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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
NINTH MEETING ON 27 MARCH 1968

The Committee during its discussion of the programme of work heard a series of statements.

The most important matter for consideration now is the material which we need from the Secretariat in order to proceed with the substance of our work. This would have to be prepared in time for the next session of the Committee allowing a sufficient interval between the presentation of such material to members and commencement of the next session for the study of the material by members and their Governments. We would have to bear in mind the need for giving the Secretary-General an opportunity as suggested by some members and also implied in General Assembly resolution 2340 (XXII) on referring to Member Governments for information which they may be in a position to furnish and falling within the scope of our terms of reference.

A number of concrete and valuable suggestions have been made by members. These have all been incorporated in the list of material which I suggest we should seek from the Secretariat and which I now set out in detail:

At its second meeting the Committee decided to establish two Working Groups: (i) a Technical and Economic Working Group to deal with the technical and economic aspects of this item as well as related aspects; (ii) a Legal Working Group to deal with the legal aspects. There are other aspects of the question which the Committee as a whole would consider although, in so far as they have a bearing on either of the two Working Groups, those groups would find it necessary to take them into consideration.

To come to the material itself: in addition to the studies specified in operative paragraph 3 of General Assembly resolution 2340 (XXII), namely those being undertaken in pursuance of General Assembly resolution 2172 (XXI) and ECOSOC resolution 1112 (XI), operative paragraph 2 of General Assembly resolution 2340 (XXII) sets out in sub-paragraphs (a) and (b) in broad outline the nature of information we need from the Secretariat.

The suggestions and proposals made by members of the Committee during the debate amplify for the most part the provisions of sub-paragraphs (a) and (b) of paragraph 2 of General Assembly resolution 2340 (XXII) and make them more specific. I will first deal with information required for the Technical and Economic Working Group. I suggest we request the Secretary-General to furnish us with papers on (a) present state of knowledge of the characteristics and resources of the sea-bed and ocean floor and its subsoil including full estimates of extent of such resources and the economic implications of their exploitation with particular reference to world trade and prices; (b) the present state of knowledge of methods of exploration and exploitation of these resources and foreseeable developments in this field; (c) the effect of such exploitation on the superjacent waters and on other uses of the marine environment; (d) account of present state of exploratory and exploitative activities in the sea-bed and ocean floor and its subsoil.

For the Legal Working Group we would require from the Secretariat the following material: (a) a statement of existing international agreements concerning the sea-bed and ocean floor and its subsoil underlying the high seas beyond the limits of present national jurisdiction and the extent and nature of State claims in this field; (b) an account of the legal status of the sea-bed and ocean floor and its subsoil beyond the limits of national jurisdiction in so far as it is relevant to the exploration and exploitation of the resources thereof including provisions and practice of the law of the sea relating to this question; (c) a survey of bilateral and multilateral treaties concluded among coastal States as to their continental shelves; (d) paper on national legislation programmes of various States concerning exploitation procedures, research in natural resources of the sea-bed and ocean floor and subsoil including available legislation on safety practices in connexion with oil drilling and mining in marine areas; (e) a statement of various legal régimes which might be applied to the exploitation of the resources

covered by the Committee's terms of reference. The Committee will also like to have from the Intergovernmental Oceanographic Commission a paper on the scientific aspects of this item.

For the purpose of paragraph 2 (c) the Committee would wish to have a working paper containing a summary of the views expressed by Member States in the General Assembly, in the Ad Hoc Committee and their replies to the Secretary-General's note verbale. In regard to the military aspects of this item the Committee would wish to have documentation concerning the work of the Eighteen-Nation Disarmament Committee in regard to the ocean floor.

In the concluding paragraph of his note of 31 October 1967 (A/C.1/952), the Secretary-General has referred to the administrative machinery which would be necessary for effective management and control of the resources of the sea-bed, the question of adopting a system of licensing and possible arrangements for redistributing or utilizing the funds derived from exploitation of these resources. The Committee might request the Secretary-General to include in his reports any proposals which he deems worth considering.

