

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.135/SR.1-9

10 May 1968

ENGLISH

ORIGINAL: ENGLISH AND
FRENCH

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

SUMMARY RECORDS OF THE FIRST TO NINTH MEETINGS*

Held at Headquarters, New York,
from 18 to 27 March 1968

* The list of members is contained in documents A/AC.135/INF.1 and Add.1.

SUMMARY RECORD OF THE FIRST MEETING

Held on Monday, 18 March 1968, at 11.20 a.m.

CONTENTS

Opening of the first meeting by the Secretary-General
Election of the Chairman

Acting Chairman:

U THANT

Secretary-General

/...

OPENING OF THE FIRST MEETING BY THE SECRETARY-GENERAL

The SECRETARY-GENERAL declared open the first meeting of the Ad Hoc Committee to Study the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction. The work assigned to the Ad Hoc Committee was of great importance, firstly, because the seas and oceans were estimated to cover approximately five sevenths of the total surface of the earth and the vast areas underlying the high seas beyond the limits of present national jurisdiction were a common heritage of mankind, and, secondly, because the pace of progress in the development of science and technology was such that more and more of the sea-bed and ocean floor was becoming accessible and could be exploited for scientific, economic, military and other purposes.

It appeared from the debate in the General Assembly, which had resulted in the establishment of the Ad Hoc Committee by a unanimous vote, that a careful study of the question ought to be undertaken. It was a complex matter, touching on various spheres of human activity and national interest. Some of the questions raised required urgent decisions and answers, and failure to come to grips with them in good time would undoubtedly increase the magnitude of the problems.

International co-operation in that field was indispensable. Any exploration and exploitation of the sea-bed and ocean floor should be conducted in accordance with the purposes and principles of the Charter of the United Nations, in the interest of maintaining international peace and security, and for the benefit of all mankind.

He was happy to see the representatives of the specialized agencies and of the International Atomic Energy Agency present at the meeting, and he hoped that they would be able to assist the Ad Hoc Committee in its heavy and challenging task. He had no doubt that their co-operation in that field was vital.

ELECTION OF THE CHAIRMAN

The SECRETARY-GENERAL noted that the consultations which were being held regarding the election of the Chairman of the Ad Hoc Committee had not been concluded. He therefore suggested that the election should be deferred.

/ 4...

After a discussion in which Mr. CISS (Senegal), Mr. PIÑERA (Chile), Mr. TARABANOV (Bulgaria) and Mr. BENITES (Ecuador) participated, the SECRETARY-GENERAL suggested that the election of the Chairman should be deferred until the afternoon of Tuesday, 19 March.

The meeting rose at 11.30 a.m.

/...

SUMMARY RECORD OF THE SECOND MEETING

Held on Tuesday, 19 March 1968, at 8 p.m.

CONTENTS

Election of officers

Programme of work

<u>Acting Chairman:</u>	Mr. NESTERENKO	Under-Secretary-General for Political and Security Council Affairs
<u>Chairman:</u>	Mr. AMERASINGHE	Ceylon
<u>Rapporteur:</u>	Mr. GAUCI	Malta

/...

ELECTION OF OFFICERS

Mr. ABDEL-HAMID (United Arab Republic) nominated Mr. Amerasinghe (Ceylon) for the office of Chairman.

Mr. YUNUS (Pakistan), Mr. PIÑERA (Chile), Mr. MISHRA (India), Mr. TOMOROWICZ (Poland) and Mr. PARDO (Malta) seconded the nomination.

Mr. Amerasinghe (Ceylon) was elected Chairman by acclamation.

The CHAIRMAN announced that, following consultations, it had been agreed that there should be four Vice-Chairmen: Mr. Tomorowicz (Poland), Mr. Waldron-Ramsey (United Republic of Tanzania), Mr. Piñera (Chile) and Mr. Evensen (Norway), who would be called upon to take the Chair, if necessary, in the order in which he had announced their names. It had also been agreed that Mr. Gauci (Malta) should be the Rapporteur of the Ad Hoc Committee.

PROGRAMME OF WORK

The CHAIRMAN said that, following consultations, it had been decided to establish two working groups of the whole, one to deal with legal matters and the other to deal with technical and economic matters.

It had been agreed that the officers of the Legal Working Group should be: Chairman: Mr. Benites (Ecuador); Vice-Chairman: Mr. Yankov (Bulgaria); Rapporteur: Mr. Abdel-Hamid (United Arab Republic); and that the officers of the Technical and Economic Working Group should be: Chairman: Mr. Denorme (Belgium); Vice-Chairman: Mr. Arora (India); and Rapporteur: Mr. Prohaska (Austria).

He wished to place on record that, through informal consultations, it had been agreed among the members of the Committee that it would be the intention of all members of the Committee and of such subsidiary bodies as might be created to conduct their work in such a way that they would be able to reach agreement in their work without the need for voting. Unless he heard any objection, he would state that the Committee agreed to that common understanding which would be on record.

Mr. WALDRON-RAMSEY (United Republic of Tanzania) said his delegation considered that, unless there were very far-reaching and compelling reasons for doing so, no organ of the General Assembly should deviate from the normal procedures

/...

(Mr. Waldron-Ramsey, Tanzania)

of the Assembly. He was not satisfied that such reasons existed in the present case, and he could not therefore agree with the last statement made by the Chairman. He hoped that further consultations would be held on the matter before a final decision was taken.

The CHAIRMAN pointed out that, before he had been able to complete his statement, the representative of the United Republic of Tanzania had asked for the floor. He had intended suggesting, and would do so now, that, in view of the lateness of the hour, any members who might wish to make observations on his statement regarding the conduct of business might defer making them until the Committee's next meeting.

It was so agreed.

The meeting rose at 8.25 p.m.

/...

SUMMARY RECORD OF THE THIRD MEETING

Held on Wednesday, 20 March 1968, at 11.5 a.m.

CONTENTS

Programme of work (continued)

Chairman:

Mr. AMERASINGHE

Ceylon

/...

PROGRAMME OF WORK (A/AC.135/1 and Add.1 and 2) (continued)

The CHAIRMAN welcomed the presence of representatives of the specialized agencies, whose contributions to the deliberations of the Ad Hoc Committee would be appreciated.

Mr. POPPER (United States of America) said that the sea-bed and the ocean floor presented mankind with a great potential, and that efforts should be made to turn those capabilities to advantage through increased international co-operation. With that end in view, the General Assembly, at its twenty-second session, had established the Ad Hoc Committee, the broad purpose of which was to facilitate the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, for the benefit of all mankind. In order to foster the spirit of co-operation, the Committee would have to examine carefully the studies which would be furnished to it by the Secretary-General, as well as the information and suggestions submitted by many Governments and inter-governmental organizations. In addition, account should be taken of certain matters pertaining to the deep oceans which could not be separated from the problems of the peaceful uses of the sea-bed and the ocean floor. In that connexion, he recalled that his delegation had proposed to the General Assembly, at its twenty-second session, the establishment of a committee on the oceans and had spelt out the rationale for the creation of such a committee on 8 November 1967.

He also noted that the President of the United States had suggested the idea of launching, in 1970, an international decade of ocean exploration. No single country was sufficiently endowed with wealth and talent to be able to investigate the sea-bed and the ocean floor in a systematic way. In that field, the acquisition of further knowledge and the exploitation of existing resources called for extensive international co-operation. It was to be hoped that nations would together define the methods and objectives of a programme of collaboration with the United Nations and its specialized agencies, in particular the Intergovernmental Oceanographic Commission of UNESCO, the Committee on Fisheries of the FAO, and the World Meteorological Organization. An exchange of views on that subject could be undertaken in the Committee itself, as well as outside it, and members might wish to consider the formulation of appropriate proposals for consideration by

/...

(Mr. Popper, United States)

the General Assembly at its twenty-third session. Projects envisaged for the decade could include, in particular, studies of the living resources of the sea, the preparation of ocean floor and continental shelf maps, coring and drilling, and the investigation of basic ocean processes such as current systems and the interaction between sea and atmosphere. Those objectives, and any which might be proposed by other Governments, could be analysed and combined into an over-all programme by a suitable expert body.

Where the Ad Hoc Committee's immediate tasks were concerned, he thought that the work of the current session should be confined to the organization of the Committee and the establishment of the general range of its work, without engaging in prolonged debate on the views expressed. His delegation was pleased that two specialized working groups had been established. The Technical and Economic Working Group, in its report, should provide the Committee with a sound technical assessment of the implications of the Secretary-General's studies and of the proposals made by Member States. His delegation hoped that that Working Group would also give consideration to the relevance of an international decade of ocean exploration. The Legal Working Group might tackle legal problems in the light of the existing law and outline general principles to guide the activities of States and their nationals in the exploration and use of the deep ocean floor. That work would serve to strengthen international co-operation and help to avoid conflicts. In view of the important issues involved, it would be well for the two working groups and the Ad Hoc Committee itself to carry out their work on the basis of consensus.

He recalled that the resolution establishing the Ad Hoc Committee had been adopted as the result of a proposal submitted by the Maltese delegation, and he stressed that the implications of the Maltese proposal could not be assessed until the legal, scientific and technical studies which the Committee proposed to undertake had been carried out. It was only then that States might consider accepting contractual obligations. Because that process would take time, efforts should be made forthwith to avoid unfair competition to appropriate the sea-bed and the ocean floor, which were the legacy of all human beings.

/...

Mr. MALIK (Union of Soviet Socialist Republics) said that his country attached very great importance to the question of the exploration and use of oceans and their floors as was evidenced by the extent of the manpower and material which it devoted to that field. One hundred and ten USSR research ships were carrying out comprehensive oceanographic study. The Soviet Union's ships were engaged in the exploration of the various oceans, which was of great value to the solution of the major problems in oceanography and geophysics. More than three thousand Soviet specialists were involved in the sea exploration on board the research ships, in laboratories and relevant institutions. The efforts of Soviet scientists were aimed at solving the major problems of modern oceanography. The solution of many scientific and practical problems was directly related to the more effective use of the sea-bed and ocean floor by all States in future.

The Soviet Union was making efforts to promote international co-operation in the exploration of sea and the ocean floor. It was participating in the implementation of certain international programmes concerning those areas. Under bilateral agreements the USSR was providing technical assistance to a number of countries of Africa and Asia in carrying out geophysical survey. It went without saying that the speedy solution of major problems in oceanography and the exploration of the ocean floor could be effected only on the basis of the broad co-operation of all States concerned with the study and use of the ocean and its floor.

The USSR's scientists and specialists and the Soviet research agencies took an active part in the activities of the international organizations engaged in the exploration of the ocean floor. The USSR had made considerable efforts to promote the successful co-operation of many States through the Inter-Governmental Oceanographic Commission of UNESCO which was now carrying out a comprehensive programme of studies.

As the work of the States with respect to the exploration of the sea-bed and ocean floor progressed, important political and juridical problems had to be dealt with to promote the study of the ocean floor, as well as international co-operation in those areas. After the detailed consideration by all States of the problems involved, the Soviet Union would favour the steps aimed at the speedy exploration and study of the ocean floor. His country considered that the prohibition of the

/...

(Mr. Malik, USSR)

use of the ocean floor for military purposes was the essential pre-condition for progress in the exploration and use of the ocean floor for the benefit of all mankind.

Dedicated to its policy of peace and disarmament the Soviet Union suggested that the Committee recommend the General Assembly to favour in principle the prohibition of the use of military purposes of the sea-bed and the ocean floor beyond the limits of national jurisdiction. There was no doubt that the measure proposed by the Soviet Union would serve the interests of both the sea States and those which did not have the access to the sea. His delegation believed that the question should be referred for detailed elaboration to the Eighteen-Nation Disarmament Committee as the most competent and authoritative body in that area.

The need for the international legal regulation of the rapidly expanding activity of States in the exploration and use of the ocean floor posed a number of other questions. Those questions were of practical value for many States.

However, the modern international law did not provide all the answers to the complicated legal questions posed by the progress made in oceanography and the present unprecedented revolution in technology and industry. It underlined the complexity of the problem involved and called for the need for a gradual and careful approach to its solution.

The Soviet Union believed that a solution to the problems relating to the international law which regulated the activities of States in regard to the sea-bed and the ocean floor might provide a sound basis for a further extension of co-ordination and co-operation between States as well as between the specialized agencies and other inter-governmental organizations in the exploration and development of the ocean floor and its resources. The Soviet Union considered it especially important that the legal rules governing the activities with respect to the ocean floor should promote friendly relations among all States, international peace and security of peoples. It was the view of his country that in its study the Committee should above all take into account the existing international legal principles and standards relating to the sea-bed and ocean floor. It was common knowledge that the more general principles in that field had been laid down in the international conventions on the high seas and the continental shelf, in the partial nuclear test ban treaty, as well as in some other international agreements.

/...

(Mr. Malik, USSR)

While considering legal aspects relating to the sea-bed and ocean floor the Committee should take into account all aspects of the generally recognized principles and standards of the international law. In formulating the legal problems that required a further and thorough study one must proceed from the fact that the formulation of legal rules governing the activities of States with respect to the use of the sea-bed should be based on the existing principles of international law; it should not restrict the principle of freedom on the high seas and other rights enjoyed by States under the international rules now in force.

The programme of work of the Ad Hoc Committee had been specified in General Assembly resolution 2340 (XXII) in pursuance of which the Committee was established.

The Inter-Governmental Oceanographic Commission of UNESCO was one of the major international bodies engaged in the study of the sea-bed. Many Member States had learned from experience that the work done by the Commission was of great value. It had contributed to the international co-operation in the exploration and use of the resources of the oceans and seas.

The Inter-Governmental Maritime Consultative Organization, FAO, the World Meteorological Organization and many others were also engaged in the exploration and use of the ocean resources. Thus, the better co-ordination of the study carried out by the existing international bodies with regard to the sea-bed must be ensured to make the joint efforts in that area more effective. The Soviet Union considered it necessary to strengthen UNESCO's Inter-Governmental Oceanographic Commission and provide facilities for that organization which was the centre of the international co-operation of the States in the study of the ocean floor and its resources.

With that end in view his delegation proposed that the Committee, on the basis of a thorough analysis of the questions involved, work out and recommend to the General Assembly the concrete proposals concerning the further development of co-ordination and co-operation among States, the specialized agencies and other inter-governmental organizations in the exploration of the sea-bed and its resources.

/...

