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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

DRAFT REPORT OF THE AD HOC COMMITTEE TO STUDY THE  
PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR  
BEYOND THE LIMITS OF NATIONAL JURISDICTION

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

63. Paragraph 2 (c) of General Assembly resolution 2340 (XXII) provides that the Ad Hoc Committee is to include in the study to be prepared for the General Assembly an indication regarding practical means of promoting international co-operation in the exploration, conservation and use of the sea-bed and ocean floor, and the subsoil 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. The views of Member States communicated to the Secretary-General in accordance with operative paragraph 3 (a) of resolution 2340 (XXII) were before the Ad Hoc Committee in documents A/AC.135/1 and Add.1-10, and the Committee also had before it, in connexion with this portion of its mandate, a summary of views of Member States prepared by the Secretariat (A/AC.135/12). A statement was made by the Chairman reviewing the proposals and suggestions discussed in the Committee under paragraph 2 (c) of resolution 2340 (XXII) (A/AC.135/35).

64. At its third session, the Ad Hoc Committee agreed that it would treat all draft resolutions or declarations submitted so far as falling within the ambit of paragraph 2 (c).

65. In considering practical means of promoting international co-operation in the field of exploration, conservation and use, the Ad Hoc Committee discussed two series of proposals before it. The first series apply to the promotion of international co-operation to assist in a better understanding of the marine environment through science as presented by the Secretary-General in his Report on Marine Science and Technology, and the proposal concerning the International Decade of Ocean Exploration as forwarded by the United States. Reference to the discussion of these proposals has been made in the section on scientific aspects (paras. 13-30 above). The representative of the United States introduced a resolution on the International Decade of Ocean Exploration (A/AC.135/33) (see annex III). Both proposals were again favourably commented on and received wide support. The important role of the IOC was re-emphasized.

66. The other series concerned international co-operation in the development and exploitation of marine mineral resources. Many delegations stressed the essential role to be assigned to the United Nations in this field. In this context they strongly supported the relevant proposal of the Secretary-General in his Report on Marine Science and Technology.

67. The importance of regional co-operation was also stressed and it was mentioned that the coastal States bordering on marginal and internal seas had many problems and objectives in common.

68. Members were in agreement that these proposals would promote international co-operation in this field on a world-wide level and that the fostering of regional arrangements would appear to be the best means at the local level. It was agreed that the proposals would be commended to the General Assembly in this report along with the various observations made by delegations.

69. With respect to conservation, a specific proposal was introduced contained in the draft resolution of the representative of Iceland

(A/AC.135/31) concerning 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. The proposal was widely welcomed and received extensive support as one of the practical means which might be commended for the consideration of the General Assembly.

70. It was stressed that the danger of pollution arose not only from the discharge of oil on the surface of the high seas, but could also arise from activities connected with exploration or exploitation of the sea-bed and ocean floor resources.

71. It was emphasized that there should be respect for the traditional freedoms of the law of the sea such as navigation, fishing and the laying of submarine cables and that measures should be taken concerning the conservation of marine resources.

72. Reference was also made to the hazards of radio-active material and the need to devise immediate safeguards concerning the danger of pollution. The view was expressed that damage caused by pollution should entail liability.

73. The view was expressed that the above study might be undertaken by the appropriate organs such as IMCO, the IAEA and the IOC.

74. The role of IMCO with respect to pollution was emphasized and the view expressed that the work of existing bodies should be taken into account and should not be duplicated.

75. The representative of IMCO referred to the availability of expertise in the field of the prevention and control of marine pollution. He also referred to inter-agency co-operation concerning marine pollution.

76. In the course of its work, the Ad Hoc Committee discussed various proposals concerning general principles which, in one view, could be prepared for consideration by the General Assembly, or, according to another view, could be listed in the Committee's report to the Assembly. Such proposals were discussed at successive stages of the Committee's work; an account of an earlier phase of discussion has been given, in particular in paragraphs 43 and 44 of the report of the

Legal Working Group. Reference may also be made to the account given under paragraph 2 (b) above. The text of these proposals will be found in Annex III to the present report:

(1) A "draft declaration of legal principles governing the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and the uses of their resources in the interests of mankind" was submitted by India (A/AC.135/21).

(2) A draft resolution containing a statement of principles concerning the deep ocean floor was submitted by the United States (A/AC.135/25). (The United States explained that the term "deep ocean floor" was used for the sake of conciseness and meant "the area of the sea-bed and the ocean floor underlying the high seas beyond the limits of national jurisdiction", or, in other words, the area whose boundaries would become clearer when the limits of national jurisdiction were more precisely defined.)

(3) A working paper on the draft declaration of general principles was proposed by Argentina, Brazil, Ceylon, Chile, Ecuador, El Salvador, India, Kenya, Liberia, Libya, Pakistan, Peru, Thailand, United Arab Republic and United Republic of Tanzania (A/AC.135/36).

