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

DRAFT REPORT

Introduction

1. Under paragraph 2 of resolution 2750 C(XXV) of 17 December 1970, the General Assembly decided to convene in 1973, in accordance with the provisions of paragraph 3 of that resolution, cited in paragraph 2 below, a conference on the law of the sea which would deal with the establishment of an equitable international régime - including an international machinery - for the area and the resources of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, a precise definition of the area, and a broad range of related issues including those concerning the régime of the high seas, the continental shelf, the territorial sea (including the question of its breadth and the question of international straits) and contiguous zone, fishing and conservation of the living resources of the high seas (including the question of the preferential rights of coastal States), the preservation of the marine environment (including, inter alia, the prevention of pollution) and scientific research.
2. In the same resolution the Assembly decided to review, at its twenty-sixth and twenty-seventh sessions, the reports which it instructed the Committee to make on the progress of its preparatory work with a view to determining the precise agenda of the conference on the law of the sea, its definitive date, location and duration, and related arrangements; if the Assembly, at its twenty-seventh session determined the progress of the preparatory work of the Committee to be insufficient, it might decide to postpone the conference.
3. Under resolution 2881 (XXVI), the General Assembly noted with satisfaction the encouraging progress of the preparatory work of the Committee towards a comprehensive conference on the law of the sea, in conformity with its mandate contained in

resolution 2750 C (referred to in paragraph 1 above), in particular with regard to the elaboration of an international régime and machinery for the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction.

4. The General Assembly also noted the consideration by the Committee of the reports submitted by the Secretary-General <sup>1/</sup> pursuant to resolutions 2750 A and B (XXV) and of the study of possible methods and criteria for the sharing of benefits derived from the exploitation of the resources of the area <sup>2/</sup> undertaken in accordance with the Committee's request of March 1970.

5. In the same resolution, the Assembly decided to add to the membership of the Committee China and four other members to be appointed by the Chairman of the First Committee in consultation with regional groups with due regard to the interests of under-represented groups.

6. The Committee was requested, in the discharge of its mandate in accordance with resolution 2750 C (XXV), to hold two sessions, one in New York during March-April and one at Geneva during July-August 1972.

7. At the 2031st plenary meeting of the General Assembly on 22 December 1971, the Chairman of the First Committee announced that, in pursuance of the decision in paragraph 4 above, he had appointed the following States members of the Committee: Fiji, Finland, Nicaragua and Zambia. The membership of the Committee was thus as follows: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Ceylon, Chile, China, Colombia, Congo, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic,

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<sup>1/</sup> A/AC.138/36 and A/AC.138/37 and Corr. 1 and 2, which are summarized in Official Records of the General Assembly, Twenty-fifth session Supplement No. 21 (A/8421) Annex II.

<sup>2/</sup> A/AC.138/38 and Corr. 1.

Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire and Zambia.<sup>1/</sup>

8. At its twenty-sixth session, the General Assembly also decided, under resolution 2846 to refer the question of the creation of an intergovernmental sea service for further consideration to the Committee at its session to be held in July and August 1972 and requested the Committee to report on that question to the General Assembly through the Economic and Social Council.

9. The following Member States have participated as Observers as provided for in paragraph 10 of resolution 2750 C (XXV): Barbados, Bhutan, Burma, Cuba, Dominican Republic, Haiti, Honduras, Ireland, Israel, Jordan, Khmer Republic, Malawi, Mongolia, Oman, People's Democratic Republic of Yemen, Portugal, Saudi Arabia, South Africa and Syria.

10. Meetings of the Committee were attended by representatives of the International Atomic Energy Agency and of the specialized agencies - the International Labour Organisation, the Food and Agriculture Organization of the United Nations and its Committee on Fisheries, the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission, the Inter-Governmental Maritime Consultative Organization and the World Meteorological Organization, as well as of the United Nations Conference on Trade and Development.

11. At its 75th meeting, on 23 March, the Committee heard a statement by the Secretary-General of the United Nations.

12. Mr. Constantin A. Stavropoulos, Under-Secretary-General and Legal Counsel, Mr. L.N. Kutakov, Under-Secretary-General for Political and Security Council Affairs, and Mr. P. de Seynes, Under-Secretary-General for Economic and Social Affairs, were present at various meetings of the Committee and its Sub-Committees.

13. At its 74th meeting, on 21 March, the Committee heard statements by the Secretary-General of the United Nations Conference on the Human Environment and by the representative of the Food and Agriculture Organization.

14. In accordance with the Committee's request at its 66th meeting on 27 August 1971, the Secretariat prepared a Comparative Table of Draft Treaties, Working Papers and Draft Articles dated 28 January 1972 (A/AC.138/L.10).

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<sup>1/</sup> The total membership of the Committee was increased to 91 of which only 90 members have been named. The unfilled seat was allocated to the Eastern European group by the letter dated 8 January 1971 from the Chairman of the First Committee to the Secretary-General (A/8273).

15. Pursuant to operative paragraphs 2 and 3 of resolution 2750 A(XXV), the Secretary-General submitted additional notes on the possible economic implications of mineral production from the international sea-bed area (A/AC.138/73).
16. In accordance with requests made by the Committee, the following documents were prepared by the Food and Agriculture Organization and circulated to the members of the Committee: Report on Regulatory Fishery Bodies (A/AC.138/64), Conservation Problems with Special Reference to New Technology (A/AC.138/65), Fishery Country Profiles, Atlas of the Living Resources of the Seas (FAO Fisheries Circular No. 126/Rev.1), Fishing methods likely to have adverse effects on the conservation of fishery resources (Fisheries Circular No. 147) and Sedentary, migratory and intermingling species, their habitat and distribution (FAO Fisheries Circular No. 148).
17. Also at the request of the Committee, the following two reports were made available by FAO to the members: Report of the FAO Technical Conference on Marine Pollution and its Effects on Living Resources and Fishing (Rome, 9-18 December 1970) and Report of the Seventh Session of the Committee on Fisheries (Rome, 6-13 April 1972).
18. A document entitled "The Activities of the Inter-Governmental Maritime Consultative Organization pertaining to Ships' Routeing, Traffic Separation Schemes, Areas to be avoided by Certain Ships and Related Questions" (Misc(72)8) was circulated by IMCO.