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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

STATEMENT BY THE CHAIRMAN OF THE AD HOC COMMITTEE
AT ITS THIRTEENTH MEETING ON 19 AUGUST 1968

The Ad Hoc Committee has now to consider its programme of work for this session. The members of the Committee have before them a draft programme for their consideration and approval. This programme has been prepared by the Bureau of the Committee in consultation with the Chairmen of the two working groups and after taking into consideration representations that have been made by various delegations which have thought fit to do so.

The draft programme now before the Committee differs somewhat from an earlier draft which also was prepared by the Bureau in the same manner as the present draft. One important adjustment has had to be made. The nature of this adjustment and the reasons for it will be mentioned by me later.

The Ad Hoc Committee has a limited time at its disposal and the draft programme therefore seeks to make the fullest use of this time. The pressure on delegations and staffs will consequently be heavy but is unfortunately unavoidable if the Ad Hoc Committee is to discharge satisfactorily the task entrusted to it by the General Assembly under its resolution 2340 (XXII).

The assignment of meetings between the various purposes has been determined after taking into consideration the progress that has already been made by the two working groups and the work that has yet to be accomplished.

Members of the Committee will be aware that at the very start, the examination of the political, military and other aspects of the item as well as the scientific aspects and the consideration of practical means to promote international co-operation as stated in operative paragraph 2 (c) of General Assembly resolution 2340 (XXII) were reserved for the Ad Hoc Committee itself and were not taken up for discussion at earlier sessions. The draft programme sets apart three

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meetings for the Economic and Technical Working Group, three meetings for the Legal Working Group, two meetings to consider the scientific aspects of the item, two meetings to consider the political, military and other aspects of the item, three meetings to consider practical means to promote international co-operation and five meetings for consideration and approval of the report of the Ad Hoc Committee to the General Assembly. One meeting, that of Wednesday morning of the second week, has been left open for any contingency such as an additional requirement by either of the working groups or any other purpose. The assignment of a certain number of meetings for any purpose does not necessarily imply that these meetings should be utilized. If the item or purpose for which the meetings have been assigned can be completed or achieved with less expenditure of time, that would be more than welcome. What is more important, however, is that we should seek to complete each aspect of the work within the time that has been assigned to it. It is of vital importance therefore that we should be strictly punctual in commencing all meetings. I fully realize that the delightful atmosphere of our surroundings is not specially conducive to hard work and that scenic attractions might have a stronger appeal than business, but I would earnestly request all delegations to cooperate with the Chair in commencing morning meetings at 10 o'clock and afternoon meetings at 3 o'clock. We must also ensure that our work is completed by the evening of Friday, 30 August. We would already have enjoyed in full measure the hospitality of the Government of Brazil and we should not seek to encroach further on their generosity. It was originally intended that the afternoon meeting today, Monday, 19 August, should be devoted to consideration of the scientific aspects of the item. Unfortunately, the Chairman of the Intergovernmental Oceanographic Commission, who was to present the report of that Commission on scientific aspects

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of the item, has been delayed and will not be able to be here in time for this afternoon's meeting. The Intergovernmental Oceanographic Commission has been of considerable assistance to this Committee. Their report is a comprehensive and valuable document and I am sure that members of the Committee would agree with me that we should not deny ourselves of the benefit of hearing the Chairman of the IOC, Rear-Admiral Langeraar, and should do our utmost to accommodate him. We have therefore altered the original draft programme and fixed the first meeting for consideration of the scientific aspects of the item for the afternoon of Wednesday, 21 August, when the Chairman of the IOC, Rear-Admiral Langeraar, will attend and present his report.

During this session, our most important task would be to comply with operative paragraph 2 (c) of General Assembly resolution 2340 (XXII) which requires the Ad Hoc Committee to include in the study that it would present to the General Assembly an indication regarding practical means to promote international cooperation in the exploration, conservation and use of the sea-bed and the ocean floor and the sub-soil thereof as contemplated in the title of the item and of their resources having regard to 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. Those views and suggestions have received further amplification during the meetings of the Ad Hoc Committee itself and will also receive additional consideration during this third session of the Ad Hoc Committee.

The arrangement of our work for this session follows the logical sequence of ideas as contained in the General Assembly resolution.

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Our study falls into three parts, the first two of which are essentially factual in their nature. They will cover the activities past and present of the United Nations, its specialized agencies, the International Atomic Energy Agency and other inter-governmental bodies with regard to the sea-bed and ocean floor and existing international agreements concerning these areas as stated in operative paragraph 2 (a) of the General Assembly resolution, thus in effect placing the item in its context. They will also cover the scientific, technical, economic, legal and other aspects of this item and will be an account of these aspects, as provided in paragraph 2 (b) of the General Assembly's resolution. The third part of the study is quite different in nature from the first two parts and requires the Committee to give an indication of practical means to promote international cooperation in the achievement of the objectives contemplated in the title of the item. It is only after completing the factual survey and account as required by operative paragraphs 2 (a) and (b) that this Committee would be in a position really to examine practical means of promoting international cooperation, hence the position assigned to this aspect of our work in the draft programme presented to you.

