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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

LETTER DATED 20 MARCH 1968 ADDRESSED TO THE CHAIRMAN OF THE
AD HOC COMMITTEE TO STUDY THE PEACEFUL USES OF THE SEA-BED
AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL
JURISDICTION BY THE PERMANENT REPRESENTATIVE OF BELGIUM

Sir,

I have the honour to attach the text of a working document prepared by the Belgian delegation on the organization of the work of the Ad Hoc Committee of which you are Chairman.

I should be grateful if you would arrange to have this text distributed as an official document of the Ad Hoc Committee.

Accept, Sir, etc.

(Signed) L. SCHUURMANS
Permanent Representative of Belgium
to the United Nations

WORK PROGRAMME OF THE AD HOC COMMITTEE ON THE SEA-BED

A. Terms of reference of the Ad Hoc Committee

1. Under operative paragraph 1 of the resolution adopted by the General Assembly on 18 December 1967, the task of the Ad Hoc Committee is "to study the scope and various aspects" of:

"the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the sub-soil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind".

2. Operative paragraph 2 (b) provides that the study to be submitted by the Committee to the General Assembly at its twenty-third session shall include "an account of the scientific, technical, economic, legal and other aspects of this item".

3. Under operative paragraph 2 (a) and (c) of the resolution, the study which the Ad Hoc Committee is requested to submit to the General Assembly at its twenty-third session is also to include:

- (a) "A survey of the past and present activities of the United Nations, the specialized agencies, the International Atomic Energy Agency and other inter-governmental bodies with regard to the sea-bed and the ocean floor," (operative paragraph 2 (a));
- (b) "A survey... of existing international agreements concerning these areas" (operative paragraph 2 (a));
- (c) "An indication regarding practical means to promote international co-operation in the exploration, conservation and use of the sea-bed... and of their resources" (operative paragraph 2 (c));
- (d) This "indication" is to take into account "the views expressed and the suggestions put forward by Member States during the consideration of this item at the twenty-second session of the General Assembly".

4. It has been arranged that the first session of the Ad Hoc Committee will be held at New York from 18 to 22 March (see Calendar of conferences and meetings of the United Nations for 1968, document A/6991, annex II, No. 25).

5. In order that the Ad Hoc Committee may fulfil the terms of reference given to it by the resolution, it should:

(a) organize its work rationally with a view to preparing the necessary instruments;

(b) prepare a list of the studies which, in accordance with the resolution, it is requested to undertake "in co-operation with the Secretary-General".

Parts B and C of this document are devoted to these questions.

B. Organization of the Ad Hoc Committee

6. The different aspects of the questions to be dealt with can be classified under three headings:

(a) Legal aspects, which constitute the foundation upon which any conclusions which may emerge from the Committee's work must be based; these are:

definition of its scope and limitations, particularly with regard to the continental shelf;

the legal régime of appropriation and co-ownership;

co-ordination of the régime of the ocean floor with the existing law of the sea;

the problem of liability.

(b) Technological and economic questions, which represent the utilitarian side of the work entrusted to the Ad Hoc Committee; these are:

technology for exploration, prospecting and exploitation, including:

problems of the marine environment (bathymetry, topography, corrosion, currents);

applied technology (platforms, dredgers, survey submarines, robots);

economic aspects: investment, safety, market regulation;

administrative arrangements for the exploitation of the ocean floor;

prevention of marine pollution;

other problems: transport, cables, pipelines.

- (c) Lastly, the above questions and other matters to be studied by the Ad Hoc Committee must be considered from the point of view of their political implications.

The Ad Hoc Committee will avoid any duplication of the activities of existing bodies and will endeavour to secure the closest possible co-operation with them, in accordance with operative paragraphs 3 (c) and 4 of the resolution.

As the purpose of the Intergovernmental Oceanographic Commission, for example, is "to promote scientific investigation with a view to learning more about the nature and resources of the oceans, through the concerted action of its members", that body is competent to study the scientific aspects of the question. The functions of IMCO and IAEA with regard to the prevention of marine pollution should also be borne in mind.

7. In view of the fact that the Ad Hoc Committee's sessions will necessarily be brief, of the large number of Member States represented on the Committee, and of the complexity of the tasks entrusted to it, certain recommendations concerning the organization of the Ad Hoc Committee's work appear to be essential. Its members will probably decide to set up some sub-committees.