Mr. KJAPTANSSON (Iceland) said that the election of Iceland to the Committee was a recognition of the importance to that country of the sea and its resources. It was also a recognition of Iceland's participation in projects relating to oceanography and the exploration and exploitation of the resources of the seas. He stressed the contribution which his country had made to the exploration of and research into the resources of the North Atlantic. The annual budget of close to \$1 million allocated to its Marine Research Institute made Iceland one of the leading countries of the world in terms of budgetary expenditure for marine research.

He therefore welcomed the opportunity to participate in the work of the Committee. His Government was keenly aware of the importance of the subject and felt that it would require a thorough examination. It considered that the sea-bed and the ocean floor should be used exclusively for peaceful purposes. The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space might provide the Committee with guidelines in that respect.

His country had not ratified the 1958 Convention on the Continental Shelf because it believed that the resources of the epicontinental sea and the continental shelf should be subjected to an identical legal régime. In other words, the coastal State should enjoy a certain preferential jurisdiction over the resources of the epicontinental sea. This was why the Icelandic Parliament had passed a resolution envisaging the extension of Icelandic fisheries jurisdiction to the fish-stocks of the continental-shelf waters - a measure which would also help to prevent the over-exploitation of the fish-stocks in those waters. The application of that principle would be equitable, especially in the case of countries whose economies were wholly dependent solely on fisheries and for which full utilization of the potential of the continental-shelf fisheries was a matter of overwhelming importance. The question before the Committee was so vast and complex that it was difficult to examine it in detail, and even more difficult to find a practical solution.

He emphasized the prime role which the United Nations could play in the field under discussion. He hoped that the great wealth which had accumulated under the oceans would be utilized for the benefit of the United Nations and would contribute peace and prosperity for all.

/...

(Mr. Kjartansson, Iceland)

Turning briefly to some of the most vital aspects of the question, he said that he favoured the adoption of a common definition of the ocean floor and the subsoil beyond the continental shelf. In defining the juridical limits of that area, the Committee could not confine itself to the present concept of national jurisdiction without evading its task and abdicating its responsibility. By maintaining the status quo, it would be asking nations to abide by principles of delimitation which were not yet known. That was obviously inequitable. The stipulations of the 1958 Geneva Conventions were the only rules which could be taken as the starting-point for a new definition of the sea-bed and the ocean floor. As a basic principle, the coastal States should enjoy national jurisdiction over the continental shelf, while the submarine areas beyond the shelf should be subjected to international jurisdiction.

The utilization of the resources of the sea might greatly strengthen the finances of the United Nations. Experience had shown that a system of licensing would be desirable. However, although in principle the United Nations should be the main beneficiary in that respect, it was only just that the nearest coastal State should also benefit from the exploitation of resources.

Another point, which was perhaps the most important, was the question of the effect that the utilization of the ocean floor and subsoil might have on the living resources of the sea and how it might affect the many legal and technical issues involved. It was important to realize at the outset that the problem of the utilization of the sea-bed and the ocean floor could not be considered in isolation. It must be analysed and defined in the context of the juridical nature of the epicontinental sea and the conservation of the living resources of the superjacent waters.

He therefore concurred entirely with the view expressed in the memorandum prepared for the Committee by the United States (A/AC.135/1), which recommended that the Committee should consider "the relationship of the deep ocean floor to the marine environment as a whole". He proposed that it should not only examine the question how best to safeguard the living marine resources, but should also review the juridical status of those resources in the light of the new definitions of the ocean floor and continental shelf. He realized that that was

/...

(Mr. Kjartansson, Iceland)

no minor undertaking; what was called for was a comprehensive review of the questions of the law of the sea which had been left unsettled by the Geneva Conferences. In conclusion, he proposed that the possibility of organizing a new United Nations conference on the law of the sea should be considered. Such a conference would greatly further international co-operation in that important field and would be a worthy contribution to the proposed decade of ocean exploration.

In reply to a question put by Mr. PARDO (Malta), the CHAIRMAN said he was informed that, apart from the documents already before the Committee (A/AC.135/1 and Add.1 and 2), the report requested of the Secretary-General by the Economic and Social Council in its resolution 1112 (XL) would be circulated during the following week, while the study called for in Assembly resolution 2172 (XXI) would be ready during the first fortnight of May.

The meeting rose at 12.50 p.m.

/...

SUMMARY RECORD OF THE FOURTH MEETING

Held on Thursday, 21 March 1968, at 11 a.m.

CONTENTS

Programme of work (continued)

Chairman:

Mr. AMERASINGHE

Ceylon

/...

PROGRAMME OF WORK (A/AC.135/1 and Add.1 and 2, A/AC.135/2, A/AC.135/3) (continued)

The CHAIRMAN said that the study which the General Assembly had requested the Ad Hoc Committee to prepare (resolution 2340 (XXII)), included three elements: a survey of past and present activities of the United Nations system with regard to the sea-bed and the ocean floor, an account of the scientific, technical, economic, legal and other aspects of the item, and an indication regarding practical means to promote international co-operation in the area, having regard to the views expressed by Member States.

The Secretary-General had been requested by the General Assembly to render assistance to the Committee and to submit to it the results of studies undertaken in pursuance of General Assembly resolution 2172 (XXI) and Economic and Social Council resolution 1112 (XL), and such pertinent documentation as might be provided by the competent specialized agencies and other inter-governmental organizations.

The only two documents specifically mentioned were the studies being undertaken in pursuance of the earlier Assembly and Council resolutions.

The Committee might wish to obtain from the Secretary-General an account of the pertinent activities of the various organizations mentioned in operative paragraph 2 (a) of resolution 2340 (XXII) and of existing international agreements relating to the sea-bed and ocean floor. It would also be useful if the Secretariat were to prepare a working paper on the aspects of the item - mentioned in operative paragraph 2 (b) - with which the two Working Groups were concerned, namely, the scientific, technical and economic aspects and the legal aspects. Members of the Committee might wish to indicate what they considered to be the other aspects on which documentation should be prepared. Regarding operative paragraph 2 (c), it might be difficult to formulate an opinion on the practical means of promoting international co-operation until there was a clearer appreciation of the scientific, technical, economic, legal and other aspects of the item.

He suggested that the Committee should request the Secretary-General to present a list of the documentation provided by the various organizations referred to in paragraph 3 (c) and to invite those which had not yet made their contribution to do so as soon as possible. Members should indicate the "other inter-governmental bodies" which had the standing and ability to assist the Committee in its task.

/...

(The Chairman)

There was no provision for meetings of the Committee beyond Friday, 22 March. If the Committee wished to meet during the following week, an appropriate request would have to be made promptly to the Committee on Conferences.

Mr. IGNATIEFF (Canada) said that his delegation attached the utmost importance to the examination of an international régime for the abyssal depths of the oceans. The work being undertaken by the Ad Hoc Committee, in which increasing interest was being shown, concerned problems of importance comparable to those dealt with by the Committee on the Peaceful Uses of Outer Space.

So far as the terms of reference of the Ad Hoc Committee were concerned, the principal task was the one stated in operative paragraph 2 (c) of General Assembly resolution 2340 (XXII). Indicating means of promoting co-operation in the area under consideration was a formidable task which the Committee could not tackle in detail until it had gathered the material it needed, as specified in operative paragraph 2 (a) and (b) of the resolution. The order of the sub-paragraphs was the order in which the work should proceed. The Ad Hoc Committee should perform its task rapidly and effectively, and in that regard consideration should be given to the comments just made by the Chairman.

With regard to the survey of the past and present activities of competent organizations, referred to in operative paragraph 2 (a), his delegation would suggest that the Committee should take prompt steps to avail itself of the assistance of the Secretary-General under operative paragraph 3 of the resolution. The sooner it was able to consider the results of the studies undertaken in pursuance of General Assembly resolution 2172 (XXI) and Economic and Social Council resolution 1112 (XL), the sooner it would be in a position to determine the areas which would require further study. The success of the Committee's work would also significantly depend on the efforts that would be made to avoid duplication, to strengthen co-ordination and to make full use of the important scientific and technical studies now being carried out with the co-operation of international bodies and various experts in respect of the present state of knowledge of the resources beyond the continental shelf and in respect of current activities in marine sciences and technology. The collection of such information, without which it would be impossible to clarify the existing problems, was also necessary for the

/...

(Mr. Ignatieff, Canada)

preparation of the account of the scientific, technical, economic, legal and other aspects of the item, called for in operative paragraph 2 (b) of the resolution.

The establishment of two Working Groups, one to deal with legal questions and the other with scientific and technical questions, had been a wise step. So far as the assignment of work to those bodies was concerned, his delegation believed it essential that a general definition should promptly be established of the area to be covered by the study referred to in operative paragraph 2 of the resolution. There was no doubt that the areas over whose resources coastal States possessed sovereign rights included the continental shelf and slopes. The Legal Working Group should accordingly focus its attention on the exploration of the resources of the deep ocean floor. Its work should begin with an examination of existing State practice and international instruments, which suggested that the exploitability clause of article 1 of the 1958 Convention on the Continental Shelf had already received substantial interpretation in practice. That should help in elucidating the questions involved in considering the principles applicable to the exploitation of the deep ocean bed in a manner which would strengthen international co-operation and order. The Committee should recognize that it would not be in the interests of the world community if there was a scramble by States to appropriate the abyssal plains.

With regard to scientific, technical and economic questions, advantage should be taken of the experience gained and of the studies being carried out pursuant to earlier United Nations resolutions by competent organizations, including the Inter-governmental Oceanographic Commission, so that a survey might be made of the present state of knowledge in oceanography, marine geology, ocean sedimentation and other related fields. A particular effort should be made to cast light on such matters as the possible distribution of mineral deposits underlying the ocean, the type and nature of such deposits, the technical requirements for discovering them and evaluating their extent, and the economic feasibility of exploiting them in the foreseeable future.

In due time the Committee would have to consider that part of its mandate set out in operative paragraph 2 (c) of the resolution. It might then have to examine

/...

(Mr. Ignatieff, Canada)

the organizational aspects of any international régime for the abyssal depths. It would have to study principles which took account of the necessity of stimulating the process of technological investigation so as to accelerate actual development, without, however, losing sight of the economic realities underlying the massive capital expenditures that would be required and the need for approaches which would foster greater international co-operation and co-ordination in recognition of the common interests of mankind in the sea-bed and in conformity with the Charter.

The political and disarmament aspects of the problem, while of undeniable importance, might best be left until the aforementioned studies were completed or at least well advanced. The Canadian Government did not wish at the present time to express any preference regarding the form in which disarmament problems should be discussed. Those political aspects of the item should obviously be considered in the Ad Hoc Committee itself.

Mr. GALINDO POHL (El Salvador) stressed the humanitarian aspects of the peaceful use of the ocean depths. Development work undertaken on a world-wide scale, with all countries participating, was one of the most notable successes achieved by international organizations, and opened up undreamed-of possibilities in the field of technical aid. Co-operation for development was a field in which each State had its responsibilities vis-à-vis the international community. Although the results obtained so far, particularly in regard to technical progress, were far from sufficient, a certain amount of experience had been gained, and the efforts to promote international co-operation had brought positive results. It was to be hoped that the economic exploitation of the sea-bed in the interest of the world community would provide the international development effort with its own means of financing.

The exploration and use of the ocean depths would promote international co-operation and would provide substantial economic support for development programmes. Furthermore, they would offer a further opportunity for scientific and technical exchanges and, with the help of the mineral and biological resources which might be discovered, might even remove some of the factors which hindered development at the present time.

/...

(Mr. Galindo Pohl, El Salvador)

According to General Assembly resolution 2340 (XXII), the Committee must study the question of the use of the sea-bed and the ocean floor beyond the limits of national jurisdiction. The text of that resolution, which was couched in very general terms, was open to a number of interpretations concerning the scope of the study the Ad Hoc Committee had been requested to make. When the resolution had been discussed in the First Committee on 7 December 1967, his country's representative had affirmed his understanding that the resolution did not refer to national maritime jurisdiction (A/C.1/PV.1543). His delegation reiterated that the Ad Hoc Committee was not authorized to reopen, under another guise, the debate on the continental shelf, territorial waters or special jurisdictions, and that, in order to maintain the unanimity which had been a tribute to the intrinsic value of resolution 2340 (XXII), its activities should be directed towards the vast areas of the sea-bed and the subsoil thereof over which no State claimed exclusive or priority rights. All the means which would facilitate the study of the problem could obviously be used to determine its exact nature. Only thus would it be possible to maintain unanimity of decision and ensure continuity in research. Above all, it was necessary to use a common denominator, even if differences should arise between the opinions of the various countries. The Committee should beware of dissipating its efforts on questions already dealt with by specialized bodies. The great ocean depths provided problems enough, and were vast enough to give the Committee scope for useful work, in the interest of all nations.

Mr. PARDO (Malta) recalled that under resolution 2340 (XXII), the Committee was only a temporary body with a mandate limited to the performance of three specific tasks. It seemed, however, that the Committee's work concerned not only those tasks but also certain matters which were not within the terms of reference of one or the other of the several agencies already dealing with similar topics. Generally speaking, the Committee's mission was to provide the General Assembly with an indication of immediate practical measures that could be taken to promote international co-operation on the matters under discussion.

The task before the Committee was essentially of a fact-finding nature: to gather information, clarify issues and define the goals of possible international action. The Secretariat should provide the Committee with three surveys in

/...

(Mr. Pardo, Malta)

addition to the basic documentation referred to in General Assembly resolutions 2172 (XXI) and 2340 (XXII) and Economic and Social Council resolution 1112 (XL). Firstly, he would like to have a document outlining briefly what was known at the present time of the resources of the sea-bed and ocean floor, and of the sub-soil beyond the 200 metre isobath. The document should also include economic and commercial assessments of the resources, should they be economically exploitable in the immediate or foreseeable future. A second document should deal with present and clearly foreseeable technology for the economic or military use of the sea-bed and the ocean floor and of their subsoil. If the present potential were small, the delegations might, of course, adopt a more relaxed attitude towards the question. Finally, the Secretariat should provide a legal document listing the extent and the nature of the claims of States to jurisdiction over the sea-bed and the ocean floor, in the light of the opinions of competent specialists and of Governments. Certain far-reaching claims might be discussed, if the need arose, in connexion with their possible consequences on the traditional freedom of the high seas. The Secretariat should also include in that document a section examining the ways in which land-locked countries could obtain a share of the benefits that might accrue from the exploitation of on-bottom and sub-bottom resources of the sea-bed, including the geophysical continental slope.

