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

Statement by the Chairman at the eighth meeting  
of the Committee on 27 August 1969 1/

1. At the first meeting held during this session of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor on 11 August 1969, I referred to the agreement reached at the end of the last session that informal intersessional consultations be conducted under the auspices of the Chairman of the Legal Sub-Committee to facilitate the task of achieving common agreement on the question of general principles to be considered in the early part of this, the third session.
2. In commenting on the organization of work for this session, I indicated that the Bureau had, in consultation with the Chairmen of the two Sub-Committees, decided that we should adopt a programme which would enable the Committee and its Sub-Committees to commence work with the least possible delay, that a comprehensive programme would not be proposed but instead that certain items should be selected for examination for a start and that progress be reviewed at appropriate intervals. The intention was that the agenda should be shaped as we proceeded with our work. I further indicated that the Committee should attempt what was reasonably practicable during the time at our disposal and that that would depend on whether the reports and documents needed for a useful discussion of certain aspects of the work were ready or would be made available in time.
3. As stated by me then, the best guides to the organization of our work were document A/AC.138/8 of 6 March 1969, being the proposals presented by me for the organization of work at the second session, document A/AC.138/SC.2/5 of 20 March 1969, being the programme of work suggested for the Economic and

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1/ Issued by the decision of the Committee.

Technical Sub-Committee for the third session, and the decisions taken at the last session as well as the general wishes of the Committee as expressed during the last session of the Committee regarding certain items.

4. The two Sub-Committees have been in continuous session since the first meeting of the main Committee held on 11 August 1969. We have now reached the point when the work done by those two Sub-Committees calls for review and consolidation and when the main Committee must assume responsibility for its share of the work and for further directing the discharge of our mandate.

5. When the allocation of subjects and functions to the Main Committee and the two Sub-Committees, as contained in document A/AC.138/8 of 7 March 1969, was approved, it was understood that the second session would be devoted mainly to the work of the Sub-Committees and that the third session would concentrate on the main Committee's subjects and functions. If our expectations in regard to the third session have not materialized, it is solely for the reason that the assignment of further time to the Sub-Committees was essential. The two Sub-Committees have worked with unremitting zeal under able and energetic leadership. On behalf of the Committee, I should like to express our deep appreciation of the efforts of Ambassador Galindo Pohl, Chairman of the Legal Sub-Committee, Professor Yankov, the Vice-Chairman who functioned in Ambassador Galindo Pohl's absence, and Mr. Roger Denorme, Chairman of the Economic and Technical Sub-Committee. We owe them a special word of thanks.

It is apparent now that we erred in our estimate of the time required for our work. If the extent and nature of agreement reached on various matters so far in the Sub-Committees does not enable us to make any specific recommendations, that is entirely due to the extremely complex character of the subject, the interests involved and the vast ramifications of the item as a whole. To this aspect of the question I shall report at a later stage.

6. At the time the allocation of subjects and functions was approved, it was also understood that two matters would receive special attention during this session. One of these was the question of legal principles and norms, as covered by operative paragraph 2(a) of resolution 2467 A (XXIII) and appearing as item (i) of the subjects and functions allocated to the Legal Sub-Committee in document A/AC.138/8.

7. The other question for which some degree of priority appeared to be desired by the generality of members was that of international machinery, covered by resolution 2467 C (XXIII). Quite apart from the general desire of members, resolution 2467 C (XXIII) is the only one of the four resolutions relating to the work of this Committee, other than resolution 2467 A (XXIII), that specifies a definite time-limit for the presentation of a report by the Secretary-General and for its consideration by this Committee. Operative paragraph 1 of resolution 2467 C requests the Secretary-General to undertake a study on the question of appropriate international machinery and to submit a report to the Committee for consideration by the Committee during one of its sessions in 1969. The General Assembly definitely contemplated that this subject should be considered during one of the sessions of the Committee in 1969. Further, operative paragraph 2 of the resolution calls upon the Committee to submit a report on this question to the General Assembly at its twenty-fourth session.

8. The Economic and Technical Sub-Committee has given considerable attention to the economic and technical implications of the question of appropriate international machinery under item (iii) of the subjects and functions allocated to it by document A/AC.138/8.

The Legal Sub-Committee's major preoccupation was necessarily with the question of legal principles and it does not, therefore, appear to have had as much time as it would have desired for dealing with the legal implications of the question of international machinery, although the machinery must be an integral part of a legal régime.

Priority should, therefore, be given, after the consideration of the reports of the two Sub-Committees, to the question of appropriate international machinery under resolution 2467 C. A further examination by the Legal Sub-Committee of this question is not feasible at this stage and it would seem to me that the most practical and expeditious way of dealing with the question is to telescope the Legal Sub-Committee's discussions into the main Committee's discussions.

9. A further reason justifying the adoption of such a mode of work is that the discussions in both Sub-Committees have made it clear to me that at this stage it is imperative that the political implications should be considered.

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The most important decisions that have to be taken are the political decisions and I am sure we all agree that the main Committee is the proper forum for the examination of the political implications and issues involved. It is this political discussion that provides the opportunity for a synthesis of the implications, on the one hand economic and technical and on the other legal, the need for which has been stressed so much by members of the Committee. Examination of the question by the two Sub-Committees separately from and independently of each other cannot go on indefinitely as the economic and technical implications and the legal implications are interrelated and interdependent, cannot be divorced from each other and must be considered together in the light of the political implications.