77. It was suggested that the General Assembly could be asked to adopt a set of principles which, in the opinion of some delegations, would constitute the initial step towards the establishment of an international legal regime for the area under consideration. On the other hand, it was pointed out that the Ad Hoc Committee had only been called upon to indicate practical means for international co-operation and the view was expressed that this did not cover recommendations to the General Assembly or even suggestions on future courses of action. Some delegations thought that the formulation of principles would be premature and that more detailed consideration by all Member States was necessary. Another view was that a list of principles which should command unanimous support would in itself constitute practical means to promote international co-operation.

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78. Some delegations made suggestions to serve as a frame of reference for principles concerning the exploration and use of the resources of the sea-bed and ocean floor, to be considered and adopted at the appropriate time. It was stated that there is and there will remain an area of the submerged lands beyond national jurisdiction. It was suggested that the boundaries of such an area will have to be more precisely defined. Some delegations restated their views that the Ad Hoc Committee had no competence to discuss the limits of national jurisdiction, in particular with respect to the continental shelf. It was suggested that exploitation and use of the natural resources of the sea-bed and the ocean floor prior to the establishment of a boundary should be understood not to prejudice its location. A suggestion was also made that a third conference on the law of the sea be convened to consider a generally acceptable legal regime for the sea-bed and the ocean floor including rules for the determination of limits of this area.

79. In this connexion, a number of delegations pointed out that what has been done at the national level in legislation concerning the continental shelf could not be ignored, especially in view of the fact that many States are parties to the Geneva Convention of 1958 and national legislation has been based on that Convention.

80. It was also suggested that there should be established as soon as practicable internationally agreed arrangements governing the exploitation of resources of the area under discussion. Some delegates observed that such arrangements must take into account the interest of mankind as a whole, including the developing countries.

81. Proposals concerning military aspects of the question were also considered by the Ad Hoc Committee in connexion with the general principle of the reservation of the area exclusively for peaceful purposes. The texts of these proposals are annexed to the present report (annex III).

82. The Union of Soviet Socialist Republics submitted a draft resolution (A/AC.135/20) on the prohibition of the use of the sea-bed and the ocean floor beyond the limits of territorial waters for military purposes.

83. The United States of America submitted a draft resolution (A/AC.135/24) on preventing the emplacement of weapons of mass destruction on the sea-bed and ocean floor.

84. Amendments (A/AC.135/26 and A/AC.135/27) to each of the above draft resolutions were submitted by the United Republic of Tanzania.

85. Both the above-mentioned proposals and the amendments thereto included requests for consideration by the Eighteen-Nation Disarmament Committee.

86. Various aspects of these proposals were initially discussed in the Legal Working Group; a general outline of views advanced in the Committee itself has been given above in the account provided of the discussion of "Other aspects" under paragraph 2 (b) of resolution 2340 (XXII).

87. All delegations were agreed that the subject required further study and that institutional arrangements should be made by the General Assembly for this purpose.

88. In this connexion, the Committee had before it a working paper submitted by Belgium (A/AC.135/29) proposing that the Ad Hoc Committee commend to the General Assembly the establishment of a standing committee with terms of reference which would permit it to explore solutions to the numerous problems which have appeared. The text of the preliminary draft resolution proposed in the Belgian working paper appears in annex III.

89. The proposal for a standing committee received wide support in the Ad Hoc Committee. While some delegations considered favourably the continuation of the Ad Hoc Committee, they stated that they were prepared to consider the idea of a standing committee if it commanded general support.

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90. A number of delegations commented favourably on the Belgian proposal and with regard to the terms of reference with minor changes they considered it a useful starting point in seeking general agreement. Some delegations reserved their right to consider the terms of reference proposed for the standing committee at a later and more appropriate occasion.

91. Certain comments and suggestions were made regarding the terms of reference suggested in the Belgian proposal and some amendments were proposed. Thus, it was suggested that the committee should be purely advisory in character and that its terms of reference should be confined to the legal, technical and economic aspects of the question. The view was also expressed that the terms of reference of the proposed Committee should be more general in character.

92. It was emphasized by many delegations that a standing committee of the General Assembly should not replace any of the existing specialized agencies nor duplicate their activities.

93. It was also emphasized that the Committee should be the focal point for study of the various and related aspects of the item, and to provide direction and purpose to activities in regard to the sea-bed and the ocean floor.

94. As regards the composition of the proposed standing committee, the view was expressed that it would be wise to keep the present composition unchanged in order to draw upon the experience gained by the members of the Ad Hoc Committee. It was pointed out, however, that it was preferable to consider this question at a later stage and in this connexion the representative of Belgium withdrew the proposals contained in paragraph 5 of the Belgian working paper.

95. The draft resolutions or proposals for draft resolutions and amendments formally presented to the Committee are reproduced in Annex III in the order of submission.

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