He stressed the complementary nature of the three studies, which would absolve the members of the Ad Hoc Committee from entering into technical discussions and would enable it to form a comprehensive study of the complex political problems on which it had to report to the General Assembly. He strongly supported the proposal in document A/C.1/952 that the Secretary-General should undertake a survey on the suitability and the possibility of nominating an international body to supervise the exploitation of deep-sea resources.

Mr. PIÑERA (Chile) proposed that the Committee should seek the collaboration of two important bodies: the Advisory Committee on the Application of Science and Technology to Development and the Committee for Development Planning, both of which had a valuable part to play in developing the resources of the sea-bed and its subsoil. The Ad Hoc Committee could also call on the United Nations

/...

(Mr. Piñera, Chile)

Conference on Trade and Development and on the International Bank; at a later date, the Bank could, either directly or through the International Development Association, provide the financing.

Mr. FEDOROV (Intergovernmental Oceanographic Commission and the United Nations, Educational, Scientific and Cultural Organization) expressed his appreciation of the praise voiced in the Committee for the work of the Intergovernmental Oceanographic Commission. As a result of the efforts made during the past decade, oceanographers were now able to think in terms of the control and rational exploitation of the seas instead of being limited to their scientific exploration.

The mandate given to the Ad Hoc Committee by the General Assembly in resolution 2340 (XXII) would give the Intergovernmental Oceanographic Commission the opportunity of co-operating with the Committee. It was striking that the interpretations of that resolution particularly by the United States and Soviet Union representatives, emphasized the scientific exploration of the oceans. It seemed, therefore, that scientific activity must continue to play a major role in the future. That fact demonstrated a somewhat wider interpretation of the scientific aspects involved, thus establishing a close liaison between resolution 2340 (XXII) and resolution 2172 (XXI) concerning the resources of the sea. It also gave the Intergovernmental Oceanographic Commission a chance to contribute to a very large extent to the implementation of the important ideas contained in resolution 2340 (XXII). The Intergovernmental Oceanographic Commission was convinced that it would be in a position to meet the challenge.

The Committee's work was so complex that it would undoubtedly extend well beyond the General Assembly's twenty-third session. The most immediate task, however, was the preparation, for consideration at that session, of an account of the scientific, technical, economic, legal and other aspects of the problem. The time left for preparing that account was short; therefore, the Committee might with advantage invite assistance from an international body already equipped for that kind of work. On behalf of the Intergovernmental Oceanographic Commission, he was happy to offer such help to the Committee and its Secretariat, and he felt sure

/...

(Mr. Piñera, Chile)

that such an offer was fully in line with the provisions of operative paragraph 4 of General Assembly resolution 2340 (XXII). In order to meet the deadline, the Intergovernmental Oceanographic Commission might possibly have to reconsider some of the priorities in its programme. It would be best to leave discussion of the details of such assistance to the secretariats of the two bodies. As a first step, the Intergovernmental Oceanographic Commission, together with other competent agencies, could provide the Secretariat with a number of important documents, notably on marine pollution.

The meeting rose at 12.10 p.m.

/...

SUMMARY RECORD OF THE FIFTH MEETING

Held on Friday, 22 March 1968, at 3.20 p.m.

CONTENTS

Programme of work (continued)

Chairman:

Mr. AMERASINGHE

Ceylon

later,

Mr. TOMOROWICZ

Poland

/...

PROGRAMME OF WORK (continued)

Mr. RUDA (Argentina) said that his country was particularly interested in the question of the peaceful uses of the sea-bed and the ocean floor, since it possessed, in accordance with existing international law, a continental shelf of more than 1 million square kilometres, which was being studied in detail by its national oceanographic institutions with a view to promoting the economic development of Argentina. His country therefore supported the General Assembly's decision to consider 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. However, in view of the many issues involved, his delegation felt that the current session of the Ad Hoc Committee should be considered merely preliminary and exploratory, since the topic could not be discussed exhaustively until the Committee had more information before it.

The Committee should therefore confine itself, at the present stage, to organizing its work and deciding on precise working methods and on how it would reach its decisions. In that connexion, he agreed with the view expressed by the Belgian delegation in its working document (A/AC.135/3), namely, that decisions on questions of substance should be voted on by all the members of the Committee. Initially, priority should be given to a consideration of the technical, economic and scientific aspects of the subject; for it was necessary to know as much as possible about the sea-bed beyond the limits of national jurisdiction before formulating a legal system to govern exploitation of its resources. His country attached particular importance to the economic consequences of the submarine exploitation of minerals. According to some scientists, the prevailing prices for such minerals as manganese, nickel and cobalt would drop substantially, once suitable mining methods had been developed. If those prophecies were correct, the situation of countries producing such minerals must be borne in mind, so that the economies of developing countries were not unduly affected; in that respect especially, the concept of international co-operation must be recognized and strengthened.

General Assembly resolution 2340 (XXI) laid down adequate objectives for the Committee's work. Its main objective, under the resolution, was to consider the reservation exclusively for peaceful purposes, of that part of the high-seas and the use of its resources for the benefit of mankind. The Assembly had

(Mr. Ruda, Argentina)

recognized that the exploration and use of the sea-bed and the ocean floor should be conducted in conformity with the principles and purposes of the Charter, in the interest of maintaining international peace and security; it would be disastrous for mankind if technological progress were to be used, not in the common interest, but for warlike purposes.

His delegation had welcomed the agreement reached in the General Assembly whereby the Ad Hoc Committee's work would be confined to areas of the high seas outside existing national jurisdictions. Thus, any consideration of matters relating to the territorial sea or the continental shelf, which under existing law belonged to the coastal State, was excluded. In that connexion, he fully agreed with the Government of Turkey that the preservation of the jurisdiction of States over their continental shelf should be the most important factor to be safeguarded in the deliberations of the Committee (A/AC.135/1, p. 5). Moreover, the Committee should confine itself to questions relating to the sea-bed and the ocean floor and should not delve into other difficult problems, particularly those of fishing, which related to the waters of the high seas. His Government, like the Belgian Government (A/AC.135/1, p. 26), was inclined towards limiting the application of any new provisions to the resources of the subsoil.

Mr. Tomorowicz (Poland), Vice-Chairman, took the Chair.

Mr. TSURUCKA (Japan) said that his Government whole-heartedly supported the principle that the sea-bed and the ocean floor beyond the limits of national jurisdiction should be preserved from national appropriation, and that the exploitation of their resources should be conducted for the benefit of all mankind. As marine technology developed in the future, it would become increasingly important to preserve the sea-bed and the ocean floor from actions and uses detrimental to the common interests of mankind.

He considered it important that, in its study, the Committee should confine itself to its terms of reference, as laid down in General Assembly resolution 2340 (XXII), which did not refer to the waters above the sea-bed and the ocean floor. The internationally long-established principle of the freedom of the high seas, including the freedom of fisheries on the high seas, which was sanctioned by the 1958 Geneva Convention on the High Seas, should not be weakened in any way as the results of the Committee's activities. He would also point

(Mr. Tsuruoka, Japan)

out that, as the 1958 Convention on the Continental Shelf had been ratified by only thirty-seven States, the Committee should not proceed on the assumption that the provisions of that Convention had been established as international customary law. While it was important that the sea-bed and the ocean floor should be used for the benefit of all mankind, it was also important that the Committee's discussions should not discourage States from exploring the sea-bed and the ocean floor or exploiting their resources.

With regard to the study of the peaceful uses of the sea-bed and the ocean floor, which was another important part of the Committee's terms of reference, he wished to emphasize his country's view that that vast area should be permanently excluded from the arms race. The Antarctic Treaty and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space constituted valuable precedents. Much would be gained from a survey of the activities of the United Nations, the specialized agencies and IAEA in relation to the sea-bed and the ocean floor, which would provide a basis for considering possible ways of strengthening international co-operation in that field.

He noted that no representative of an Asian State in the Pacific area had been elected an officer of the Committee, although those States naturally had a vital interest in the question of the sea-bed and the ocean floor. His delegation would be fully prepared to participate actively in the present and future consideration of this question and to co-operate fully with the other members of the Committee and would take an active part in its work.

Mr. JACKSON (Food and Agriculture Organization of the United Nations) said that FAO's interest in the oceans was concentrated on the role, assigned to it by the nations, of promoting the increasing utilization of fish and the other living resources of the seas within the limits dictated by scientifically based conservation measures, with special stress on augmenting protein supplies. The world production of fish from the oceans had approximately doubled in each of the post-war decades, and prospects for continued increases were good if science, technology, investment and international co-operation could be combined and applied effectively. FAO fully appreciated the importance and the complexity of the Committee's task and the need for ensuring the orderly relationship of all

/...

(Mr. Jackson, FAO)

activities connected with the seas. Its own activities and responsibilities would seem to be complementary to the objectives of General Assembly resolution 2340 (XXII), although the growing problem of the pollution of the sea, for example, showed that there were matters of common concern to all who were responsible for the rational use of the wealth of the oceans. FAO would certainly co-operate fully with the Committee wherever a community of interests appeared.

Mr. SCHUURMANS (Belgium) said that he would limit himself to a few remarks concerning the programme of work, as his delegation had already submitted a document (A/AC.135/3) containing practical suggestions relating to the organization of the Committee's work and the role of the Secretariat.

Since there had been some confusion in the General Assembly concerning the scope of the Committee's terms of reference, it was important to have a clear idea of their exact extent and limitations before drawing up a programme of work. The terms of reference included a study, and to some extent an inventory, of the physical resources of the ocean floor and the deposits which had been formed there, and perhaps of the living organisms which were in constant physical contact with the sea-bed. However, the study of the waters above the sea-bed, and problems relating to fishing and fisheries, did not fall within the Committee's terms of reference. Because the terms of reference were so broad, the Committee had established two Working Groups. The Legal Working Group should be instructed to formulate the legal régime which would relate to the portion of the area of the planet referred to in General Assembly resolution 2340 (XXII). Legislation relating to the sea-bed and the ocean floor, and the sub-soil thereof, would be of vital importance, inasmuch as it would constitute the foundation on which any measures taken in order to implement the intentions of the sponsors of that resolution would be based. In his view, the first step was to define the area envisaged in Assembly resolution 2340 (XXII), and in order to do so, the Committee should decide on a definition of the term "beyond the limits of national jurisdiction". The definition of the continental shelf given in the Geneva Convention of 1958 was unsatisfactory, as it placed no limitation on the sovereignty of the coastal State, with the result that any exploitation must of necessity be on the continental shelf of the nearest State, whether or not there

/...

(Mr. Schuurmans, Belgium)

had been any proclamation by that State. The Legal Working Group should also lay the foundations for the régime relating to the sea-bed and the ocean floor and the sub-soil thereof and formulate specific rules with regard to such problems as responsibility.

The Technical and Economic Working Group should make an intensive study of the effects which the exploitation of the mineral resources of the ocean floor and its subsoil would have on the economies of developing countries which were producers of those same primary commodities. It should also consider the advantages and disadvantages of the different methods of exploitation, on as broad a basis as possible. For instance, the concession system might be examined, but not necessarily from the standpoint of one State or one company; the possibility of granting concessions to groups of States, including land-locked countries and developing countries whose economies were sufficiently advanced, should also be envisaged.

The findings of the two Working Groups, which would cover quite different aspects of the problem under review, should be submitted to the Ad Hoc Committee, which would then review them in the light of the political and economic interests of States and the more general principles relating to international peace and security. In that connexion, he emphasized that his Government supported the use of the sea-bed and the ocean floor exclusively for peaceful purposes and thought that their non-militarization called for an effective system of supervision.

The structure which the Committee had adopted would also affect the way in which its work was conducted. The unanimous vote on General Assembly resolution 2340 (XXII) should be taken as a precedent and accordingly, whenever the Committee made a decision on a question of substance, all its members should vote. On the other hand, he did not think that the practice of "consensus" could be interpreted as requiring unanimity, even when matters of a purely procedural nature were involved. Such a system could seriously impede the Committee's work, and indeed might bring it to a standstill.

The reports of the Working Groups should give a precise indication of the divergent points of view expressed, so that the plenary Committee could work out a compromise formula acceptable to all.

/...

(Mr. Schuurmans, Belgium)

He noted that the Ad Hoc Committee attached great importance to the collaboration of the Secretary-General, and he would therefore be interested to know the approximate date by which the Secretary-General could expect to provide the information and the studies referred to in document A/AC.135/3. He also requested information on the progress of the reports being prepared by the Secretary-General in pursuance of General Assembly resolution 2172 (XXI) and Economic and Social Council resolution 1112 (XL). Finally, he asked whether any work had previously been done in the legal field. Information on those points would be of great value in assisting the Committee to draw up a time-table for its work and to fulfil its mandate in the time stipulated.

Mr. BENITES (Ecuador) said he feared that the Committee was in danger of losing its sense of direction and was moving away from the question at issue. At the current session, the Committee should simply organize its work and select methods without entering into the substance of the matter. Moreover, its mandate under General Assembly resolution 2340 (XXII) was solely to provide information. The Committee was to study the scope and various aspects of the item, survey the past and present activities of the United Nations, the specialized agencies, and other bodies, as well as existing international agreements, and give an account of the scientific, technical, economic, legal and other aspects of the item as well as an indication regarding practical means to promote international co-operation in the matter.

It was his delegation's understanding that the item before the Committee related solely to the sea-bed and the ocean floor underlying the high seas beyond the territorial waters over which States exercised sovereignty. The representative of Malta himself, in requesting the inclusion of the item in the agenda of the General Assembly, had made it clear that he intended it to refer to the sea-bed and the ocean floor underlying the seas beyond the territorial sea and beyond the continental shelf. Therefore, neither the territorial sea nor the continental shelf - which, even if it was underlying the high seas, was under national jurisdiction - could be considered as coming within the scope of the item.

/...

(Mr. Schuurmans, Belgium)

A general debate would be of little practical utility at the present stage. Before it entered into the substance of the problem, the Committee required a great deal of information which was not yet available. It should therefore concentrate for the time being on a consideration of its methods of work and those of its two Working Groups.

The meeting rose at 4.20 p.m.

/...

SUMMARY RECORD OF THE SIXTH MEETING

Held on Monday, 25 March 1968, at 11 a.m.

CONTENTS

Programme of work (continued)

Chairman:

Mr. AMERASINGHE

Ceylon

/...

