

UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.138/60/Add.1
27 August 1971

Original: ENGLISH



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

Dual distribution

Report of Sub-Committee I

Addendum

(1) In paragraph 6, insert the following sub-paragraph (g) after the existing sub-paragraph (f) and re-number the subsequent sub-paragraphs accordingly:

(g) Malta "Draft Ocean Space Treaty" (A/AC.138/53). Introduced at the 63rd Meeting of the Committee held on 5 August 1971.

"The working paper presented by the delegation of Malta is based on the concept that it is essential to establish a new, equitable international legal order of an institutional character for ocean space (as distinguished from a régime including machinery purely for the sea-bed beyond national jurisdiction) based on the concept of the common heritage of mankind since the present legal régimes governing the activities of States in the oceans are believed to be largely obsolescent and increasingly unable to meet the needs of all countries in the use of the marine environment. The new international legal order envisaged takes into account the evolutionary development of technology, the interests of the international community, as also the rights and interests of coastal States: it seeks to encourage the diversification and orderly expansion of peaceful activities, including the management and rational exploitation of natural resources in ocean space as a whole. Thus a unitary approach is attempted to solve the problems of the marine environment, including the sea-bed beyond national jurisdiction and an effort is made to suggest tentative and balanced solutions to a great number of issues that are a matter of international controversy without attempting to give priority to certain issues over others. The approach adopted and the contemporary

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revolution in the nature and intensity of mankind's use of the marine environment, have required a rejection of the concepts of laissez-faire freedom in the area of ocean space beyond national jurisdiction together with a modification of the concept of unfettered sovereignty of the coastal States in the area of ocean space subject to its jurisdiction. Balanced international institutions with wide competence and strong powers are suggested; they comprise judicial mechanisms for the settlement of disputes."

(2) In para.7, delete the last sentence.

(3) Insert the following new para.13 (B), sub-paragraphs (a) and (b):

13. (B) International Machinery

It was accepted that the international machinery, as an integral part of the international régime, would have a wide range of tasks in implementing provisions of the international régime.

(a) Scope and functions of the international machinery

Different types of international machinery were proposed. These ranged from various kinds of arrangements and machinery with varying degrees of control over activities in the area to machinery with substantial central control over activities in the area. With respect to commercial exploration and exploitation, the functions envisaged ranged from the granting of licences to States or commercial entities, individually or in combination, to direct exploration and exploitation (including production, processing and marketing) of resources by the Authority itself, whether exclusively or through joint ventures and service contracts. The direct exploitation system could apply to all or designated portions of the international sea-bed area. Among other ideas that were put forward were that: le mécanisme international devrait comporter des fonctions lui permettant de contrôler la production et les marchés afin d'éviter des variations des prix des matières premières which would be harmful to developing countries producers of land based raw materials; functions of the international machinery should develop with the progress of technology and the resulting increase of activity in the international sea-bed area; functions of the international machinery could not be confined to the sea-bed alone.

(b) Organs of the international machinery

With considerable variance in details, several delegations made proposals on machinery. Proposals concerning the following principal organs, among others, were discussed: a plenary body or assembly; an executive council; a secretariat; an enterprise; and various kinds of tribunals or courts.

(4) Existing para. 13(B) sub-paras. (d) (e) and (f) become sub-paras. (c), (d) and (e).

(5) Add the following new paragraph 22:

22. At the end of the July/August session, the Chairman submitted a note (A/AC.138/SC.I/L.6) containing suggestions for the future work of the Sub-Committee. Following a discussion of the matter by the Sub-Committee, it was agreed that at the beginning of its first session in 1972 the Sub-Committee would begin the next stages of its work in relation to the matters referred to it. Accordingly it would give specific consideration to particular subjects with a view to clarifying them sufficiently, so that it could, in due course, proceed to the drafting of articles on the issues identified in these specific debates.

The Sub-Committee gave consideration to a tentative programme of work for 1972 and in this connexion noted statements by a number of delegations (see summary record A/AC.138/SC.I/SR.30-31) as well as a working paper submitted by the delegation of Australia (A/AC.138/SC.I/L.8)^{1/} which suggested a tentative programme of work as a basis for discussion. The Sub-Committee felt that it might be possible, prior to the conclusion of the twenty-sixth General Assembly, to reach provisional agreement on a programme of work in order to assist Governments in preparing for the next session.

^{1/} This document is annexed to the report.