



UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.138/1
5 February 1969
ENGLISH
ORIGINAL: FRENCH

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION

LETTER DATED 4 FEBRUARY 1969 FROM THE PERMANENT REPRESENTATIVE
OF BELGIUM ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a working paper, in which the Belgian delegation sets forth some ideas concerning the organization of the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

My delegation would be grateful if you would arrange to have this text distributed as an official document of the Committee.

Accept, Sir, etc.

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

SUGGESTIONS CONCERNING THE ORGANIZATION OF THE WORK OF THE
COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN
FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION

1. TERMS OF REFERENCE

The terms of reference of the Committee are set forth in paragraphs 2 (a), (b) and (c), 3 and 4 (b) of General Assembly resolution 2467 A (XXIII). These terms of reference were further defined or supplemented in some respects by other resolutions. Thus, the Committee was instructed to consider the reports to be submitted by the Secretary-General in pursuance of resolutions 2467 B, C and D (XXIII).

2. TIME-TABLE

The estimates of costs in document A/C.1/L.436 were made on the assumption that the Committee would wish to meet for two days in early 1969 to elect its officers, organize its work and give the Secretariat guidance for preparatory work. Later in 1969 the Committee would hold two sessions, one of three weeks and another of four weeks, for a total of seventy meetings.

Since then, the Chairman of the Committee on Conferences has indicated the dates on which the requisite services could be made available to the Committee: two days for the organizational meetings, 6 and 7 February; one three-week session in spring, from 10 to 28 March; and one three-week session following the summer session of the Economic and Social Council, from 11 to 28 August (i.e. three instead of four weeks because of the already heavy pressure on the Office of Conference Services in September 1969).

On 20 December 1968, the States members of the Committee took note of the dates proposed by the Committee on Conferences and no objection or reservation was expressed. Hence it is reasonable to suppose that this time-table can be adhered to.

3. ORGANIZATION

The Committee's terms of reference imply that the Committee will concentrate on the study of the legal and economic questions specified in operative paragraph 2 (a) and (b). It would seem advisable to draw on the Ad Hoc Committee's experience and to establish two sub-committees of the whole, one legal and the other economic.

/...

The questions taken up in sub-committee should be considered by the full Committee from the point of view of their political implications and in the context of the over-all discussion of the problem. The full Committee would deal with:

(a) the subjects mentioned in operative paragraph 2 (c) and (d) (exploration and research; marine pollution);

(b) the terms of reference specified in operative paragraph 3 of the resolution (reservation exclusively for peaceful purposes);

(c) the adoption, after studying all the aspects of the problem, of the political recommendations addressed to the General Assembly on the basis of the conclusions reached by the sub-committees and full Committee.

The Committee should avoid any duplication with the activities of existing bodies and should seek to enlist from them the closest possible co-operation, in accordance with operative paragraphs 4 (a) and 5 of the resolution.

Generally speaking, the sub-committees should be free to take up all aspects of the problems within their purview. It may prove difficult to avoid some overlapping; but, as was done successfully in the case of the Ad Hoc Committee, the indispensable co-ordination should be ensured at the level of the full Committee and by frequent contacts between the Chairmen of the sub-committees.

4. PROGRAMMES OF WORK

It would seem useful to outline a programme of work for the Committee and its sub-committees on the basis of the above-mentioned time-table and organization.

A. Programme of the Legal Sub-Committee

Spring session

(a) Formulation of the principle that there exists an area of the sea-bed and the ocean floor beyond the limits of national jurisdiction;

(b) Study of principles concerning the formulation of:

the legal status of this area and of its resources;

the legal régime applicable to the exploration and exploitation of these resources, and to the other activities undertaken therein.

/...

Summer session

Consideration of the legal aspects of the reports submitted by the Secretary-General pursuant to other resolutions.

B. Programme of the Economic Sub-Committee

Spring session

- (a) Progress achieved in the exploration and exploitation of the resources of the sea-bed and the ocean floor and in the techniques used for their development;
- (b) Conditions in which the economic exploitation of these resources can be promoted and in which equal access to the advantages accruing from such development can be ensured for all.

Summer session

Consideration of the economic and technical aspects of the reports submitted by the Secretary-General pursuant to other resolutions.

C. Programme of the full Committee

Spring session

- (a) Initiation of the work;
- (b) Adoption of the interim reports of the sub-committees.

Summer session

- (a) Formulation of the principle of "the reservation exclusively for peaceful purposes";
- (b) Consideration of the reports submitted by the Secretary-General pursuant to other resolutions, especially on the long-term programme of oceanographic exploration and on the prevention of pollution;
- (c) Adoption of the reports of the sub-committees;
- (d) Adoption of the final report.

5. GENERAL GUIDELINES FOR THE COMMITTEE'S WORK

Since no legal status has been defined for the area contemplated in the Committee's title and since it was not possible, at the twenty-third session of

the General Assembly, to agree on a statement of the principles which should constitute the basis for defining it, the general guidelines set forth in the preamble of resolutions 2340 (XXII) and 2467 A (XXIII) will serve as a provisional frame of reference for the studies which the Committee is called upon to undertake and for the recommendations it adopts.

It is worth while to reiterate those guidelines:

- (a) It is in the interest of mankind as a whole to favour the exploration and use of the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, for peaceful purposes (2467 A, fifth paragraph);
- (b) It is important to promote international co-operation for the exploration and exploitation of the resources of the sea (2467, sixth paragraph);
- (c) Such exploitation should be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries (2467, seventh paragraph);
- (d) It is important to preserve this area from actions and uses which might be detrimental to the common interests of mankind (2340, sixth paragraph);
- (e) The exploration and use of this area 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 (2340, fourth paragraph);
- (f) The provisions and practice of the law of the sea relating to this question should be borne in mind (2340, fifth paragraph).

6. PROCEDURE

Under rule 162 of the rules of procedure of the General Assembly, "The rules relating to the procedure of committees of the General Assembly, as well as rules 45 and 62, shall apply to the procedure of any subsidiary organ, unless the General Assembly or the subsidiary organ decides otherwise." Under rule 126, "Decisions... shall be made by a majority of the members present and voting."

The sponsors of resolution 2467 A (XXIII) pointed out that, while the Ad Hoc Committee complied at all times with the rules set forth in the rules of procedure of the General Assembly, it nevertheless succeeded in adopting its report by

general consent. It would be wise for the standing Committee to follow this precedent and for its members, acting in the same spirit, to continue to make every effort to adopt their recommendations by general agreement, so far as possible.

7. TASKS ENTRUSTED TO THE SECRETARY-GENERAL

The Secretary-General has been requested to undertake certain tasks in resolutions 2467 B, C and D (XXIII) and 2414 (XXIII). In addition, operative paragraph 4 (c) of resolution 2467 A (XXIII) provides for the Secretary-General's co-operation in preparing the Committee's reports.

For this purpose, it would seem desirable for the Secretary-General to update or supplement, as appropriate, the studies and documents which were submitted to the Ad Hoc Committee. In particular, a revised version of the summary of views of Member States (A/AC.135/12), which would take into account the views expressed during the third session of the Ad Hoc Committee and the debates at the twenty-third session of the General Assembly, would be extremely useful.

Furthermore, it would be helpful if the Secretary-General were to prepare a preliminary note on the economic considerations conducive to promoting the development of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction in the interest of all mankind.