Taking into account the ground that has been covered by the two Sub-Committees, as a general rule governing the organization of work, I would suggest that in future all remaining questions be considered initially by the main Committee and, whenever in the course of those discussions any specific issues falling within the sphere of interest of either of the Sub-Committees arise, the main Committee should take a decision to refer them to the appropriate Sub-Committee. I feel it necessary to make this suggestion as it has been proposed, quite tentatively of course, that separate sessions be assigned to the two Sub-Committees, hereafter. I do not consider such a procedure satisfactory. Whatever precedents may be cited in support, and to my knowledge there is only one, namely the Outer Space Committee, the issues that face us have a unity and coherence which would be destroyed if we dissected the item in the manner suggested.

As the international machinery itself would have to conform to the régime of legal principles and norms contemplated in operative paragraph 2 (a) of resolution 2467 A, and as the main purpose of the régime is to promote international co-operation in the exploration and use of the sea-bed and the ocean floor and the exploitation of their resources, in the sense of economic exploitation, item (i) of the subjects allocated to the Economic and Technical Sub-Committee in document A/AC.138/8 is most relevant and, I am glad to say that that Sub-Committee has paid considerable attention to that item. That makes it easier to take up the item in the main Committee and to consider the legal and political implications together with the economic and technical in the main Committee itself, as I have already suggested. I commend this proposal to you.

10. The other questions assigned to the main Committee are those relating to:

- (i) Peaceful uses;
- (ii) Exploration and research, including the International Decade of Ocean Exploration;
- (iii) Marine pollution.

In regard to items (ii) and (iii), the Committee does not yet have enough material for the formulation of any recommendations.

11. There remains the question of peaceful uses. Time permitting, I propose to give members an opportunity to make statements on any of these questions, but the substantive consideration of them would have to be deferred till the next session. It would not be possible for the report of the Committee to include any reference to discussions on these subjects as there would not be sufficient time, after the discussions, to prepare a draft report and have it considered by this Committee. We could use any time that is available to give members an opportunity of referring to those questions. They shall, however, form part of the next report of the Committee.

12. The Committee is required by operative paragraph 3 of resolution 2467 A, in further studying and making recommendations on the question of the reservation exclusively for peaceful purposes of the sea-bed and ocean floor, to take into account studies and international negotiations being undertaken in the field of disarmament and to deal with this aspect of the matter without prejudice to the limits which may be agreed upon in this respect. The resolution recognized the fact that reservation of the area exclusively for peaceful purposes formed part of the general question of disarmament and should, therefore, be examined within that context, but it should also be noted that the reservation of the area for peaceful purposes within the ambit of the resolution is designed to serve a special purpose, that is, promoting international co-operation in the exploration and exploitation of the resources of this area. The special status and significance of the reservation of the area exclusively for peaceful purposes must not, therefore, be submerged - I regret to resort to marine metaphors - under the subject of general and complete disarmament. The Committee would, before the next session when, as I have indicated, a closer examination of the question of peaceful uses is to be taken up, need to have a

report on such studies and international negotiations as have been undertaken in the field of disarmament and the results of those studies and international negotiations.

Paragraphs 4 and 5 of resolution 2467 A require this Committee to work in close co-operation with intergovernmental bodies dealing with the problems, and that would include the ENDC, and also invites such intergovernmental bodies to co-operate fully with the Committee in the implementation of the resolution.

13. Having regard to what has been done so far and what remains to be done, I would consider it necessary for the Committee to hold two sessions during 1970, each lasting four weeks, one during the spring and the other during the summer.

Appropriate dates for these two sessions would be 2 March to 27 March 1970, and 3 August to 28 August 1970. If the Committee agrees, the Secretariat may be requested to make arrangements accordingly.

The proposal made during the second session of this Committee held from 10 March to 28 March 1969, that the holding of the summer session this year in Geneva might be considered did not meet with sufficient support for a variety of reasons. Apart from the financial implications, the principal difficulty in accommodating this request was that it had not been made in sufficient time to permit of the proposal being included in and considered along with the conference programme for 1969. In fact, the request could not have been made so far in advance as the Committee was not even in existence then. However, to overcome that objection, I have already requested the Secretariat to make provision in the 1970 conference programme schedule for the summer session of the Committee to be held in Geneva.

14. I have covered all the relevant questions in this single statement, but it is not my intention that we should proceed to consider them immediately.

I would suggest that we now take up the next item, viz., the reports of the Sub-Committees and at a later stage revert to any proposals that I have now made and on which members may wish to comment.

Without in any way wishing to impose any restrictions on free debate, I would make an earnest appeal to the members of the Committee, as our time is extremely limited, to make their interventions as brief as possible.

15. There is one other matter concerning a distinguished colleague of ours to which I wish to make reference. It was not until after the first meeting of

this Committee that I became aware of the unfortunate accident in which Dr. Flemming of the United Kingdom delegation was involved and as a result of which he has sustained serious injury. It is all the more unfortunate and distressing as the injury threatens to interfere with one of Dr. Flemming's special interests which he pursued with a rare mixture of professional zeal and recreational verve. Dr. Flemming, during his association with us at the earlier sessions of this Committee and of the Ad Hoc Committee as well, gave ample evidence of his special competence in this field and it was our hope that we could rely on him for an outstanding contribution to our deliberations. I hope, and I am sure all the members of the Committee share the hope, that he will very soon recover from the effects of his injury and be able to join us again. I should be glad if the United Kingdom delegation would convey to Dr. Flemming this expression of our concern for his health and our good wishes for his recovery.

I am also sorry to note that a member of the Secretariat who has been actively associated with us, Fr. de Breuvery, has been prevented by illness in joining us at this session. On behalf of the Committee I wish him an early recovery and hope he will be with us on the next occasion when we meet.

16. We shall now pass on to the work before the Committee today. I take it that the programme set out in today's Journal is acceptable, and if I hear no objection, it will be regarded as approved. The first item is the reports of the Sub-Committees.

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Corrigendum

Page 2, paragraph 5, last line

For the word "report" substitute the word "revert".

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