PROGRAMME OF WORK (A/AC.135/1 and Add.1 and 2, A/AC.135/2, A/AC.135/3) (continued)

Mr. de BREUVERY (Department of Economic and Social Affairs), at the request of the CHAIRMAN, indicated, for the information of the Ad Hoc Committee, the contents of the two reports being prepared by the Secretariat in response to the resolutions on the resources of the sea which pre-dated General Assembly resolution 2340 (XXII), and the progress made in their preparation.

The first to be issued - it was to be distributed in early April - would be the report on the resources of the sea beyond the continental shelf, prepared for the Economic and Social Council by the Secretariat with the assistance of specialists in accordance with Council resolution 1112 (XL). Only the first part of that report, relating to mineral resources, concerned the Ad Hoc Committee. The various chapters of the first part would provide information on the following topics: (1) marine minerals, forms of mineral deposits and mineral concentration within the water of the sea; petroleum possibilities in the continental shelf, the continental slope and the continental rise; phosphorite and its distribution; manganese nodules, their distribution and their future economic potential; (2) mineral exploration techniques, including surveys, geological prospecting, sampling beyond the continental shelf and various methods, particularly seismic surveys; (3) deep-water petroleum exploitation techniques, the use of various types of drilling platforms and their hazards; drilling operations and costs, well-testing, etc., and methods of setting up drilling crews; (4) ocean mining methods; studies on some recent devices for deep-sea mining; (5) problems requiring special attention, including the problem of further scientific research, measures for developing the resources of the sea-bed and ocean floor, the establishment of a suitable jurisdictional régime for that development and related problems.

The second report, prepared in compliance with General Assembly resolution 2172 (XXI), was a survey of activities undertaken in marine science and technology together with the Secretary-General's proposals. It would be issued during the latter half of May 1968 for consideration by the Economic and Social Council at its July session and subsequently by the General Assembly. He recalled that a meeting of experts from the United Nations and specialists in certain disciplines held in June 1967 had suggested the subjects to be studied and that the

/...

(Mr. de Breuvery, Department of
Economic and Social Affairs)

participating experts had later been consulted on the first draft. At their second meeting, which had just taken place, the experts had examined that draft and had reviewed the many constructive comments made by Governments in response to the Secretary-General's questionnaire. They had also considered the question of preparing the recommendations requested of the Secretary-General by the General Assembly under paragraph 3 (a) and (b) of resolution 2172 (XXI) and had discussed questions of international co-operation in respect of pollution of the water of the sea. The report would be divided into three parts. The first part would deal with the present scope of marine science and technology in relation to shipping, mineral and living resources and their exploitation, and the problem of pollution. The second part would examine the current activities of Member States and international organizations. In respect of States, the survey covered both utilization and research. The international organizations covered were (1) non-governmental scientific institutions affiliated with the International Council of Scientific Unions, which played an important role in collaboration with the United Nations organizations; (2) United Nations agencies and (3) other inter-governmental organizations. Lastly, the survey reviewed national and international training activities in marine science and technology, particularly in relation to the role of UNESCO, FAO and WMO. The third part would contain the proposals which the Secretary-General would make to the General Assembly for (1) achieving a better understanding of the marine environment through science, (2) increasing the effectiveness of international co-operation in the exploration and development of the living resources of the sea, (3) promoting co-operation with a view to the exploration and development of marine mineral resources, (4) preventing and combating pollution of the marine environment through wider international co-operation, and (5) initiating and strengthening marine education and training programmes.

Mr. HILDYARD (United Kingdom) said that the discussions of the Ad Hoc Committee had permitted various delegations to elucidate or supplement replies of Governments to the Secretary-General's questionnaire and had revealed that some of them had strong views concerning the legal issues involved in the question under discussion. With regard to the terms of reference of the Ad Hoc Committee,

/...

(Mr. Hildyard, United Kingdom)

his delegation considered that priority should be given to the task set out in operative paragraph 2 (a) of General Assembly resolution 2340 (XXII), because the Committee should have the fullest possible knowledge of the present factual position before tackling the other tasks set out in paragraph 2 (b) and (c). For those reasons, the United Kingdom delegation endorsed the suggestions made by the Chairman at the 4th meeting concerning the documentation and assistance which should be requested from the Secretary-General and welcomed those made by the representative of Malta concerning the study of three further questions. The studies dealing with the present and foreseeable technological potential with regard to the sea-bed should not prejudice the legal issues involved. The Legal Working Group, in seeking to supplement existing legal criteria as necessary, should be careful to respect existing legal principles and, in particular, the principle of freedom of the seas. In any event, the Group would probably not be able to make any substantial progress in its work until some progress had been made in reviewing scientific, technical and economic questions.

The Ad Hoc Committee should confine its work to the matters within its terms of reference and should not consider matters relating to the waters and the exploitation of their reserves, except in so far as they might be affected by present or future activities in regard to the sea-bed and ocean floor. In that connexion, he stressed the importance of a study of the dangers of pollution which could arise from the exploitation of the oceanic sub-soil, which had been referred to by the representative of Iceland.

His delegation attached great importance to the contributions which the specialized international agencies could make in the studies under consideration. He also referred to the proposal of the President of the United States of America, which the United States delegation had mentioned, that the 1970's might be proclaimed the Decade of Ocean Exploration, and suggested that the Ad Hoc Committee might consider whether such a programme might not significantly add to the sum of knowledge available to the international community on matters relating to the ocean floor and might not facilitate co-operation in that field. Certainly, his Government would carefully examine all such proposals.

As indicated in the suggestion which it had made in its reply to the Secretary-General's questionnaire, the United Kingdom considered that it would be valuable to have a survey of present national activities on the basis of information to be provided by Governments. If the Working Groups considered it useful, the Ad Hoc

/...

(Mr. Hildyard, United Kingdom)

Committee might ask the Secretary-General to address a request for such information to the Governments of member countries.

With reference to the part of the Ad Hoc Committee's terms of reference in operative paragraph 2 (c) of resolution 2340 (XXII), his delegation thought that a report enjoying the support of all members of the Committee would most certainly offer "practical means" of promoting international co-operation.

Mr. PANYARACHUN (Thailand) considered that the Ad Hoc Committee's first session was too short and its terms of reference too complex to enable it to undertake intensive work from the outset, but that the studies by the Secretariat and other competent organizations would help it to progress towards the desired goal when the time came. He was gratified that a useful step had been taken in that direction by the establishment of two Working Groups. In delimiting its field of investigation, it was essential that the Committee should respect the special status of the continental shelf, and it would exceed its terms of reference should it invade areas which came under the sovereignty of the riparian States.

His delegation was in favour of the establishment of an international régime for the exploitation of the wealth of the sea-bed and ocean floor, for that wealth should not be monopolized by a few Powers. All States, including land-locked States, should have their share.

He welcomed with satisfaction the suggestions made to the Committee, particularly by the representatives of Belgium and Malta concerning the programme of work. His country intended to co-operate actively in the task it had undertaken.

Mr. DIACONESCU (Romania) said that it was important to ensure as soon as possible that the ocean depths were not used for military purposes and, in particular, to safeguard them against the armaments race by extending to them, for example, the principles set forth in the Antarctic Treaty prohibiting the use of nuclear weapons in Antarctica and the Treaty on Principles Governing the Activities of States in the Exploration and use of Outer Space, including the Moon and Other Celestial Bodies.

The next step was to define the principles and criteria for peaceful international co-operation in the exploitation of the sea-bed, and the field of application of those criteria.

(Mr. Diaconescu, Romania)

In view of the complexity of the task, and its exceptional importance for all countries, the Committee must have a sound basis for its work. The task entrusted to it by the General Assembly was of a preparatory nature. Priority should be given to the activities described in operative paragraphs 2 (a) and 2 (b) of General Assembly resolution 2340 (XXII), while the assignment described in paragraph 2 (c) should be taken up at a later stage. While the assistance of the Secretary-General and the specialized agencies was essential, the Committee would also have to take into account the conclusions of the studies undertaken in accordance with General Assembly resolution 2172 (XXI) and Economic and Social Council resolution 1112 (XL), as well as any relevant documentation which might be provided by the specialized agencies. The Secretariat studies which the Chairman had suggested at the 4th meeting would also be very helpful to the Committee in carrying out its task. In that connexion, it would be useful to know approximately when the Committee could expect to receive the various studies, so that it could organize its work.

Since the implementation of any solutions proposed to the General Assembly would depend upon the co-operation of all States, an effort should be made to obtain unanimous support for any proposals which might be made by the Committee or its Working Groups.

Mr. ZIMIC (Peru) said that, despite the difficulties of the task assigned to it, the Committee was clearly full of good intentions and determined to overcome all obstacles. He believed that the work of the Committee would help to solve one of the greatest problems of the age: namely, the population explosion. His country was aware of the situation; it recognized its own responsibilities in the matter and was prepared to co-operate as much as it could in carrying out the Committee's task.

The Committee's mandate, as defined in resolution 2340 (XXII), clearly delimited the scope and application of the measures to be taken and did not affect Peru's rights with respect to its territorial sea. He also found it gratifying that the Committee's task related only to areas situated beyond the limits of national jurisdiction. Furthermore, he recognized the need to conclude agreements to make it possible to study the principles governing the morphology and the physical and chemical development of the ocean depths.

/...

Mr. BACKES (Austria) said that, as a land-locked country, Austria might be somewhat at a disadvantage if technological progress outpaced legal developments and led to an imbalance in the distribution of wealth. The specific geographical situation of Austria explained the interest it was taking in the work of the Committee; moreover, its maritime past had laid a sound basis for a systematic study of marine sciences. Its position was also affected by the fear that its economy might suffer from the use of new deep-sea mining and deep-sea drilling techniques. His delegation was therefore glad that several representatives had stressed that the study of the problems of the use and exploration of the sea-bed was in the interest of all States. In that connexion, it wished to underscore the significance of the first of the three studies proposed by the representative of Malta, which was to give an outline of what was known of the resources of the sea-bed and its sub-soil below the 200-metre isobath and to indicate the possible implications for world trade of large-scale exploitation of those resources. Similarly, it would be necessary to consider how to ensure that land-locked and less developed countries obtained an appropriate share of the benefits that might be derived from the exploitation of such resources.

His delegation also attached particular importance to the disarmament aspects of the issue. Since it was quite unlikely that complete disarmament would be possible in the foreseeable future, it was essential to focus on those areas where disarmament was already possible. Swift action should therefore be taken to ensure that the sea-bed was not used for military purposes.

The proposal made by the President of the United States for an International Decade of Ocean Exploration had been received with interest by his Government and, although it was not entirely within the terms of reference of the Committee, the latter might usefully have an exchange of views on the proposal.

With regard to the Committee's method of work, he observed that the majority of members had agreed that they should conduct their work in such a way that they would be able to reach agreement without the need for voting. That principle, which had already been used by the Committee on Outer Space, had produced excellent results. However, his delegation was aware that the approach had some disadvantages since it required very hard work and alertness on the part of the officers of the Committee.

/...

(Mr. Backes, Austria)

In his delegation's view, the problem should be approached with the greatest care and the greatest prudence. In view of its nature and the ultimate goal, the Committee should adopt a method of work which had already proved successful. It shared the view of other delegations that the Committee's task was to undertake a broad survey and to collect data, and that it should be carried out principally by the Working Groups. Although resolution 2340 (XXII) clearly set forth the Committee's terms of reference, it might be desirable to begin by drawing up guidelines for the work of the Working Groups. Thought should also be given to the establishment of priorities, and a time-table would be useful for achieving the immediate goal. Resolution 2340 (XXII) could provide the basis for establishing priorities. The next step might be to group issues indicatively and draw up a preliminary list of the most important issues, leaving the final decision to the Working Groups. Furthermore, the Committee might concentrate on the studies to be submitted to it by the Secretariat and discuss the suggestions which it would be receiving.

His delegation also felt that the Working Groups should be allowed to carry out their tasks independently of each other. Steps must be taken to ensure that the Technical and Economic Working Group's proceedings were not delayed because the legal experts had not completed the work entrusted to them. That should not, of course, prevent the two Groups from exchanging information. Finally, he gave an assurance of his delegation's willingness to co-operate, whatever might be the requirements to be met and the working methods to be followed.

Mr. TOMOROWICZ (Poland) noted the scope and complexity of the task entrusted to the Committee. Although man's ingenuity had enabled him to utilize most of the resources found in his environment, he was only beginning to become aware of the immense riches hidden at the bottom of the seas. It could be expected, however, in view of the rate of technological progress and the amount of know-how thus far accumulated, that exploitation of the sea-bed and its subsoil would be possible in the near future. That goal must be approached in the spirit of true, peaceful international co-operation. Because of its geographical

(Mr. Tomorowicz, Poland)

situation, and the trends of its economy, Poland had always been keenly interested in problems connected with the sea-bed and the ocean floor, and it was deeply convinced that international co-operation was of paramount importance in settling them. That was why, apart from its own national efforts, it participated in the exploratory work of several international and regional organizations, such as the International Council for the Exploration of the Sea, the North East Atlantic Fisheries Commission, the International Commission for the North Atlantic Fisheries, the Commission composed of Bulgaria, the German Democratic Republic, Poland, Romania and the USSR, the Intergovernmental Oceanographic Commission of UNESCO, and FAO. Polish scientists, in the work they conducted in various seas, concentrated mainly on the exploration of hydrological and biological conditions of the medium.

The constant advancement of technology gave access to the riches of the sea floor, but it also made it possible to use it for military purposes. That possibility, if taken advantage of, would not only slow down the pace of the work on exploitation of the ocean floor, but would constitute a deadly danger to the whole of humanity, especially if nuclear weapons should be used in that medium. His delegation was convinced, therefore, that the prohibition of the use of the sea-bed beyond national jurisdiction for military purposes was a matter of importance and urgency. Such action could be the first step toward international co-operation in that new field, and it might lead to a treaty to stop the proliferation of nuclear weapons.

His delegation also agreed with the USSR that the Committee should recommend the General Assembly to consider the idea of such a prohibition. It believed, in view of the urgency and importance of the problem, that all decisions other than purely procedural ones must be taken unanimously, in order to safeguard the interests of all the nations. The application of that principle would be of help in seeking solutions acceptable to all and would create a stronger basis for the implementation of the decisions.

His delegation was convinced of the need to approach those problems with the utmost care and responsibility.

