inserted between the words "oil" and "on".

Mr. ABDEL-HAMID (United Arab Republic) supported the Libyan amendment.

Mr. HAGUE (Pakistan) said that paragraph 70 itself made the point that there were activities other than the discharge of oil which could pollute the seas.

The CHAIRMAN said, if the Libyan amendment was adopted, the word "other" should be inserted before the word "activities".

The Bulgarian and Libyan amendments were adopted.

Paragraph 70, as amended, was adopted.

Paragraph 71

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) suggested that paragraph 71 should follow paragraph 75. He proposed that the words "high seas" should be substituted for the words "law of the sea".

It was so decided.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) proposed that the word "research" should be inserted after the word "fishing".

Mr. ODA (Japan), Mr. ARORA (India) and Mr. MAURTUA (Peru) opposed that amendment on the ground that research was not one of the traditional freedoms of the high seas.

Mr. YANKOV (Bulgaria) acknowledged that the Convention on the High Seas did not refer specifically to research. To meet that point, he proposed that the words "and freedom of research" should be inserted after the word "cables".

Mr. HOLDER (Liberia) pointed out that freedom of research had not been discussed by the Committee in the context of the traditional freedoms of the high seas.

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The CHAIRMAN said that nevertheless freedom of research had been repeatedly mentioned in the discussions, and that in the Bulgarian amendment it was not related to the traditional freedoms of the high seas.

Mr. DANIELI (United Republic of Tanzania) preferred the paragraph in its present form. He suggested that, if freedom of research was mentioned, it should be made clear that the point had been raised by some delegations.

Mr. PADILLA y VELASCO (El Salvador) agreed that freedom of research could not be considered a traditional freedom of the high seas, and supported the Tanzanian suggestion.

He proposed that the words "and pipelines" should be inserted after the word "cables" to follow the established wording.

It was so decided.

Mr. ANDRASSY (Yugoslavia) pointed out that there was only one traditional freedom - that of the high seas - and that the various freedoms mentioned as examples were aspects of it.

Mr. ARORA (India) proposed that, instead of the specific reference to research proposed by the Bulgarian delegation, the words "and any other freedoms recognized by the law and practice of the sea" should be inserted after the word "pipelines".

Mr. ZEGERS (Chile) supported the Tanzanian representative's suggestion.

Mr. YANKOV (Bulgaria) thought that the Indian proposal was useful but should include a specific reference to the freedom of research. He recalled that the Legal Working Group, in its report on its first session (A/AC.135/L.1, annex II, para. 43), had referred to the principle that activities in the exploration and use of the sea-bed and the ocean floor should not infringe on the legally protected uses of the sea for fishing, navigation, communications, research and other purposes.

Mr. HAQUE (Pakistan) said that, if freedom of research was recognized by international law, it would be covered by the terms of the Indian amendment.

Mr. YANKOV (Bulgaria) said that freedom of research was essential to the exploration and exploitation of the sea-bed and the ocean floor and should be accorded a specific reference.

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The CHAIRMAN suggested that, in line with the Tanzanian suggestion, the following sentence should be added to the paragraph: "Certain delegations emphasized that there should also be respect for freedom of research."

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) thought that the sentence suggested by the Chairman was superfluous, since the point was implied in the introductory words of the paragraph.

Mr. PADILLA y VELASCO (El Salvador) said that his delegation's support for the Tanzanian suggestion did not mean that it was opposed to pure scientific research. It merely wished to draw a distinction between pure scientific research and scientific research directed towards the exploitation of marine resources, which should not form the basis of any claims.

Mr. DARWIN (United Kingdom) supported the text suggested by the Chairman, on the understanding that it avoided taking a position on the extent to which research was covered by the freedom of the seas. He observed that oceanographic vessels had been navigating the seas freely for many years.

The new sentence suggested by the Chairman was adopted.

Mr. MAURTUA (Peru), noting that a number of States had already taken action to conserve marine resources, proposed that the latter part of paragraph 71 should read: "and that measures for the conservation of marine resources should be intensified."

It was so decided.