In another sense, it is important to appreciate the distinction between the factual part of our work and that part of it which deals with proposals and recommendations. It is in regard to the latter part that we should be quite clear what our terms of reference require us to do and the limits of our competence. I have thought fit to make a categorical and, I hope, unambiguous statement on this question as it will be relevant to the procedure which we will adopt. We are not required by our terms of reference to reach agreement in regard to the practical means of promoting international cooperation. It would of course be ideal if any proposals were to receive unanimous approval or acceptance as that

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would greatly facilitate their final acceptance by the General Assembly, but where unanimous approval is not apparent, the Ad Hoc Committee is merely required to include in its report the various proposals and suggestions that have been made and to indicate so far as it can be ascertained the measure of agreement that has been achieved in regard to each such proposal and recommendation or suggestion and also any divergence of opinion that found expression in the course of our discussions. By this means all views and suggestions would be brought to the General Assembly's attention as they rightly should be. It would not be necessary for us even to prolong discussion in search of agreement. I wish also to stress that given the distinction between the factual part of our study and the other part of it regarding practical means, we would have to treat all draft resolutions or declarations of principle that have been submitted so far as falling within the ambit of operative paragraph 2 (c) of the General Assembly resolution 2340. It would not be appropriate therefore for these draft resolutions and declarations to be taken up for discussion in either of the working groups. They would undoubtedly have certain implications maybe of an economic or technical character or of a legal character, but those would be merely incidental to their essential nature and would not qualify them as draft resolutions or declarations for reference to either of the working groups. If there are either legal implications or economic and technical implications they should be raised and discussed in the Ad Hoc Committee itself. By adopting such a procedure you would also be, I am sure, avoiding unnecessary repetition.

A similar problem arises in regard to the consideration of the political aspects of the item. Although the political along with the military and other aspects of the item have been assigned separate meetings, care should be taken to avoid undue

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discussion of political aspects which would also come up for consideration during the discussion of certain suggestions regarding practical means of promoting international cooperation. Many of those suggestions have political implications and we would be well advised therefore to treat the term political in this context in a broad sense as connoting the implications so far as national policy is concerned of the objectives contemplated in the title of the item. There would, for example, be a political aspect of the reservation of the area for peaceful purposes. There would be political implications in regard to the renunciation of the right to national sovereignty over the area covered or intended to be covered by the title of the item. As these suggestions come under the general heading of practical means of promoting international cooperation, the political implications or the political aspects might therefore with greater advantage be dealt with during the consideration of the item, practical means, rather than during the consideration of the item political, military and other aspects.

During this session, the Committee might wish to give thought and more attention to certain other aspects of this problem as proposals in regard to them would be of great help to the General Assembly in arriving at decisions in regard to future action on this item.

Firstly, there is the question of the manner in which issues relevant to the peaceful uses of the sea-bed should be handled, whether through declaration of principles or through an international convention or treaty. Secondly, there is the question of the present state of international law relating to the limits of the area under consideration and how far this state of the law is conducive to the realization of the objectives of this item. There is also the further

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question which arises out of a proposal that has already been mooted, that is the avoidance of further extension of national claims to sovereignty to the area under consideration and further expansion of activities in that area which might prejudice the attainment of the objectives contemplated or which might be detrimental to the interests of mankind as a whole. There is no need for consideration of these questions to lead to controversy but it is of importance that there should be an exchange of ideas and opinions and that these should form part of our report. The final decision would rest not with the Ad Hoc Committee but with the General Assembly. The discussions in the two working groups would be greatly facilitated and would be more purposeful and business-like if each group before it commenced its deliberations had a clear statement of questions to be considered by it; in other words, an agenda. The Economic and Technical Working Group has been presented with such a statement of items or an agenda by its Chairman. The Legal Working Group does not yet have any such agenda. I would therefore request any delegations that have any items which they consider appropriate for discussion by the Legal Working Group to furnish me with a statement of such items. I make the request that these statements be presented to the Chairman of the Ad Hoc Committee as it would be for the Chairman of the Ad Hoc Committee to decide whether the item belongs properly to a working group or to the Ad Hoc Committee itself. I hope this procedure will find acceptance with members of the Ad Hoc Committee. It would also apply to any proposals for discussion by the Economic and Technical Working Group. In either case, The Chairman of the Ad Hoc Committee will consult with the Chairman of the relevant working group before reaching a decision.

As the time available to us is strictly limited, delegations may find it useful to conduct informal discussions outside regular meeting hours and thus avoid protracted debate in the formal meetings.

I have dealt with all what I consider to be the most relevant questions relating to the organization of our work. The item is now open for discussion by the Ad Hoc Committee; unless there are any special objections or suggestions I shall take it that it is approved by the Ad Hoc Committee. Distinguished delegates, it remains for me to express the hope that this third session of the Ad Hoc Committee will be our last session and that we will be able to agree upon a report for presentation to the General Assembly which will help that body to chart a course of action that should prove to be a pattern of international cooperation and produce results of lasting benefit to all mankind in consonance with the true spirit of the Charter of the United Nations.