The Ad Hoc Committee itself will consider the political aspects and implications of this question. The Committee will also deal with the question of practical means of promoting international co-operation in the exploitation, conservation and use of the sea-bed and ocean floor and the subsoil thereof and of their resources pursuant to General Assembly resolution 2340 (XXII) and include in its report to the General Assembly an indication of such means. The working groups would be free in their reports on their respective spheres of work to include any indications regarding practical means of promoting international co-operation which may emerge during their consideration of their work. As an example the legal working group may be able to identify specific problems which are likely to arise with the development of technology and the group may wish to suggest various possible means of dealing with these problems. The co-ordination of the work of the two working groups will be the responsibility of the Ad Hoc Committee itself. While it is contemplated that to ensure expeditious disposal of our work, the working groups may have to meet simultaneously, we would have to take into consideration the burden imposed upon the Secretariat itself.

The Committee attaches the highest importance to the assistance that can be rendered to it by the Secretary-General, the specialized agencies, the inter-governmental organizations listed in General Assembly resolution 2340 (XXII) and other inter-governmental bodies interested in this item and looks forward to receiving such assistance.

The members of the Committee will be aware that there is a good deal of overlapping. There are also a number of divergencies between the titles or subjects of various of the working papers proposed, and in some cases the suggestions reflect lines of approach to the subject matter of our discussion which may not be those of all members, or which may appear to lead further than some might wish to go, at least at this stage. I think that there would be little point in trying now to subject all these ideas to an over-all scheme. For one thing, such an attempt might take more time than we can afford. But the essential fact, I think, is that we are all agreed that the need is for papers which would provide the Committee with the basic information which it requires for this work to be carried out at the next session. The nature of this information is fairly clear. It is also clear that a very considerable burden is being laid upon the Secretariat, which after all, has limited resources and many heavy commitments. I therefore propose that we should ask the Secretariat to do as much as is possible and that we should rely on it to use its discretion in regard to the formal division and arrangement of subject matter or material.

I suggest that the Committee agree that the material described by me be requested from and through the Secretary-General. Certain other suggestions have been made which would not require preparation of special material but which the Committee would no doubt consider at its future sessions. There is the proposal that the 1970's be declared an international decade of ocean exploration. The Committee would no doubt wish to have further details from the distinguished representative of the United States to enable it to consider these proposals at a later stage. It has also been suggested that the Committee recommend to the General Assembly the adoption of a declaration on the analogy of the Declaration regarding Outer Space, referring in particular to the need for preserving the peaceful character of all activities in this field. This, too, the Committee would wish to consider at some time in the future. The distinguished representative of

the USSR in his statement suggested a recommendation to the General Assembly to favour in principle the prohibition of the military use of the sea-bed and ocean floor beyond the limits of national jurisdiction. The Committee may at a later stage wish to consider this proposal.

Finally, mention has been made of the public relations aspect of our work. Considering the vital significance of this item we are considering and its amplitude, I have no doubt that the Secretariat will give due attention to this aspect of the matter.

I now come to the time-schedule for our work. It is expected that sufficient material will be ready in time to permit the two Working Groups to start their work by Monday, 17 June. That date is therefore proposed for the commencement of the second session of the Ad Hoc Committee. A meeting of the Ad Hoc Committee itself may be necessary on that occasion and before the working groups begin their discussions.

Further meetings of the Ad Hoc Committee would be necessary to consider reports of the working groups on progress or to resolve matters of common interest or matters concerning the Ad Hoc Committee as a whole.

It is expected that this second session will take about three weeks.

A third and final session of the Ad Hoc Committee would be necessary to enable it to prepare its report for submission to the General Assembly. It is proposed that this session should be held in the last week of August. Even during the last session there might be need for the working groups to meet in order to dispose of matters carried over from the second session.

In regard to the procedure to be followed by the working groups, it is proposed that they conduct their business in informal sessions during which no record will be maintained. Each working group will decide when it should move into formal session and summary records of such formal sessions will be maintained.

Finally, I come to the kind invitation of the Government of Brazil. It is, I think, the desire of the Committee that this invitation be accepted in principle. If this is acceptable, I would propose that the third session of the Committee be held in Brazil. I think I have covered the entire field of relevant questions.