Paragraph 71, as amended, was adopted.

Paragraphs 72 to 77

Paragraphs 72 to 77 were adopted.

Paragraph 78

Mr. RUDA (Argentina) proposed that, in the third sentence, the words "Certain delegations" should be substituted for "It was", and in the sixth sentence the words "Certain delegations also suggested" should be substituted for the words "A suggestion was also made".

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Mr. YANKOV (Bulgaria) proposed that, in the second sentence, the word "be" should be substituted for the word "remain".

The Argentine and Bulgarian amendments were adopted.

Paragraph 78, as amended, was adopted.

Paragraph 79

Mr. ODA (Japan), recalling that only thirty-nine States had ratified the Geneva Convention on the Continental Shelf, proposed that the words "a number of" should be substituted for the word "many".

It was so decided.

Mr. MAURTUA (Peru), Mr. RUDA (Argentina) and Mr. PADILLA y VELASCO (El Salvador) suggested that the word "their" should be inserted before the words "national legislation" to make it clear that the statement in the latter part of the paragraph referred only to the legislation of States parties to the Convention.

It was so decided.

Mr. ABDEL-HAMID (United Arab Republic) proposed that the following sentence should be added at the end of the paragraph: "Other delegations suggested that the Convention should be reviewed."

It was so decided.

Paragraph 79, as amended, was adopted.

Paragraphs 80 to 86

Paragraphs 80 to 86 were adopted.

Paragraph 87

Mr. GAUCI (Malta), Rapporteur, said that, since the "general outline of views" referred to in the paragraph had been deleted from the report, some amendment of the text would be required.

The CHAIRMAN suggested that the entire paragraph should be deleted.

It was so decided.

Paragraph 87 was adopted.

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Paragraph 88

Mr. DENORME (Belgium) said that the statements in the paragraph concerning the working paper submitted by his delegation were substantially correct. During the current session, however, his delegation had held extensive consultations with all members of the Committee on the proposal for the establishment of a standing committee contained in the working paper and, in the light of their comments and suggestions, had drawn up a revised version of the document which would be distributed to the members of the Committee very shortly. The substance of the changes involved had been discussed extensively with virtually all delegations and he believed that, as a result, there was now very wide support for the proposal. He accordingly wished to ask the Committee to agree that the reference in paragraph 88 to the original working paper should be replaced by a reference to the revised document and that the revised, rather than the original, text of the proposed draft resolution should appear in the appropriate annex to the report. He also asked the Chairman to allow delegations to comment briefly on the revised document, so as to enable the following paragraphs of the report to be amended, if necessary, in the light of the views expressed on it.

The CHAIRMAN suggested that the Committee should agree to the procedure suggested by the representative of Belgium and that a foot-note to paragraph 88 should be added giving an appropriate reference to the original working paper.

It was so decided.

Mr. ANDRASSY (Yugoslavia) said that his delegation fully supported the revised Belgian proposal.

Mr. YANKOV (Bulgaria) said that his delegation had come to the third session with an open mind on the subject of the manner in which future work on the item might be carried on and had considered that an extension of the terms of reference of the Ad Hoc Committee might serve that purpose. The revised version of the Belgian proposal, however, provided a useful basis for the General Assembly's consideration of a standing committee to continue the work started by the Ad Hoc Committee and to take up matters which were not within that Committee's terms of reference, such as the structure, composition and terms of reference of the proposed new body. For that reason his delegation welcomed and supported the proposal.

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Mr. KELSO (Australia) said that his delegation had approached the question in precisely the same spirit as the delegation of Bulgaria and supported the proposal for the same reasons.

Mr. RUDA (Argentina) said that his delegation had originally favoured the continuation of the Ad Hoc Committee in some form. The submission of the revised proposal had, however, enabled his delegation to express its general support for the idea of a standing committee.

Mr. Sciolla LAGRANGE (Italy) expressed his delegation's appreciation for the Belgian delegation's initiative and its general support for the idea of a Standing Committee.

Mr. KROYER (Iceland), Mr. OFSTAD (Norway) and Mr. ODA (Japan) supported the proposal.