Close attention should be given to the protection of the biological resources of the sea against the dangers of pollution resulting from the excavation of mineral deposits. The dangers involved in drilling for oil were particularly great

(Mr. Tomorowicz, Poland)

and called for preventive means to be devised as soon as possible. Similarly, explosions caused in exploring for mineral resources could be extremely damaging to the biological resources and should therefore be prohibited or made subject to certain conditions. There was also a need to draw up a list of problems which had not so far been settled in the sphere of international law and which would have to be borne in mind when it became possible to exploit the sea-bed and its subsoil beyond the limits of national jurisdiction. All those might be the tasks of the Working Groups and the Committee itself.

In his delegation's view, the establishment of two separate Working Groups would definitely help the Committee to carry out its terms of reference. Their work would be distributed as follows: one of the groups of experts had been set up to undertake "a comprehensive survey of activities in marine science and technology, including that relating to mineral resources development", under the terms of General Assembly resolution 2172 (XXI). The other group, in his delegation's view, would do well to avoid duplication of work by acting in close co-operation with the Working Group established by the Intergovernmental Oceanographic Commission of UNESCO to consider legal aspects of scientific investigations of marine resources and to prepare relevant documentation. The Committee should also be mindful of the resolutions of the Economic and Social Council, and in particular of resolution 1112 (XL).

His delegation took the view that the interests of the developing countries should be accorded priority in the Committee's proceedings. It firmly believed that the work of the newly-created organ would help man to acquire greater knowledge of the earth and to derive more benefits from its resources. With that in mind, his delegation would spare no effort to ensure the Committee's success and the achievement of its purposes.

Mr. EVENSEN (Norway) said that, in view of the complexity of the technical, legal and economic problems involved in the exploitation of the resources of the sea-bed and its subsoil, the two Working Groups would not be able to begin their work until the Secretariat had provided them with the necessary working documents. He supported the suggestion of the representative of Malta that the Secretariat should prepare a document presenting available facts about

/...

(Mr. Evensen, Norway)

the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction. Although necessarily based largely on guesswork, such estimates would prove highly useful to the members of the Ad Hoc Committee. The other documents suggested by the representative of Malta would also be very useful: a document on the present and future technology relating to the exploitation of the sea-bed and its subsoil for economic purposes - meaning, in effect, methods of extracting oil and gas, which it was foreseen would be exploited up to a depth of 1,000 metres within the next decade; a study on the military uses to which the ocean floor and its subsoil might be put; a legal document listing the extent and nature of national claims to the sea-bed and the ocean floor, including a survey of the multilateral and bilateral conventions concluded among States for the purpose of delimiting the extent of their continental shelves, of the kind which the United Kingdom, Denmark and Sweden had signed.

In addition, it would be extremely useful to have a study of the possibilities of prohibiting the installation of weapons on the ocean floor and in its subsoil. On that very important question, his delegation shared the view expressed by the USSR representative. The Secretariat might also provide the members of the Ad Hoc Committee with a study of the work done in that field by the Conference of the Eighteen-Nation Committee on Disarmament. Finally, it would be useful to have a paper on national legislation concerning the exploitation of the natural resources of the continental shelf and its subsoil; that would throw light on some of the problems facing the Committee. Similarly, the legislation adopted in some countries on safe practices in connexion with oil drilling or mining in marine areas might contain valuable information. Mention could be made in that connexion of the regulations on the subject laid down in Norwegian legislation, which appeared in document A/AC.135/1/Add.1.

He believed that consideration should be given to the possibility of putting into practice the United States representative's interesting proposal that an international decade of ocean exploration should be proclaimed.

The Norwegian Government was prepared to make available to the United Nations Secretariat the material which it had collected on the exploitation and exploration of its continental shelf.

/...

Mr. ANANICHEV (Union of Soviet Socialist Republics) stressed that the work of the Committee should be organized in accordance with the guidelines set out in General Assembly resolution 2340 (XXII). With respect to the documents that were needed, it was the duty of the Secretariat, in pursuance of the provisions of operative paragraph 2 (a) of that resolution, to provide the Ad Hoc Committee with a survey of the past and present activities of the United Nations, the specialized agencies, IAEA and other inter-governmental bodies with regard to the sea-bed and the ocean floor, and of existing international agreements concerning those areas. It would also be useful if the Secretariat prepared an account of the scientific, technical, economic and legal aspects of the peaceful utilization of the sea-bed and the ocean floor beyond the limits of national jurisdiction. With regard to the study of the scientific aspects, it would be desirable to enlist the collaboration of the Intergovernmental Oceanographic Commission of UNESCO. Lastly, the Secretariat should make available to the members of the Ad Hoc Committee a document setting forth the views expressed by Member States in their replies to the questionnaire which the Secretary-General had sent to them.

Those three documents, and those which were to be prepared in pursuance of the provisions of General Assembly resolution 2172 (XXI) and Economic and Social Council resolution 1112 (XL), should be circulated in the official languages at least one month before the next session of the Ad Hoc Committee. The two Working Groups would then be able, within their respective fields of competence, to examine the activities of States and the prospects for the future. That would enable the Ad Hoc Committee to concentrate on the political aspects of the problems involved, and particularly on the need to prohibit the use of the ocean floor and its subsoil for military purposes.

He believed that the Ad Hoc Committee should take its decisions unanimously, in order that the interests of all might be safeguarded in so important a field.

Mr. FEDOROV (Intergovernmental Oceanographic Commission and United Nations Educational, Scientific and Cultural Organization) pointed out that the comprehensive survey of the activities currently being carried on in the field of marine science and technology which the General Assembly, in its resolution 2172 (XXI), had requested the Secretary-General to undertake would necessarily be very broad.

(Mr. Fedorov, ICC and UNESCO)

In accordance with the guidelines set out in General Assembly resolution 2340 (XXII), certain specific points should therefore be gone into in greater detail. The fields with which the recommendations of the Group of Experts set up by the Secretary-General dealt - better understanding of the marine environment through science, exploitation of the biological and mineral resources of the sea, problems of pollution, and training in marine sciences - came within the competence of various special bodies; the Ad Hoc Committee and its Working Groups should bear that in mind, with a view to establishing productive co-operation.

In reply to the Soviet Union representative's proposal concerning the preparation by the Intergovernmental Oceanographic Commission of a study of the scientific aspects of the exploitation of the resources of the ocean floor and its subsoil, he said that the Commission had already drawn up a provisional document on the subject. That study was available to any delegations which might wish to see it.

Mr. DENORME (Belgium) noted with satisfaction that, according to the information provided by Mr. de Breuvery, whom he thanked for his hard work, the studies undertaken dealt already with a number of questions that were particularly important for the work of the Committee: survey of mineral resources, exploration techniques, exploitation methods, activities of international organizations, promotion of greater international co-operation, and so forth. Consequently, duplication must be avoided, so as not to add unnecessarily to the already sizable schedule of work imposed on the Secretariat. Furthermore, a time-table for the Ad Hoc Committee's work should be established, account being taken of the dates on which the various studies would be available.

The meeting rose at 1 p.m.

/...

SUMMARY RECORD OF THE SEVENTH MEETING

Held on Tuesday, 26 March 1968, at 10.50 a.m.

CONTENTS

Programme of work (continued)

Chairman:

Mr. AMERASINGHE

Ceylon

/...

PROGRAMME OF WORK (A/AC.135/1 and Add.1, 2 and 3, A/AC.135/2, A/AC.135/3, A/AC.135/4) (continued)

Mr. PARTHASARATHI (India) emphasized that the sea-bed and the ocean floor beyond the limits of national jurisdiction should be used exclusively for peaceful purposes. That opinion was shared by many delegations, in particular by the representative of the Soviet Union.

He also agreed with the delegations of the Sudan, Sweden, Malta and Denmark that the ocean floor and its subsoils should in no case be appropriated unilaterally. The resources they contained should be used for the benefit of mankind as a whole, particularly the developing countries.

The Ad Hoc Committee should pronounce itself on the principles which should govern the conduct of nations in that sphere of activity, taking as its guide the words of the Secretary-General, who had said at the opening of the session that any exploration and exploitation of the sea-bed should be conducted in accordance with the purposes and principles of the United Nations Charter, in the interest of maintaining international peace and security and for the benefit of all mankind. The Committee should therefore recommend to the General Assembly the immediate adoption of a declaration analogous to that which had been drawn up for outer space. Such a declaration should be based on the following principles: the sea-bed and the ocean floor beyond the limits of national jurisdiction were part of the common heritage of mankind and should be used for the benefit of all countries, particularly the developing countries; any exploration and exploitation carried out should be in accordance with international law and the United Nations Charter. The United Nations should give direction and purpose to activities which might later be undertaken in that area.

In accordance with the provisions of operative paragraph 2 (c) of General Assembly resolution 2340 (XXII), the Ad Hoc Committee should promote international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor, on the basis of the reports of its Working Groups, which should study their respective subjects and make practical recommendations in collaboration with other international bodies, particularly the Intergovernmental Oceanographic Commission. Publication by the Office of Legal Affairs of a further volume on the law of the sea would be very useful to the members of the Legal Working Group. It would also be desirable for the Secretary-General to carry out the

(Mr. Parthasarathi, India)

comprehensive legal and administrative study referred to in paragraph 9 of document A/AC.1/952.

His delegation would study with interest the proposal, submitted by the representative of the United States, to proclaim an International Decade of Ocean Exploration, when further details about it were available. He believed that the work of the Ad Hoc Committee and its Working Groups should be governed by the rules of procedure of the General Assembly.

The CHAIRMAN indicated that the Office of Legal Affairs planned to publish a further volume on the law of the sea in the near future.

Mr. BERARD (France) said that at the present juncture the Ad Hoc Committee's essential task was to adopt a programme of work. As far as principles were concerned, his delegation was opposed to any restriction of the freedom of the high seas, and therefore to the division of the sea-bed and the ocean floor. The limits of the continental shelf should be defined, in order that special legal provisions for the deep-sea bottom could be drawn up. As for the work programme, stress should be laid on the exploratory nature of the Ad Hoc Committee's work, in that its primary task was to draw up a list of the problems raised by the exploration and use of the sea-bed and the ocean floor. His delegation believed that the details of the Ad Hoc Committee's organization could be settled on the basis of the proposals contained in the working paper submitted by Belgium (A/AC.135/3). However, study of certain aspects of the programme could be entrusted to other bodies; for example, the problem of sea-water pollution seemed to fall within the competence of IMCO.

He shared the view of a number of delegations that work in such a new field should be approached with caution. All the opinions expressed should therefore be taken into consideration, and the plenary Committee should take its important decisions with the agreement of all its members. His delegation wished to thank the Secretariat for its important contribution to the work of the Ad Hoc Committee.

Mr. VINCI (Italy) observed that, in accordance with the provisions of operative paragraph 2 (a) and (b) of General Assembly resolution 2340 (XXII), the main task of the Ad Hoc Committee consisted in organizing all existing knowledge relating to the ocean floor and its subsoil and to the exploitation of their resources. The political, military, legal, economic and scientific problems involved in any undertaking connected with such an important matter should also be

/...

(Mr. Vinci, Italy)

studied with great care. Moreover, it was important to learn the views of States and to discover what had been done in the field of oceanography, so that the Committee could draw up a clear and complete inventory of the current situation. On the basis of that inventory the Ad Hoc Committee should be enabled to formulate recommendations as to whether future actions should be devoted solely and mainly at enlarging our knowledge of the sea-bed and its subsoil or at fostering wider forms of international co-operation in the exploitation of their resources for the benefit of mankind. The proposals advanced by the United States representative concerning the launching of an International Decade of Ocean Exploration was of great interest.

Sooner or later, the Ad Hoc Committee would have to consider the formulation of legal principles governing the future activities of Governments relating to the sea-bed and the ocean floor and the subsoil thereof. However, any attempt to formulate generally acceptable principles with undue haste might prove more of harm than of use to the work of the Committee. In that connexion, he mentioned the memorandum (A/AC.135/1/Add.2) in which the Italian Government had proposed that certain special problems, such as that of the pollution of sea water by the discharge of radioactive wastes, the problems concerning the "flora" of the seas and of the oceans and the differences in the scope of the Committee's terms of reference as applied to the bed and the subsoil of the "enclosed seas" on one hand and, on the other hand, to the sea-bed and subsoil of open seas and oceans. It would be also worth while, as the representative of Chile had proposed, to seek the co-operation of certain international technical bodies, for example, UNCTAD, in the field of trade and development. He thanked the Secretariat and the specialized agencies in advance for the major contribution which they would make to the work of the Ad Hoc Committee. The working paper submitted by the Belgian delegation (A/AC.135/3) contained a number of valuable suggestions concerning the organization of the Committee's work and the terms of reference of the Working Groups.

Mr. Vinci said that the task of considering the broad political aspects of the question should lie with the plenary Committee which should operate in so far as possible on the basis of generally agreed decisions, a method which had been successfully used by the Committee on the Peaceful Uses of Outer Space. As for the military implications of the question, Mr. Vinci said that they should be referred for advice to the Eighteen-Nation Committee on Disarmament, as it was

/...

(Mr. Vinci, Italy)

suggested by his delegation in the course of the debate in the General Assembly. In order to carry out its work efficiently, the Ad Hoc Committee would be well advised to follow the methods of the Committee on the Peaceful Uses of Outer Space.

Mr. KLUSAK (Czechoslovakia) said that the survey to be prepared by the Secretary-General in accordance with General Assembly resolution 2172 (XXI) and Economic and Social Council resolution 1112 (XL) would give the Ad Hoc Committee the basic material with which to carry out its terms of reference. The Intergovernmental Oceanographic Commission, in co-operation with other international organizations, should continue its scientific and technical research into the exploitation of the resources of the ocean floor and, through the Secretary-General, the Committee should invite Member States having experience in that field to intensify their co-operation with the Intergovernmental Oceanographic Commission and to take an active part in the assessment of all results of the exploration of the sea-bed which might be of importance for the work of the Committee. There was a danger of duplication between the work of the Committee and that of the Economic and Social Council with regard to the economic aspects of the exploitation of the sea-bed. The report prepared by the Secretary-General for the Economic and Social Council, which was due to appear at the beginning of April, would allow the Committee to form a better idea of that aspect of the situation.

