

Box 4068, Santa Barbara, California 93103

April 3, 1968.

To: Staff

From: EMB

Subject: Oceans.

Enclosed: a first draft for a U.N. Resolution, for the General Assembly 1968-69.

I hope it expresses some international consensus. Most of it is Center thinking, but it incorporates textually statements by Humphrey (Mindful, p.1) Pell (Recalling, pp. 1-2); the Soviet-American Statement as published by the Bulletin of Atomic Scientists, February (II., p.3) Suggestions made by the U.N. Ambassadors during the Planning Session (III, IV, V, VI, VII) and passages from Ambassador Pardo's speech (IX).

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May 13-15, 68

FIRST DRAFT

RESOLUTION XXX OF THE GENERAL ASSEMBLY

THE GENERAL ASSEMBLY,

Recognizing that the seas around us occupy more than three fourths of the earth's surface, hiding in their depths a potential wealth capable of providing a better standard of life for all people;

Recognizing that technologies are being developed to explore and exploit this potential wealth and reclaim ever vaster sectors of the deep seas, the ocean floor, and the subsoil thereof;

Mindful that current international sea law relates to a period rather remote from modern times and is out of step with technological development;

Aware that this situation entails the erosion of the freedom of the seas and the waste and pollution of the common ocean resources;

Convinced that in matters of common concern, transcending national interests and rights, such as outer space and the deep seas, competition among the technically powerful nations must yield to cooperation among peoples for the common good of all;

Recalling the four conventions on the Law of the Sea and an optional protocol of signature concerning the

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- 2 -

compulsory settlement of disputes, which agreements were formulated at the United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958, and were adopted by the Conference at Geneva on 29 April 1958;

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, which was unanimously endorsed by the United Nations General Assembly resolution 2222 (XXI) of 19 December 1966 and signed by sixty nations at Washington, London and Moscow on 27 January 1967; and

Recalling United Nations General Assembly resolution 2340 (XXII) of 18 December 1967, which provided for the establishment of an Ad Hoc Committee to study the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor underlying the high seas beyond the limits of present national jurisdiction, and the uses of their resources in the interest of mankind,

A.

HEREBY DECLARES:

I. That the deep seas beyond the limits of territorial waters however defined; and the sea-bed and ocean floor

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- 3 -

and subsoil thereof, beyond the limits of the continental shelf however defined, are the common heritage of mankind;

II. That the resources at the bottom of the deep sea are the common property of all the peoples of the world, just as the resources of the oceans or the potential material returns from the use of outer space belong to all people;

III. That ocean space, beyond the present limits of national jurisdiction, is not subject to national appropriation by claims of sovereignty, by means of use or occupation or by any other means; and that, pending a Treaty defining more clearly the outer limits of the continental shelf, no recognition shall be accorded to any further claims to sovereignty over the sea-bed and ocean floor;

IV. That the use, exploration or exploitation of the sea-bed and ocean floor shall be for peaceful purposes only, and shall conform to the principles and the Charter of the United Nations and to international law;

B.

## RECOMMENDS

V. That, pending a Treaty, nations shall voluntarily refrain from installing atomic missile silos or other

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- 4 -

weapons of mass destruction in the sea-bed and ocean floor, and from using military personnel for scientific research in the sea-bed and ocean floor;

VI. That, pending a Treaty, any nation or group of nations, or international organization, engaged in the exploration or exploitation of the sea-bed, the ocean floor or the common ocean resources, consider that it is acting as a trustee for all mankind and in the common interest of all, and shall, for this purpose,

-- promote cooperative research projects and the universal dissemination of the results of such research;

-- abstain from any activities which would interfere with the peaceful activity of other nations or organizations, or with the traditional freedom of the seas, of communication, of navigation and fishery; which would endanger the conservation and development of animal, vegetal, or mineral resources; which might entail pollution, whether through the disposal of radioactive waste materials or any other;

VII. That, pending a Treaty, any bilateral or multi-lateral contract for the exploration or exploitation of ocean resources should include the United Nations as a party in order to establish the interest of mankind as a whole; and that any such contract stipulate that up to, and not more than, one per cent of the revenue

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- 5 -

derived from such joint activity in the ocean-bed, the ocean floor and the subsoil thereof, beyond the present limits of national jurisdiction, be set aside for use by the United Nations Development Programme, in agreement with the State or States or organizations concerned;

C.

ENJOINS the Ad Hoc Committee of the General Assembly of the United Nations to proceed with the drafting of a Treaty:

VIII. Reviewing if not revising the Geneva Convention on the Continental Shelf and clearly defining the outer limits thereof;

IX. Defining the composition, functions, and competence of the regime that is to act as a trustee for all mankind to conserve and develop the common ocean resources and that shall be endowed with wide powers to regulate, supervise, and control all activities on or under the oceans and the ocean floor;

X. Defining the relations between such a regime and the organs and Specialized Agencies of the United Nations.