

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
LIMITED

A/AC.138/L.1
25 August 1969

ORIGINAL: ENGLISH

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

PART ONE

I. INTRODUCTION

1. The General Assembly, by resolution 2467 A (XXIII) of 21 December 1968, established the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, and instructed it:

(a) To study the elaboration of the legal principles and norms which would promote international co-operation in the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction and to ensure the exploitation of their resources for the benefit of mankind, and the economic and other requirements which such a régime should satisfy in order to meet the interests of humanity as a whole;

(b) To study the ways and means of promoting the exploitation and use of the resources of this area, and of international co-operation to that end, taking into account the foreseeable development of technology and the economic implications of such exploitation and bearing in mind the fact that such exploitation should benefit mankind as a whole;

(c) To review the studies carried out in the field of exploration and research in this area and aimed at intensifying international co-operation and stimulating the exchange and the widest possible dissemination of scientific knowledge on the subject;

(d) To examine proposed measures of co-operation to be adopted by the international community in order to prevent the marine pollution which may result from the exploration and exploitation of the resources of the area.

2. The General Assembly also called on the Committee to study further within the context of the title of the item,^{1/} and taking into account the studies and international negotiations being undertaken in the field of disarmament, the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor without prejudice to the limits which may be agreed upon in this respect.
3. The Committee was requested to work in close co-operation with the specialized agencies, the International Atomic Energy Agency and intergovernmental bodies dealing with the problems referred to in the resolution so as to avoid duplication and overlapping of activities; to make recommendations to the General Assembly on the questions referred to in paragraphs 1 and 2 above; and, in co-operation with the Secretary-General, to report on its activities to the General Assembly at each subsequent session.
4. By resolution 2467 B (XXIII), the General Assembly requested the Secretary-General to report to the Committee on a study, to be undertaken in co-operation with the competent bodies undertaking co-ordinated work in the field of marine pollution control, of all aspects of the protection of the living and other resources of the sea-bed and ocean floor, the superjacent waters and the adjacent coasts against the consequences of pollution and other harmful effects arising from exploration and exploitation.
5. By resolution 2467 C (XXIII), the Assembly requested the Secretary-General to undertake a study on the question of establishing in due time appropriate international machinery for the promotion of the exploration and exploitation of the resources of the area, and the uses of these resources in the interests of mankind, irrespective of the geographical location of States, and taking into special consideration the interests and needs of the developing countries, and to submit a report thereon to the Committee for consideration during one of its sessions in 1969. The Assembly called on the Committee to submit a report on this question to the Assembly at its twenty-fourth session.

^{1/} The title of the item reads: "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind."

6. In accordance with the decision^{2/} taken by the First Committee at its 1648th and 1649th meetings on 19 and 20 December 1968, the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction was composed of the following Member States: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Ceylon, Chile, Czechoslovakia, El Salvador, France, Iceland, India, Italy, Japan, Kenya, Kuwait, Liberia, Libya, Madagascar, Malaysia, Malta, Mauritania, Mexico, Nigeria, Norway, Pakistan, Peru, Poland, Romania, Sierra Leone, Sudan, Thailand, Trinidad and Tobago, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Yugoslavia.

2/ In connexion with the composition of this Committee, the Chairman of the First Committee made the following statement which was accepted by the First Committee as an integral part of its decision:

"1. As far as the composition of the Committee is concerned, in view of the extensive consultations I had with the representatives of regional groups and of Member States, I take it that there is a broad consensus on the following principles:

- "(a) Due regard should be given to an equitable geographical distribution;
- "(b) A reasonable balance between technically developed and developing countries should be established;
- "(c) Not only the interests of coastal States but also those of land-locked countries should be borne in mind;
- "(d) The composition of this Committee shall not constitute a precedent for any other committee to be created in the future.

"2. In recognition of the considerable interest of Member States in participating in the work of the Committee, an understanding has been reached that its composition shall be subject to rotation.

"In principle, one third of the membership of each regional group will rotate every two years. There is however no formal provision in the draft resolution in this respect since, rather than organizing elections by the General Assembly, it is felt that informal arrangements should be worked out by the regional groups with regard to a rotating system which would be implemented on the basis of mutual agreement amongst States or groups of States, and announced by the Chairman of the First Committee every two years. The periodical rotation within each regional group will be applied without any discrimination against any Member State. Successive terms by the same State are not excluded.