Proceeding from the principle that the ocean depths should be reserved exclusively for peaceful uses beneficial to all mankind, his delegation supported the idea of drawing up a binding declaration which would prevent the ocean floor from being used for military purposes. His delegation did so in the same spirit which had prompted it to give its full support to the principle of general and complete disarmament. The adoption of such a declaration would pave the way for the solution of the complex political and legal problems involved in control of the sea-bed and for the creation of the atmosphere of confidence necessary for inter-State co-operation.

Referring to expressions such as "the sea-bed and the ocean floor" and "the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction" contained in General Assembly resolution 2340 (XXII), he pointed out that neither the Convention on the Territorial Sea and the Contiguous Zone or the Convention on the Continental Shelf assigned fixed limits to the areas to which they applied. The limits of territorial waters claimed by maritime States varied

/...

(Mr. Klusak, Czechoslovakia)

from three to 200 nautical miles, whereas sovereign rights over the continental shelf could be extended for as far as the possibilities of exploitation allowed, by virtue of article 1 of the relevant Convention; the technical advancement of certain highly developed States enabled them increasingly to extend those limits. That fact further aggravated the existing imbalance in the distribution of natural riches in the world and gave rise to a problem whose solution was of interest to all countries, including land-locked countries such as Czechoslovakia. Under those circumstances, the Committee should supplement the survey of existing international agreements which formed part of its mandate by a legal and historical analysis of the relevant provisions of such agreements and possibly by a list of coastal States, indicating the extent of their territorial waters and including a description or graphic demarcation of the continental shelf. The Committee would thus be better equipped to solve the political and legal problems of determining the extent of the ocean floor beyond the limits of national sovereignty. With regard to the establishment of a body of law applicable to the sea-bed, his delegation was in favour of internationalizing the area and reserving it exclusively for peaceful exploration, as had been done for outer space and the Antarctic.

International co-operation, the whole basis of the Committee's work, included a number of significant legal aspects pertaining to the form, organization and conditions of such co-operation. The Legal Working Group should endeavour to co-operate with the special working group set up by the Intergovernmental Oceanographic Commission to carry out preliminary studies for the preparation of drafts of conventions on the basic principles of conducting scientific research on the high seas and on the international norms of exploration and exploitation of the mineral resources of the high seas.

It would be premature to discuss methods of future economic exploitation of the resources of the ocean floor. Nevertheless, the work of the Committee should be aimed at ensuring that the resources in question were exploited for the benefit of all countries. Consequently, his delegation had listened with great interest to the Maltese representative's suggestion concerning the interest of land-locked countries in the exploitation of the ocean's resources.

He agreed with several delegations that the work of the Committee should not be carried out over-hastily, thus endangering the mutual understanding and confidence which should exist between States still having different points of view

/...

(Mr. Klusak, Czechoslovakia)

regarding the sea-bed, or jeopardizing the increased co-operation which was so essential for the Committee to carry out its difficult task.

Mr. WALDRON-RAMSEY (United Republic of Tanzania) said that the mandate given to the Ad Hoc Committee by the General Assembly necessitated the preparation of a programme of work that would make it possible to define the limits of the study to be carried out and in particular to examine the scope and the various aspects of the reservation exclusively for peaceful purposes of the sea-bed and ocean floor and the concept of using their resources in the interests of all mankind. The goals chosen called for political commitment and a favourable psychological attitude on the part of all States.

A survey of the activities of other United Nations bodies should enable the Ad Hoc Committee to determine the extent to which States had undertaken military or para-military activities near the sea-bed and the ocean floor and to recommend to the General Assembly the total prohibition of such activities, that being an important prerequisite for exploiting the ocean depths for the benefit of all mankind.

With regard to the work of the Working Groups, the document submitted by the Belgian delegation (A/AC.135/3) should be studied carefully, but the Committee should not allow itself to become so absorbed in scientific problems as to neglect economic questions. In that connexion, he hoped that the Belgian delegation would elaborate somewhat on its proposal, which posed some conceptual difficulties for his own delegation. From the legal point of view, it would seem advisable to take certain problems of definition which would exert an important influence on the scope of the study, although it seemed to be generally agreed that the Committee's terms of reference did not allow it to call into question the basic principle that a littoral State exercised sovereign rights over its territorial waters and continental shelf and over their subsoils.

With regard to procedure, his delegation favoured the closest possible co-operation among Member States with a view to solving the various problems, but co-operation prompted by a common spirit of goodwill was an ideal that was not always attainable, since there were often differences of opinion. His delegation considered that the Ad Hoc Committee's work should be pursued intensively with a

/...

(Mr. Waldron-Ramsey, Tanzania)

view to producing concrete results. On the other hand, some States were not in favour of the proposed study and would prefer that the Committee did not do any constructive work; those States wanted to confine themselves to generalities. For motives which were perhaps different, they had adopted the same attitude, and that situation aroused some suspicion in his delegation, which could not agree to the requests that the Committee should a priori adopt the consensus procedure. His delegation felt obliged to press for the continued application of the Committee's rules of procedure, which were those of the General Assembly, unless the Committee decided to adopt a new set of rules of its own. His delegation saw no need for a statement on the matter by the Chairman and considered that it was for delegations to explain their views, from time to time according to circumstances, on the procedure to be followed in adopting decisions. It was, of course, prepared to consider the arguments which might be put forward in favour of waiving the application of the Assembly rules of procedure in a given case, but it would have to be convinced that such a course was justified by exceptional circumstances and that there was no alternative.

The CHAIRMAN said he was sure that all delegations intended to make a constructive contribution to the Committee's work.

Mr. SHAW (Australia) recalled that his delegation had defined its position on the Maltese representative's proposal during the debate in the First Committee at the twenty-second session of the General Assembly. That proposal had led to the establishment of the Committee, and there seemed to be a broad measure of agreement concerning the Committee's functions, which were set out in operative paragraph 2 of resolution 2340 (XXII). Some delegations had said that the first step should be to undertake a broad inquiry into all aspects of the use of the sea-bed and ocean floor beyond the limits of national jurisdiction. The Committee's first task was thus to find and assemble the facts, as requested in paragraphs 2 (a) and 2 (b) of resolution 2340 (XXII). The Committee would then be able to make recommendations on the best means of promoting international co-operation.

The document submitted by the Belgian delegation had greatly facilitated the organization of the Committee's work, and the Committee, as proposed in that

/...

(Mr. Shaw, Australia)

document, had set up two Working Groups to deal, respectively, with economic and technical questions and with legal questions. His delegation had noted the list of documents which were in course of preparation and would soon be made available to the Technical and Economic Working Group. It would perhaps be helpful if some of the other suggestions relating to additional studies could be merged so as to lighten and simplify the work of the Secretariat, which would then be able to prepare the necessary documents before the first meeting of the Working Groups.

The Committee had also heard a proposal relating to an international decade of ocean exploration. At the appropriate stage, his delegation would examine the possibilities offered by that suggestion for expanding international co-operation in the use of the oceans, the sea-bed and the ocean floor. Several delegations had stressed the need for close co-operation with the specialized agencies and other international bodies already engaged in the study of the sea-bed. Australia, which was a member of several of those organizations, was well aware of the activities already undertaken in the fields related to the Committee's interests.

The Legal Working Group, too, had an important task to perform, and one that would require it to take account of existing national and international legislation relating to the continental shelf. Australia, incidentally, was one of the countries which had ratified the Geneva Convention on the Continental Shelf, and it recommended that the Working Group should study the relationship between the exploitation of the resources of the ocean floor and the rights of States as defined in that Convention.

With regard to the prohibition of the use of the sea-bed and ocean floor for military purposes, particularly those involving the use of nuclear weapons, his delegation wished to reiterate its belief that the arms-control aspects of the Maltese proposal should be carefully considered. As the preservation of the sea-bed and the ocean floor for peaceful purposes was related to general disarmament, the problems involved came within the competence of the Eighteen-Nation Committee on Disarmament.

Australia's participation in the Ad Hoc Committee's work was prompted by its geographical situation, by the important role which the sea played in its national economy and by its participation in many oceanographic research activities. His

/...

(Mr. Shaw, Australia)

delegation was confident that the Committee would help to promote international co-operation in that important field. It hoped to play a constructive role in furthering the objectives laid down in the General Assembly resolution establishing the Committee's mandate.

Mr. PATRIOTA (Brazil) expressed the hope that the Committee's work would produce positive results, and recalled that his country had played an active role in drawing up the mandate set out in resolution 2340 (XXII). Although the magnitude of the issues involved would have justified the establishment of a permanent body, it had been decided to set up a provisional committee which would submit recommendations to the General Assembly on the steps to be taken to ensure the peaceful use of the sea-bed and the ocean floor.

Brazil, which had a coastline of more than 8,000 kilometres, naturally took a keen interest in the Committee's work. With regard to the examination by the United Nations of the various problems involved, he recalled that his delegation had already expressed its views on the Maltese proposal in the First Committee at the twenty-second session of the General Assembly. It had at that time stressed Brazil's interest in all questions relating to the marine environment and had also outlined the activities which Brazil had undertaken in that connexion. Brazil had, for example, acquired considerable experience through the exploration of off-shore deposits of oil and natural gas, and various Brazilian institutions were undertaking oceanographic research with specially-equipped ships.

Those activities had enabled his country to appreciate the prospects of exploration and exploitation of the ocean depths and the sea-bed, and it therefore could not but support the participation of the world community in the study and preparation of research programmes in that field. His country's interest in the Committee's work explained the especially warm support it had given to the Maltese proposal. As to action at the national level, the Brazilian Government had taken measures to ensure co-operation between private and public bodies. It had just set up an Inter-Ministerial Commission which had as its main objectives: the study of existing information on problems relating to the exploration and exploitation of the resources of the sea-bed; the taking-stock of activities, plans and the existing national legislation; the formulation of principles governing the Brazilian

/...

(Mr. Patriota, Brazil)

position; the means of maintaining relations with public and private agencies; and the promotion of research and the training of skilled personnel.

In his view, it was only with a full knowledge of all the implications of the subject that the developing countries, and his own in particular, could defend their positions and contribute to genuine international co-operation. His delegation did not wish, however, to prejudge any future action in that field by the United Nations. The Committee's immediate task was organization. At the present stage, the members could do no more than adopt a programme of work. Only when the studies and the proposals submitted by the Member States and the Secretariat had been appraised could the Committee evaluate the results of that work and report to the General Assembly. In conclusion, he expressed his delegation's desire to contribute fully to the discharge of the substantive work entrusted to the Committee, and he said that his country expected to be the host for the next session.

Mr. PISCAREV (International Atomic Energy Agency) reviewed some of the activities of the Agency which were relevant to General Assembly resolution 2340 (XXII). At the present time, those activities were concerned with pollution of the sea by radioactive material. The United Nations Conference on the Law of the Sea, held in 1958, had recommended that the Agency should assist countries in controlling the discharge or release of radioactive materials in the sea and should promulgate standards for internationally accepted regulations to prevent radioactive pollution of the sea. Although the release of radioactive material into the sea had been taking place for some years, relatively little was yet known about resulting physical and biological phenomena. The problem was further complicated by different methods and the techniques used in the national studies as well as by gaps in the data provided. The Agency was striving, through its contacts with national laboratories as well as through a co-ordinated programme of research contracts, for the co-ordination of national research in order to achieve a concerted and uniform approach to the problem of marine radioactivity. The work consisted chiefly of physical, chemical and biological studies concerned with radio-isotope distribution, chemical changes and the accumulation of radioactive substances in certain marine organisms. It might contribute not only to a rational

/...

(Mr. Piscarev, IAEA)

solution of problems arising from radioactive waste disposal, but also to a better understanding of chemical and biological processes which had a close bearing on marine resources.

The Agency was also concerned with standardization so as to make research methods internationally comparable and with providing support for basic studies not undertaken by national research.

In seeking a solution to the problems of radioactive waste disposal, which was the main source of marine radioactivity, the Agency promoted the exchange of information through its half-yearly publication, by the organization of meetings and the symposia, and by the distribution of safety manuals.

The question of registering radioactive waste releases made by different countries had been raised in 1959 but had not aroused sufficient interest. The Agency hoped, however, that its next questionnaire would have a more favourable reception. It envisaged, in that connexion, the setting up of a reference centre which would keep up-to-date records of such releases. The Agency also drew up regulations and made recommendations whenever sufficient scientific data were made available to it. Its interests were not, however, limited to technical and scientific problems, for in 1961-1963 a panel had met to discuss the permissibility of radioactive waste disposal into surface water under international law. He recalled that the Agency co-operated with various international organizations, and he assured the Committee of the Agency's willingness to co-operate with it in its future tasks.

Mr. THACHER (United States of America) expressed satisfaction that remarks of the representative of Tanzania on consensus and on rules of procedure were not directed at the United States. The United States delegation knew of no formal or informal proposal by any delegation to alter or bypass the rules of procedure which normally govern subsidiary bodies of the General Assembly. The United States delegation had already made its position clear in its statement of 20 March:

"It is well that these working groups will be open to all members of the Ad Hoc Committee. Like the Committee itself, they should carry on their important work on the basis of consensus. In its experience with the problem of the peaceful uses of outer space, the General Assembly

/...

(Mr. Thacher, United States)

learned that the requirement for consensus, though not without difficulties, represents the soundest means of making effective progress. Common prudence suggests that proposals which could involve national security, essential supplies of resources and materials, orderly economic development, existing and proposed treaty provisions, new international functions, and appreciable expenditures will require the broadest possible support."

Mr. DENORME (Belgium) thanked all the speakers who had referred to the document presented by his delegation and declared their support for the proposals it contained regarding the mandate of the Working Groups. His delegation had noted the comments made by some delegations, and in particular by the French delegation, concerning the role of IMCO in preventing pollution of the sea.

Replying to the question put by the Tanzanian representative, he said he believed that the Committee should request the Intergovernmental Oceanographic Commission of UNESCO to supply it with the desired documents relating to the scientific aspects of the problem. The UNESCO representative had already circulated an excellent summary of those aspects; when that summary had been expanded, it would be helpful if it were considered by the Oceanographic Commission before being transmitted to the Ad Hoc Committee. Furthermore, the Working Groups had a clearly defined task, and it should be possible to avoid overlapping between their work and that of the Oceanographic Commission.

The CHAIRMAN said that he intended, at the Committee's next and last meeting, to summarize the work accomplished up to the present stage, to review the documents to be made available to the Working Groups and to consider members' suggestions separately. He also hoped that he could make known the time-table for carrying out the tasks still outstanding.