Mr. ARORA (India), Mr. AUDLAND (United Kingdom), Mr. BEAULIEU (Canada), Mr. HAQUE (Pakistan), Mr. TILAKARATNA (Ceylon), Miss MARTIN SANE (France) and Mr. MICU (Romania) expressed general support for the proposal, on the understanding that their delegations might make further observations on it at a later stage.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) said that his delegation had not had time to consider the revised proposal with the attention it deserved and accordingly wished to reserve its position.

Mr. GAUCI (Malta) said that his delegation had not been able to participate as fully as it would have wished in the consultations concerning the revised proposal and accordingly had to reserve its position.

Mr. HOLDER (Liberia) supported the proposal in principle.

Mr. ZEGERS (Chile), Mr. GUERREIRO (Brazil), Mr. MAURTUA (Peru) and Mr. PADILLA y VELASCO (El Salvador) supported the proposal, on the understanding that their delegations' observations on certain aspects of the draft resolution would be taken into consideration in the final version.

Paragraph 88, as amended, was adopted.

Paragraph 89

Mr. ABDEL-HAMID (United Arab Republic) proposed that the paragraph should be replaced by the following text:

/...

(Mr. Abdel-Hamid, United Arab Republic)

"Many delegations agreed that the General Assembly during its twenty-third session should establish a standing committee. They strongly expressed the hope that the terms of reference of such a committee would be worked out during that session. The idea of the continuation of the Ad Hoc Committee was also raised."

Mr. POPPER (United States of America), Mr. KULAZHENKOV (Union of Soviet Socialist Republics) and Mr. YANKOV (Bulgaria) supported that amendment.

Mr. DENORME (Belgium), supported by Mr. ARORA (India) and Mr. TILAKARATNA (Ceylon), said that the expression "Many delegations" was insufficient in view of the very strong support the amended proposal for a standing committee had received. Furthermore the retention of the reference to the continuation of the Ad Hoc Committee seemed unnecessary since a consensus had developed.

The CHAIRMAN suggested that the word "Many" in the proposed amendment should be replaced by "A very large number of" and that the Committee should adopt the text proposed by the United Arab Republic with this amendment and with the addition "by a few delegations although they indicated that they would be prepared to consider the idea of a standing committee if it had general support."

It was so decided.

Paragraphs 90 to 92

Paragraphs 90 to 92 were deleted.

Paragraph 93

Paragraph 93 was adopted, subject to minor drafting changes.

Paragraph 94

The CHAIRMAN suggested that the paragraph should be inserted, with appropriate drafting changes, after paragraph 89.

It was so decided.

Paragraphs 95 and 96

Paragraphs 95 and 96 were adopted.

The meeting rose at 1.40 p.m.

SUMMARY RECORD OF THE TWENTY-SIXTH MEETING

Held on Friday, 30 August 1968, at 6 p.m.

Chairman:

Mr. AMERASINGHE

Ceylon

ADOPTION OF THE REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY (concluded)

The CHAIRMAN read out section IV of the report entitled "Conclusions", and invited the Ad Hoc Committee to proceed to its consideration.

Paragraphs 1-4 were adopted.

Paragraph 5

Mr. ARORA (India) recalled that his delegation had expressed its surprise at the fact that the paragraph which the United Kingdom representative had proposed to insert before paragraph 59 had mentioned a consensus. He noted that draft statement of principles (b) contained no mention of a consensus and that the provision to the effect that there would be no discrimination in the exploration and exploitation of the area in question had been deleted. His delegation could generally agree with that draft statement to a large degree, but wished to make it clear that it constituted only the minimum points on which his delegation's views should be recorded and that draft declaration (a) and draft declaration A/AC.135/21 fully reflected its position.

The CHAIRMAN asked representatives to facilitate the adoption of paragraph 5 by indicating whether they supported the set of principles submitted by the developing countries (set (a)) or the set of principles submitted by the United Kingdom (set (b)).