"3. It has also been agreed that any Member State wishing to follow the work of the Committee shall be entitled to accredited observer status, which entails the right to be represented at all meetings of the Committee and its sub-committees and the possibility to offer its contribution to the debate..."

7. The following Member States which requested accredited observer status were represented at the sessions of the Committee: Barbados, Burma, Denmark, Guyana, Jamaica, Netherlands, New Zealand, Nicaragua, Philippines, Portugal, South Africa, Spain, Sweden, Turkey, Ukrainian Soviet Socialist Republic and Venezuela.

8. Representatives of the International Atomic Energy Agency and the following specialized agencies attended sessions of the Committee: the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and its Inter-Governmental Oceanographic Commission and the Inter-Governmental Maritime Consultative Organization.

9. The Committee held three sessions at United Nations Headquarters: on 6 and 7 February, from 10 to 28 March and from 11 to August 1969. During the three sessions the Main Committee held _____ meetings, the Legal Sub-Committee _____ meetings and the Economic and Technical Sub-Committee _____ meetings.

10. At its first session, the Committee elected its officers and established a Legal Sub-Committee and an Economic and Technical Sub-Committee. The officers of the Committee were as follows:

Main Committee:

Chairman: Mr. Hamilton Shirley Amerasinghe (Ceylon)
Vice-Chairmen: United Republic of Tanzania (Mr. Akili B.C. Danieli)
Chile (Mr. José Piñera)
Norway (Mr. Jens Evensen)
Poland (Mr. Bohdan Tomorowicz - first two sessions)
(Mr. Leszek Kasprzyk - third session)
Rapporteur: Mr. Victor J. Gauci (Malta)

Legal Sub-Committee:

Chairman: Mr. Galindo Pohl (El Salvador)
Vice-Chairman: Mr. Alexander Yankov (Bulgaria)
Rapporteur: Mr. Abdel Halim Badawi (United Arab Republic)

Economic and Technical Sub-Committee:

Chairman: Mr. Roger Denorme (Belgium)
Vice-Chairman: Mr. R.C. Arora (India)
Rapporteur: Mr. Anton Prohaska (Austria)

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11. At its first session, the Committee considered proposals for a programme of work.^{3/} Following discussions, the Committee at its third meeting on 7 February decided to entrust the Chairman, in consultation with delegations, with the preparation of a programme of work and the allocation of items. Following extensive consultations, the Chairman presented to the Committee at the opening of its second session proposals for the organization of work (A/AC.138/3) which were approved by the Committee at its fourth meeting on 10 March. The approved programme of work is shown in Annex I.

12. In accordance with the decisions of the General Assembly and the requests of the Committee, the following documents were submitted to the Committee by the Secretary-General: 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 interests of mankind (A/AC.138/6 and Corr.1 (French and Russian only)); a working paper on proposals and views relating to the adoption of principles (A/AC.138/7 and Corr.1-4); a supplement to the survey of national legislation concerning the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction contained in documents A/AC.135/11 and Corr.1 and Add.1 (A/AC.138/9); a report of the Secretary-General containing a study on the question of establishing in due time appropriate international machinery for the promotion of the exploration and exploitation of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction and the use of their resources in the interests of mankind (A/AC.138/12 and Corr.1 and Add.1 and Add.1/Corr.1); a note on a study on marine pollution which might arise from the exploration and exploitation of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction (A/AC.138/13). Also before the Committee were a letter dated

^{3/} Working paper submitted by Belgium (A/AC.138/1) and draft programmes of work submitted by Argentina, Brazil, Chile, El Salvador, Mexico, Peru and Trinidad and Tobago (A/AC.138/2); Bulgaria, Czechoslovakia, Poland, Romania, and the USSR (A/AC.138/3); United States (A/AC.138/4); and India, Kenya, Kuwait, Liberia, Madagascar, Malaysia, Sierra Leone, Sudan, Thailand, United Arab Republic and Yugoslavia (A/AC.138/5).

27 February from the Chairman of the Inter-Governmental Oceanographic Commission addressed to the Secretary-General (A/AC.138/10); a note by the Secretary-General transmitting for the information of the Committee the Draft Comprehensive Outline of the Scope of the Long-Term and Expanded Programme of Oceanic Exploration and Research, prepared by the Special Working Group of the IOC (A/AC.138/14 and Corr.1 (English only)) and a note by the Inter-Governmental Maritime Consultative Organization (A/AC.138/15).