The meeting rose at 12.40 p.m.

/...

SUMMARY RECORD OF THE EIGHTH MEETING

Held on Wednesday, 27 March 1968, at 11.20 a.m.

CONTENTS

Programme of work (continued)

Chairman:

Mr. AMERASINGHE

Ceylon

/...

PROGRAMME OF WORK (A/AC.135/1 and Add.1-3, A/AC.135/2-4) (continued)

Mr. JOHNSON (Liberia) said he thought that the Committee had done all it could to carry out its terms of reference under General Assembly resolution 2340 (XXII), and that it could be considered to have achieved its immediate purpose of drawing up a programme of work. The Committee, because of the complexity of the subject to be discussed and the scant documentation available to most delegations, could not perform its work effectively until the reports of the Secretary-General and of the specialized agencies had been circulated.

It was essential that the resources of the sea-bed should be exploited in the interest of mankind, and not for destructive purposes. He mentioned, in that connexion, an article in the periodical Vista concerning ownership of the riches of the sea in which the author described the minerals to be found on the sea-bed and the ocean floor, the present and possible future means of exploiting them, and the problems relating to the ownership of such resources. With regard to the last point, he took the view that the adoption of a code of rules by the world community was a matter of urgency.

For those reasons, his delegation would urge the members of the Committee to show patience and tolerance and to proceed in such a way as to overcome the problems progressively, rather than to create new ones. His delegation hoped to contribute constructively to the Committee's work.

Mr. PIÑERA (Chile) said that the Committee's most urgent task was to determine its methods of work. He suggested that the session should be extended, if necessary, by one or two days, so that the members of the Committee could reach agreement on that matter. The Committee must take resolution 2340 (XXII) as its basis and bear in mind the need to use the resources of the sea for peaceful purposes. In that connexion, he was pleased that the representative of Italy had taken up the suggestion which he himself had made at the 4th meeting, namely, that the Committee should seek the collaboration of such bodies as UNCTAD. Whatever position delegations might take on the legal aspects of the question, it ought to be possible to reach fairly general agreement on the scope of the Committee's activities and on the means of action open to it; in the absence of such agreement, resolution 2340 (XXII) might remain a dead letter, and the resources of the sea

/...

(Mr. Piñera, Chile)

would then undoubtedly be exploited for purely lucrative purposes. The Committee must act in the same spirit as had guided the proceedings of UNCTAD in 1964 and had made it possible to adopt, unanimously or by a very large majority, decisions modifying some of the principles which had governed economic and commercial activity during the twenty years following the Second World War. The decisions adopted at Geneva in 1964 had called in question rules of international trade hitherto regarded as sacrosanct. The Ad Hoc Committee might similarly formulate entirely new principles with respect to the exploitation of the resources of the sea. The activities of the two Working Groups established by the Ad Hoc Committee would be essentially of a technical nature, but their work would not be productive unless the principles by which they should be guided were laid down.

The oceans, which covered three quarters of the surface of the earth, harboured immeasurable wealth that could be used for the development of the less favoured regions. The Committee must be an instrument of development in the service of the entire world community, and to that end it would do well to secure the collaboration of such bodies as the Advisory Committee on the Application of Science and Technology to Development and the Committee for Development Planning.

If the Committee was to carry out its technical and legal tasks, it must first of all find the required resources. He believed that the International Development Association might be able to make available to the Committee international funds earmarked for specific projects. While the financial question undoubtedly presented difficult problems, his delegation felt that, if the Committee succeeded in making a name for itself as a body pursuing purely peaceful ends and seeking only to facilitate development, it would not have long to wait for the financial support it needed.

Mr. YUNUS (Pakistan) said that it was important first of all to determine to what extent the vast resources of the sea-bed and its subsoil could be exploited and who owned them. The problem of delimitating the territorial sea and other related questions should therefore be studied with care. The positions of the delegations participating in the Ad Hoc Committee varied, according as the countries they represented were or were not technically capable of exploiting the wealth of the seas. It was the duty of the Committee to ensure that the technological

/...

(Mr. Yunus, Pakistan)

superiority of some countries did not give rise to a new type of colonial situation; therein lay its responsibility towards future generations. It must endeavour to achieve higher ideals, over and above the individual interests of each State.

In that connexion, his delegation endorsed certain fundamental principles which had been voiced by various members of the Ad Hoc Committee. In the first place, the ocean floor and its subsoil could not be subjected to any national sovereignty. Secondly, the exploitation of the ocean's resources should be conducted in accordance with the purposes and principles of the United Nations; such exploitation should be for the benefit of mankind as a whole and should take into account the needs of the developing countries. Finally, the sea-bed and its subsoil should be used strictly for peaceful purposes. In addition, his delegation was prepared to give earnest consideration to the possibility of setting up an international body having certain responsibilities with regard to the use of the sea-bed.

Some members of the Ad Hoc Committee had said that undue haste must be avoided, while others had asserted the urgency of formulating certain basic principles in the absence of which pre-emptive policies might become the rule. It would be for the two Working Groups, in their respective spheres, to reconcile those two necessities, the conflicting nature of which was more apparent than real.

His delegation had noted with interest the United States representative's proposal for the launching of an international decade of ocean exploration. Careful consideration should also be given to the possibility of drawing up a declaration covering as many general principles as possible.

In his delegation's opinion, the Ad Hoc Committee should endeavour to reach its decisions by consensus; that did not mean that its proceedings would cease to be subject to the rules of procedure of the General Assembly.

Mr. ABDEL-HAMID (United Arab Republic) expressed the hope that a solution would soon be found to the procedural problems involved in organizing the work of the Committee and the two Working Groups, and that the Committee and the Groups would then be able to devote all their efforts to the task entrusted to them. Among the many ideas which had been brought to the attention of the Committee, the following points seemed particularly noteworthy: the certainty, for all States in

/...

(Mr. Abdel-Hamid, United Arab Republic)

the near future, of a common interest in problems relating to the sea-bed, the acknowledgement of the principle that the resources of the ocean floor were the common heritage of mankind, the need for the exclusively peaceful use of those areas for the benefit of all mankind in accordance with the principles of the Charter of the United Nations, the maintenance and enhancement by every State of international co-operation in that domain, co-ordination by the Committee of existing activities undertaken by the specialized agencies and by inter-governmental and national organizations, access to scientific data for all States, thorough examination of the legal questions of existing practice, and the suspension of all activities which might prejudice the realization of those purposes.

Foremost among the many suggestions made by delegations was that of the representative of Malta, who had requested that the Committee should be supplied with all available documentation, so that it might carry out its work effectively. The United States proposal concerning an international decade of ocean exploration was also of interest. The USSR suggestion that the General Assembly should be recommended to express its support for the prohibition of the use of the sea-bed for military purposes was of great importance to world peace. Its implementation would represent a considerable step towards the ultimate goal of general and complete disarmament. The United Kingdom representative had proposed that the Secretary-General should be asked to request the Governments of Member States to furnish him with information on their activities and programmes relevant to the Committee's task. His delegation was always ready to consider all proposals which would acquaint it more thoroughly with the different aspects of the question, since it felt that it was only with full knowledge of the facts that it would be able to defend its rights and promote international co-operation.

The Indian representative's proposal that a draft declaration should be submitted to the General Assembly deserved serious consideration; for such a step could provide a meaningful framework for the orderly study of the exploration and exploitation of the ocean floor. With regard to paragraph 2 (c) of resolution 2340 (XXII) relating to international co-operation and practical means to promote it, he wished to emphasize the importance which his delegation attached to the idea of establishing an international framework for dealing with the various

/...

(Mr. Abdel-Hamid, United Arab Republic)

problems related to the mandate of the Ad Hoc Committee. Such a step would help greatly to enhance international co-operation and to co-ordinate existing and future activities in that field.

It was essential that the Committee should co-ordinate the activities of the Working Groups. Any delay in the proceedings of one of the Groups should not be allowed to affect the progress of the other. It would also be advisable for their meetings and those of the Committee not to take place simultaneously. Finally, delegations should be free to submit suggestions at any time for inclusion in the Committee's agenda.

The meeting rose at 12.25 p.m.

/...

SUMMARY RECORD OF THE NINTH MEETING

Held on Wednesday, 27 March 1968, at 4.25 p.m.

CONTENTS

Programme of work (concluded)

Chairman:

Mr. AMERASINGHE

Ceylon

/...

PROGRAMME OF WORK (A/AC.135/1 and Add.1 and 2, A/AC.135/2-4) (concluded)

The CHAIRMAN suggested that the Committee should consider the material it needed from the Secretariat in order to proceed with the substance of its work. The material had to be prepared sufficiently in advance of the Committee's next series of meetings to allow representatives and their Governments to study it. The Committee should also bear in mind the need to give the Secretary-General an opportunity to refer to Member States for information which they might be in a position to furnish and which fell within the Committee's terms of reference.

The Committee had decided to establish two Working Groups: a Technical and Economic Working Group to deal with the technical and economic aspects of the item, as well as related aspects, and a Legal Working Group to deal with the legal aspects. Other aspects would be considered by the Committee as a whole, although the Working Groups might find it necessary to take them into consideration if they had a bearing on their work.

With respect to the information required for the Technical and Economic Working Group, he suggested that the Committee should request the Secretary-General to furnish papers on, first, the present state of knowledge of the characteristics and resources of the sea-bed and ocean floor and its subsoil, including full estimates of the extent of such resources and the economic implications of their exploitation with particular reference to world trade and prices; secondly, the present state of knowledge of methods of exploration and exploitation of those resources and foreseeable developments in the field; thirdly, the effect of such exploitation on the superjacent waters and on other uses of the marine environment; fourthly, the present state of exploratory and exploitative activities in the sea-bed and ocean floor and its subsoil.

With respect to the information required for the Legal Working Group, he suggested that the Committee should request from the Secretariat, first, 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 that field; secondly, 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 was relevant to the exploration

/...

(The Chairman)

and exploitation of the resources thereof, including provisions and practice of the law of the sea relating to the question; thirdly, a survey of bilateral and multilateral treaties concluded among coastal States as to their continental shelves; fourthly, a paper on national legislation programmes of various States concerning exploitation procedures and research into the natural resources of the sea-bed and ocean floor and its subsoil, including available legislation on safety practices in connexion with oil drilling and mining in marine areas; fifthly, a statement of the various legal régimes which might be applied to the exploitation of the resources covered by the Committee's terms of reference.

The Committee would also wish to have a working paper summarizing the views expressed by Member States in the General Assembly, in the Ad Hoc Committee and in their replies to the Secretary-General's note verbale. It would also like to have a paper from the Intergovernmental Oceanographic Commission of UNESCO on the scientific aspects of the subject and, with respect to the military aspects, documentation concerning the work of the Eighteen-Nation Committee on Disarmament with regard to the ocean floor. The Committee might also request the Secretary-General to include in his reports any proposals which he deemed worthy of consideration with respect to administrative machinery to manage and control the resources of the sea-bed and the funds derived from the exploitation of those resources.

The Ad Hoc Committee itself would consider the political aspects and implications of the item and would also deal with the question of practical means to promote international co-operation in the exploitation, conservation and use of the sea-bed and ocean floor and its subsoil and their resources, on which it would report to the General Assembly. The Working Group would be free to include in their reports any indications regarding practical means of promoting international co-operation which might emerge during their discussions. Although it was contemplated that the two Working Groups might have to meet simultaneously, the Committee would have to take into consideration the burden which that would impose upon the Secretariat. The Committee attached the highest importance to the assistance which could 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 the question.

/...

(The Chairman)

While there was obviously a good deal of overlapping in the suggestions he had made, and in some cases the suggestions reflected approaches to the subject-matter which might not be those of all members, he thought that there would be little point in trying at the present stage to subject all the ideas to an over-all scheme. The essential fact was that the Committee agreed on the need for basic information with which it could continue its work. Since a very considerable burden would be placed upon the Secretariat in preparing all the material, he suggested that the Committee should ask the Secretariat to do as much as possible and to use its discretion with regard to the formal division and arrangement of subject-matter and material.

Certain other suggestions had been made which would not require special material but which the Committee would no doubt consider at its future meetings. The Committee would probably wish to have further details from the United States representative regarding the proposal that the 1970's should be declared an international decade of ocean exploration. It might also wish to consider at some time in the future the possibility of recommending to the General Assembly the adoption of a declaration, similar to the Declaration regarding outer space, referring to the need to preserve the peaceful character of all activities in the field. It might also wish to take up the USSR suggestion that the Committee should recommend the Assembly to favour in principle the prohibition of the military use of the sea-bed and ocean floor beyond the limits of national jurisdiction. In view of the vital significance and scope of the subject before the Committee, he was sure that the Secretariat would give due attention to the question of publicity for the Committee's work.

He suggested that the Ad Hoc Committee's second series of meetings should begin on 17 June 1968, by which time there should be sufficient material available for the two Working Groups to start their work. Meetings of the Committee itself might be necessary before the Working Groups began their discussions, and there would have to be further meetings to consider progress reports or to resolve matters of common interest, or matters concerning the Committee as a whole. It was expected that the second series of meetings would last about three weeks. It was

/...

(The Chairman)

proposed that the Working Groups should conduct their business in informal sessions, during which no record would be maintained; each Group would decide when it should meet in formal session and summary records of the formal proceedings would be provided.

A third and final series of meetings would be necessary for the preparation of the Committee's report to the General Assembly, and it was proposed that those meetings should be held in the last week of August; there might possibly be a need for the Working Groups to meet again at that time, in order to dispose of any matters carried over from their earlier meetings. He understood that it was the desire of the Committee that the invitation of the Government of Brazil to act as host to the third series of meetings should be accepted in principle.

He suggested that, for the information of members, his statement should be issued in full as a Committee document.

It was so decided.*

Mr. DENORME (Belgium) welcomed the Chairman's suggestions, which he considered useful and pertinent, although he hoped the Committee would have time to study them in more detail. He fully agreed that there would be little point in trying at the present stage to subject all the ideas to an over-all scheme. With respect to the Working Groups, the Chairman had referred to "related aspects"; it was his delegation's understanding that their items of reference remained as set forth in the summary of meetings reproduced in issue No. 4372 of the Journal of the United Nations and in the summary record of the 2nd meeting of the Committee.

Mr. JOHNSON (Liberia) asked what approximate date the Secretariat envisaged for the third series of meetings.