Two considerations should be borne in mind in this respect. Firstly, the setting up of sub-committees should not make the work of the plenary Committee meaningless. Secondly, the proceedings of the sub-committees, although open in principle to all members of the plenary Committee, should be unofficial and should not be reported in either verbatim or summary records.

8. The following arrangements seem to satisfy these two requirements:

- (a) two sub-committees would be set up, one to deal with legal aspects, and the other with technical and economic aspects;

- (b) the plenary Committee would:

deal with the political aspects of the question and other aspects not studied by a sub-committee;

as the responsible body, review the work of the sub-committees.

9. The sub-committees might produce a document in which the rapporteur summarized the various points of view (consensus would be sought only within the plenary Committee). This document, detailed enough to describe the various opinions

expressed without misrepresenting them, should be approved by the sub-committee before being submitted to the plenary Committee. The fact that no official record would be made of the discussions would be conducive to a freer exchange of opinion, would prevent the duplication caused by the repetition by delegations at the plenary Committee of statements which had already been made at the sub-committee level, and would probably induce delegations which had no expert representative on a given subject or nothing new to contribute to the discussion to refrain from participating in it.

10. On the subject of procedure, some delegations have requested that all decisions should be made by "consensus" or general agreement.

In this connexion it must be pointed out that the Ad Hoc Committee is a subsidiary organ of the General Assembly; under rule 162 of the rules of procedure of the General Assembly, the rules relating to the procedure of Committees of the General Assembly apply to the procedure of any subsidiary organ "unless the General Assembly or the subsidiary organ decides otherwise". Under rule 126 "Decisions... shall be made by a majority of the members present and voting".

It is, of course, extremely important to take the unanimous vote on resolution 2340 (XXII) as a precedent and accordingly, whenever the plenary Committee makes a decision on a question of substance, to have all its members vote.

C. Role of the United Nations Secretariat

11. It will be recalled, in considering what tasks might be entrusted to the Secretary-General, that he was requested to transmit to the Ad Hoc Committee "the results of the studies being undertaken" (by him) "in pursuance of General Assembly resolution 2172 (XXI) and Economic and Social Council resolution 1112 (XI)" (operative paragraph 3 (c)).

12. It can safely be assumed that the

"comprehensive survey of activities in marine science and technology, including that relating to mineral resources development, undertaken by the United Nations family of organizations..."

requested in operative paragraph 2 of General Assembly resolution 2172 (XXI) and to be prepared with the assistance of a group of experts (which met at New York

/...

from 4 to 8 March) will supply very useful information for the "survey" requested in operative paragraph 2 (a) of our resolution. This information will be supplemented by:

"such documentation pertinent to this item as may be provided by the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission, the Inter-Governmental Maritime Consultative Organization, the Food and Agriculture Organization of the United Nations, the World Meteorological Organization, the World Health Organization and other inter-governmental bodies",

which is to be requested by the Secretary-General.

13. Moreover, operative paragraph 3 (a) of General Assembly resolution 2172 (XXI) requests the Secretary-General, with the assistance of the said group of experts, to formulate proposals for:

"Ensuring the most effective arrangements for an expanded programme of international co-operation to assist in a better understanding of the marine environment through science and in the exploitation and development of marine resources, with due regard to the conservation of fish stocks".

This study will undoubtedly cover operative paragraph 2 (c).

14. However, in seeking the "practical means to promote international co-operation" to which the resolution of 18 December 1967 refers, regard must be had "to the views expressed and the suggestions put forward" during the discussion in the First Committee. The Secretary-General might therefore be requested to prepare a summary of these, which could be consulted more easily than the records of the First Committee.

15. Similarly, the Secretary-General might be requested to prepare a working document summarizing "existing international agreements concerning these areas" (operative paragraph 2 (b)).

16. Finally, certain preliminary work might be entrusted to the Secretary-General: it would be a useful preparation for the work of the two sub-committees if the Secretary-General were requested to draw up, in addition to the report already being prepared in compliance with Economic and Social Council resolution 1112 (XL), working documents on:

(a) the provisions and practice of the law of the sea relating to this question;

(b) various legal régimes which might be applied to the exploitation of deep-sea resources;

(c) administrative arrangements which it might be found necessary to make in order effectively to administer and control the resources of the sea-bed.

11 March 1968