Mr. TILAKARATNA (Ceylon), Mr. KIKHIA (Libya), Mr. RUDA (Argentina), Mr. ZEGERS (Chile), Mr. FADILLA y VELASCO (El Salvador), Mr. GUERREIRO (Brazil), Mr. HOLDER (Liberia) and Mr. MAURTUA (Peru) supported the set of principles in (a).

Mr. AUDLAND (United Kingdom), Mr. OFSTAD (Norway), Mr. MEEKER (United States of America), Mr. BEAULIEU (Canada), Mr. HARDERS (Australia), Mr. SCIOLLA LAGRANGE (Italy), Mr. SCHEAM (Iceland), Mr. DENORME (Belgium), Mr. ELLSINGER (Austria), Mr. ODA (Japan), Mr. GORALCZY (Poland), and Miss MARTIN SANE (France) supported the set of principles in (b); they pointed out, however, that those proposals constituted a strict minimum and that the Committee must go further.

Mr. HAQUE (Pakistan), Mr. GAUCI (Malta) and Mr. ANDRASSY (Yugoslavia) supported both sets of principles.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics), Mr. YANKOV (Bulgaria), Mr. MICU (Romania) and Mr. ABDEL-HAMID (United Arab Republic) reserved the position of their delegations until the next session of the General Assembly.

Mr. ABDEL-HAMID (United Arab Republic) expressed keen regret that the Committee had been unable to reach agreement on a set of principles at its third session. He hoped that the General Assembly would be able to make some progress in that respect at its twenty-third session.

Mr. ANDRASSY (Yugoslavia) said that while he supported the sponsors of proposal (b), his delegation could also accept most of the principles in proposal (a). Many points in both proposals were similar and some of the principles in proposal (a) were also to be found in the report.

Miss MARTIN SANE (France) said that during the two previous sessions her delegation had consistently maintained that under the terms of General Assembly resolution 2340 (XXII) the Ad Hoc Committee was not required to draw up a declaration of principles. It had not been possible to achieve the consensus that had seemed to be emerging on several principles concerning ways and means of promoting co-operation in the Committee's field of study, but the principles in proposals (a) and (b) did not seem to be irreconcilable. The Committee might even have been able to come to an agreement if it had had further information.

In her delegation's view, the word "consensus" presupposed an effort at conciliation, a compromise between different views. She therefore appealed to the members of the Committee, with the assistance of the Chairman, to continue their consultations both before and during the Assembly's twenty-third session in order to bring closer together and to reconcile the points of view which, from a reading of the texts, seemed to offer the prospect of compromise.

Mr. OSANYA-NYINEQUE (Kenya) supported proposal (a), of which his delegation was a sponsor, but also endorsed those principles in proposal (b) which did not conflict with the principles set forth in proposal (a).

Paragraph 5 was adopted.

Paragraphs 6 to 8

Paragraphs 6 to 8 were adopted.

The draft report as a whole, as amended, was adopted.

CLOSURE OF THE SESSION

The CHAIRMAN expressed his gratification at the fact that, thanks to the goodwill shown by its members, the Ad Hoc Committee had been able to adopt a document which would provide the General Assembly with a good basis for its discussions.

He congratulated the members of the two Working Groups, who had done much to facilitate the Committee's task. He thanked the Chairmen of the Working Groups, the Rapporteur, the officers and members of the Ad Hoc Committee and the representatives of the specialized agencies and other international bodies, who had contributed to the success of the session. He also thanked the members of the Secretariat.

Lastly, on behalf of all the members of the Committee, he wished to express his gratitude to the Brazilian Government for its generous hospitality to the Conference and for having done everything possible to help it to carry out its task.

Mr. GAUCI (Malta), Rapporteur, proposed that a paragraph should be added to the report to express the Committee's gratitude to the Brazilian Government for the warm hospitality it had received.

It was so decided.

Mr. GUERREIRO (Brazil) thanked the Chairman and the Committee. It had been both a pleasure and an honour for Brazil to have been host to the Conference. He would convey to his Government the thanks that had just been expressed.

After the customary exchange of courtesies, the Chairman declared the third session of the Ad Hoc Committee closed.

The meeting rose at 7.25 p.m.