The CHAIRMAN said that that would depend on progress at the second series of meetings; it was impossible to give any firm forecast of the date.

Mr. FIÑERA (Chile) said that, in his view, the terms of reference of the Ad Hoc Committee and of the Working Groups had been fully defined in the relevant resolution and in the statements made by the Chairman in the course of the Committee's discussions. In that connexion, he hoped that the Chairman's statement at the 4th meeting could be issued in full as a Committee document.

* The full text of the Chairman's statement has been issued as document A/AC.135/5.

(Mr. Piñera, Chile)

As the Chairman had indicated, the Committee attached the highest importance to the assistance it might receive from certain inter-governmental organizations and bodies interested in the subject, and he hoped that certain organizations might be mentioned by name and that the form of contact the Committee would have with them might be specified. He was thinking particularly of the Committee for Development Planning, the Advisory Committee on the Application of Science and Technology to Development, the International Development Association and the United Nations Conference on Trade and Development. While those bodies were not specifically mentioned in the relevant resolutions, he felt that the Committee was quite entitled to amplify and clarify the instructions it had received from the General Assembly.

There might be a need for the Committee to establish the terms of reference of the Working Groups with greater clarity before they began their meetings. In addition, it might be necessary for the Committee to convene early in July, after the Groups had finished their work, in order to consider, and perhaps confirm, any decisions or proposals which had emerged and to establish guidelines for subsequent work, particularly at the August meetings. He supported the proposal that the Working Groups should themselves decide when to hold informal meetings, for which summary records would not be required, and formal meetings, with summary records, since that would ensure maximum flexibility.

While agreeing that decisions regarding the documentation to be made available for the next series of meetings should be left to the discretion of the Secretariat, he hoped that the Secretariat would be selective and concentrate on the material most essential to the Working Groups.

His delegation was very interested in the United States proposal for an international decade of ocean exploration, but it would need to have more information on the matter and to hear the views of other delegations before it could give it its complete support. It strongly supported the USSR proposal for a declaration regarding the prohibition of the military use of the sea-bed and ocean floor beyond the limits of national jurisdiction.

The Committee might ask the United Nations Office of Public Information to propose a public relations programme to the Committee for its approval at

/...

(Mr. Piñera, Chile)

its next series of meetings and to give the widest possible publicity to the Committee's work in the interim.

Lastly, the Committee should, as soon as possible and without waiting for the Legal Working Group to complete its work, establish quite clearly that its terms of reference excluded all areas of the sea or ocean over which States claimed de facto or de jure rights.

Mr. YANKOV (Bulgaria) said that he was in general agreement with the Chairman's statement, which marked an important stage in the Committee's work, but suggested a brief suspension of the meeting to enable delegations to consider some of the points made in it, hold consultations and present their views on that important summary of the main points of the Committee's deliberations.

Mr. JOHNSON (Liberia) felt that a suspension would serve no useful purpose at the present stage, as the Committee did not have the text of the Chairman's statement before it. It had already been agreed that the statement would be circulated later, as an official document. He proposed the adjournment of the meeting.

Mr. PATRIOTA (Brazil) expressed general agreement with the Chairman's statement, but said that he would like further information on the position regarding the Brazilian Government's invitation to the Committee to hold its third series of meetings in Brazil. He asked whether, as there appeared to be a general consensus in favour of acceptance, it would be possible for the Committee to accept the invitation formally, instead of merely "in principle", as he needed to submit fuller information to his Government.

Mr. ABDEL-HAMID (United Arab Republic) asked whether the Plenary Committee and the two Working Groups would be meeting at the same time. If so, smaller delegations might encounter some difficulties.

Mr. EVENSEN (Norway) also asked for clarification of the times of meetings of the Committee and of the Working Groups.

Mr. THACHER (United States of America) asked whether dates could be given for meetings already scheduled for legal groups to be held away from

/...

(Mr. Thacher, United States)

New York, such as the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space and the Special Committee on the Question of Defining Aggression, which were meeting at Geneva in June. That might mean that members of delegations and Legal Officers of the Secretariat would be away from New York at the time of the Committee's meeting. He also asked whether it was intended to hold meetings of the two Working Groups as well as of the Plenary Committee during the third series of meetings, as delegations would need to know if they required to staff one, two or three activities away from Headquarters. He assumed that neither Working Group would be excluded from consideration of all pertinent material, including scientific data. Finally, he noted that the Committee and the work done for it by the Secretariat should be governed strictly by the terms of reference laid down in the resolutions of the General Assembly and the Economic and Social Council. With reference to the note circulated as document A/C.1/952, the relevant Economic and Social Council resolution had called only for identification of gaps in information and it was incorrect to use that for discussion of legal framework or administrative machinery.

Mrs. SHELLEY (United Nations Educational, Scientific and Cultural Organization) reminded the Committee that the secretariat of the Intergovernmental Oceanographic Commission was in a position to provide documentation on the scientific aspects of the subject before it, which would be officially transmitted to the Ad Hoc Committee by the Commission. She also noted that the Consultative Council's next meeting would take place in London on 10-14 June, which would be in time to prepare the documentation for the Ad Hoc Committee's next session.

The CHAIRMAN stated that he would take up the various points raised. The representative of Bulgaria had suggested a suspension of the meeting for further consideration of the statement; on the other hand the representative of Liberia had proposed that the meeting should be adjourned. The Chairman considered that, if further time was necessary to examine the text of his statement, the Committee should adjourn and hold another meeting on Friday at 11 a.m. when members would have had time to study the text. He would prefer to conclude at the present meeting.

Mr. ARORA (India) said that his delegation considered the Chairman's statement an adequate summing-up of the Committee's work, and thought the Committee should endorse it at once.

Mr. JOHNSON (Liberia) said he understood that the representative of Bulgaria would be prepared not to press his suggestion.

Mr. YANKOV (Bulgaria) said that his delegation had requested a suspension, not because it was unwilling to endorse the Chairman's statement, but because it believed that it was of sufficient importance to warrant further consideration. If the Committee wished to endorse the statement formally, his delegation would not oppose that decision, as it did not wish to prolong the discussion unnecessarily.

Mr. ABDEL-HAMID (United Arab Republic) supported the suggestion for a short suspension.

Mr. WALDRON-RAMSEY (United Republic of Tanzania) felt that there was no need to consider the Chairman's statement, which was a factual summary and should either be accepted or rejected. He thought that the Committee was wasting time in fruitless discussions and that it should conclude its current series of meetings. A further meeting would serve no useful purpose, and discussions should not be prolonged indefinitely.

Mr. ODA (Japan) supported the suggestion for a short suspension.

Mr. EVENSEN (Norway) agreed with the representative of the United Republic of Tanzania that the Committee should accept the Chairman's statement.

Mr. YANKOV (Bulgaria) said he would not press his point.

The CHAIRMAN thanked the representative of Bulgaria and stated that the Committee would adhere to its original plans and conclude its current series of meetings. In reply to the representative of Brazil, he said that he had used the words "in principle" because he had thought that more time was needed to assess the budgetary and other implications. However, he would invite the Committee to take a decision on the matter if it was ready to do so. With regard to a further question which had been raised regarding whether it would be necessary to hold meetings of the Working Groups at the third series of meetings, it was impossible to say at the present stage whether the Groups would conclude their deliberations at the second series of meetings or whether there might be a residual amount of business which would have to be carried over to the third series. That should not entail many meetings.

After a brief discussion in which Mr. PATRIOTA (Brazil) and Mr. PIÑERA (Chile) took part, the CHAIRMAN proposed that the invitation of Brazil should be accepted and that the third series of meetings of the Ad Hoc Committee should be held at Rio de Janeiro.

It was so decided.

The CHAIRMAN said, in reply to the question raised by the representative of the United Arab Republic, that it was not intended that the Working Group should meet at the same time as the Committee. The second series of meetings would begin with a formal meeting of the Committee, possibly on 17 June, when the Committee would lay down guidelines for the work of the two Working Groups that should not last more than one day, and the Working Groups would commence their work immediately afterwards.

Mr. DENORME (Belgium) thought that the Working Groups might be in a difficult position if their terms of reference were spelt out to them only on the day before they were due to start work. The Chairman had already stated their terms of reference, which corresponded strictly to those laid down by the General Assembly. He asked whether, in any event, it was necessary to elaborate further on the terms of reference than the General Assembly had done, and whether one could not have confidence in the wisdom of the members of the Working Groups and of those directing them and not burden them with unnecessary details.

The CHAIRMAN said it was not the intention that the Committee should bind the Working Groups in fetters. The titles and the essential functions rather than the terms of reference of the two Working Groups had been given. The Working Groups must in their discretion decide what other aspects of the Committee's terms of reference were relevant to them.

With regard to the suggestions made by the representative of Chile, it had already been announced that the Chairman's statement at the current meeting, would be issued as a document. Although the previous statement was included in the summary record, if the representative of Chile wished and if there was no objection, he would take it that the Committee approved the Chilean representative's proposal that his (the Chairman's) statement at the 4th meeting should be issued in full as a Committee document.

It was so decided.

The CHAIRMAN recalled that the representative of Chile had suggested that four groups might be invited to assist the Committee: the Committee for Development Planning, the Advisory Committee on the Application of Science and Technology to Development, the International Development Association and the United Nations Conference on Trade and Development. He suggested that the Committee should ask the Secretariat to consult those four bodies in an appropriate manner.

It was so decided.

The CHAIRMAN said that the Chilean delegation's remarks concerning the discretion to be allowed the Secretariat in its consultations with other bodies would appear in the summary record and appropriate action would be taken.

Mr. SLOAN (Director, General Legal Division, Office of Legal Affairs), replying to the United States representative, said that the Conference on the Law of Treaties was meeting until the middle of May, the International Law Commission would meet in Geneva from 27 May to 2 August, the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space from 4 June to 29 June in Geneva, the Special Committee on the Question of Defining Aggression from 4 June to 5 July in Geneva, and the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States was to meet the first week of September.

In reply to a question put by Mr. PIÑERA (Chile), the CHAIRMAN confirmed that the Ad Hoc Committee would hold a meeting on 17 June, followed by meetings of the Working Groups for about two weeks. The Ad Hoc Committee would then meet again to consider any reports from the Working Groups, and would conclude about the end of the first week in July. A final series of meetings would be held in the last week in August; the date would be fixed early during the second series of meetings.

Mr. SHAW (Australia) asked if the Chairman's statement was being circulated and a further meeting was being held on Friday.

The CHAIRMAN replied that the Committee had decided to conclude its meetings that day, but that the statement would be circulated the following day.

/...

Mr. SHAW (Australia) asked if there would be further discussion or acceptance of the Chairman's statement.

The CHAIRMAN said that he would ask for formal approval of the statement and the proposals made in it.

Mr. PROHASKA (Austria) asked what work would be undertaken by the Ad Hoc Committee on 17 June.

Mr. THACHER (United States of America) wondered whether the Committee should not consider an alternative date - possibly 8 July 1968 - for the opening of its second series of meetings, in view of the heavy schedule of legal meetings and in order to enable delegations to give due attention to the considerable volume of information to be expected from the Secretariat, the specialized agencies and Governments.

Mr. de BREUVERY (Department of Economic and Social Affairs) said that a major obstacle to the United States proposal was the fact that the Economic and Social Council was due to meet at Geneva on 8 July 1968: it would be considering the reports of the Secretary-General to the General Assembly, and many delegations might wish to be present at these discussions.

The CHAIRMAN recalled that earlier proposals to change the dates of the Ad Hoc Committee's second series of meetings had been considered by the officers of the Committee and found impractical.

Mr. ANANICHEV (Union of Soviet Socialist Republics) observed that certain parts of the Chairman's statement at the current meeting had given rise to requests for supplementary information. That statement was the culmination of the work of the present series of meetings, and it should scrupulously reflect the statements made in the Committee. While he did not formally propose the suspension of the meeting, he felt that delegations should at least have an opportunity to exchange views before endorsing a statement of major importance which had been presented orally.

Mr. DEJAMMET (France) said that the statement was an excellent account of the Committee's work. Its importance was such that further time should be allowed for consideration of it, and a short suspension of the meeting would be useful.

/...

Mr. JOHNSON (Liberia) objected that the question of a suspension, which had already been decided, was being reopened. That was a waste of time and money.

In reply to a question put by Mr. THACHER (United States of America), the CHAIRMAN said that the English text of his statement could be available in about half an hour.

Mr. ANANICHEV (Union of Soviet Socialist Republics) said that it would save time and money to have a brief suspension.

The CHAIRMAN stated that it would be necessary for a suspension to last an hour, since representatives would need to study the statement.

Mr. KIKHIA (Libya) stated that a suspension of an hour or an hour and a half would not be sufficient. It would be more logical to go back to the Chairman's earlier suggestion for adjourning until Friday morning. He would, however, prefer to finish the work at the current meeting.

The CHAIRMAN considered that it would be better to dispose of the matter today.

Mr. WALDRON-RAMSEY (United Republic of Tanzania) said that the Committee was under no procedural obligation to pass judgement on the Chairman's statement, which was a summary of its debates and not a report on its work. Delegations could state whether they agreed or disagreed with it, but there was no need to endorse it.

The CHAIRMAN said that the prime intention of his statement had been to indicate to the Secretariat the type of information needed for the Committee's second series of meetings. The statement was a summary and did not require formal approval. If there were any gaps in it, it would be open to members to bring them to his notice and he would pass them on to the Secretariat and request it to take them into consideration when preparing the material. He urged the representatives of the USSR and France not to press for a suspension of the meeting.

Mr. DEJAMMET (France) said that, on the understanding that the statement was no more than a summary expressing and reproducing certain suggestions made by

(Mr. Dejammet, France)

member of the Committee, he would not press for a suspension of the meeting with a view to its formal endorsement.

Mr. ANANICHEV (Union of Soviet Socialist Republics) welcomed the Chairman's explanation of the purpose of his statement. He endorsed the comments made by the representative of France, and he would not press for a suspension of the meeting.

Mr. PROHASKA (Austria) again asked what the Ad Hoc Committee would do at its first meeting on 17 June.

The CHAIRMAN said that there would be a short formal meeting to open the second series of meetings and enable the Working Groups to proceed with their work. It should not take much time and there was no need even for the Ad Hoc Committee to elaborate on the scope of activity of the two Working Groups.

He noted that the Ad Hoc Committee had thus concluded its first series of meetings.

The meeting rose at 6.10 p.m.