13. At the close of its second session, the Committee reached a consensus that informal consultations should be held among various delegations of the Committee, between now and the beginning of the third session, under the auspices of the Chairman of the Legal Sub-Committee, with a view to facilitating the task of achieving a common agreement on the question of general principles to be considered in the early part of the third session.

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ANNEX I

ALLOCATION OF SUBJECTS AND FUNCTIONS COVERED BY RESOLUTIONS 2467 A,
B, C AND D (XXIII) AND 2414 (XXIII)

There is no order of priority nor any question of interpretation implied or contemplated in the proposed allocation.

MAIN COMMITTEE

- (i) (a) Operative paragraph 2 (c) of resolution 2467 (XXIII) - To review the studies carried out in the field of exploration and research in this area and aimed at intensifying international co-operation and stimulating the exchange and the widest possible dissemination of scientific knowledge on the subject.
- (b) Consideration of the report submitted by the Secretary-General pursuant to resolution 2467 D (XXIII) regarding the International Decade of Ocean Exploration.
- (ii) (a) Operative paragraph 2 (d) of resolution 2467 (XXIII) - To examine prepared measures of co-operation to be adopted by the international community in order to prevent the marine pollution which may result from the exploration and exploitation of the resources of this area.
- (b) Consideration of the report submitted by the Secretary-General pursuant to resolution 2467 B (XXIII) regarding marine pollution.
- (iii) Operative paragraph 3 of resolution 2467 A (XXIII) - To study further, within the context of the title of the item, and taking into account the studies and international negotiations being undertaken in the field of disarmament, the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor without prejudice to the limits which may be agreed upon in this respect.
- (iv) Political implications of operative paragraphs 2 (a) and 2 (b) of resolution 2467 A (XXIII) and of all other questions mentioned in the terms of reference of the Committee as contained in resolution 2467 A (XXIII).

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- (v) Consideration of the report submitted by the Secretary-General pursuant to resolution 2467 C (XXIII) regarding international machinery.
- (vi) To consider the reports of the two Sub-Committees.
- (vii) To make recommendations to the General Assembly on the questions mentioned in paragraphs 2 and 3 of resolution 2467 A (XXIII) as required by operative paragraph 4 (b) of resolution 2467 A (XXIII).
- (viii) To adopt its report for submission to the General Assembly as required by operative paragraph 4 (c) of resolution 2467 A (XXIII).

LEGAL SUB-COMMITTEE

- (i) Operative paragraph 2 (a) of resolution 2467 A (XXIII) - To study the elaboration of legal principles and norms which would promote international co-operative in the exploration and use of the sea-bed and the ocean floor, and subsoil thereof, beyond the limits of national jurisdiction and ensure the exploitation of their resources for the benefit of mankind, having regard to the economic and other requirements which such a régime should satisfy in order to meet the interests of humanity as a whole.
- (ii) Legal implications of -
 - (a) all other questions mentioned in the terms of reference of the Committee as contained in resolution 2467 A (XXIII); and
 - (b) the reports submitted by the Secretary-General pursuant to resolutions 2467 B, C and D (XXIII) and 2414 (XXIII).

ECONOMIC AND TECHNICAL SUB-COMMITTEE

- (i) Economic and technical requirements which such a régime as is referred to in operative paragraph 2 (a) of resolution 2467 A (XXIII) should satisfy in order to meet the interests of humanity as a whole.

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- (ii) Operative paragraph 2 (b) of resolution 2467 A (XXIII) - To study the ways and means of promoting the exploitation and use of the resources of this area, and of international co-operation to the end, taking into account the foreseeable development of technology and the economic implications of such exploitation and bearing in mind the fact that such exploitation should benefit mankind as a whole.
- (iii) Economic and technical implications of -
 - (a) all other questions mentioned in the terms of reference of the Committee as contained in resolution 2467 A (XXIII); and
 - (b) the reports submitted by the Secretary-General pursuant to resolutions 2467 B, C and D (XXIII) and 2414 (XXIII).

Each Sub-Committee is also required to prepare and adopt its report, containing its recommendations, for submission to the Main Committee.
