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

Addendum

Add at the end of paragraph 13 of document A/AC.138/L.1:

The outcome of these consultations is covered in the report of the Legal Sub-Committee.

14. At its third session on \_\_\_ August, the Committee approved the respective reports of the Legal Sub-Committee (A/AC.138/18) and of the Economic and Technical Sub-Committee (A/AC.138/17). In view of the detailed consideration and discussion that went into the preparation and adoption of the reports of the two Sub-Committees, they are incorporated in the present report.

15. The reports of the two Sub-Committees clearly demonstrate the extent of the work involved and the time necessary for the formulation of specific recommendations to the General Assembly, as called for under operative paragraph 4 (b) of General Assembly resolution 2467 A (XXIII). The time available to the Committee was necessarily limited and the subject before it extremely complex. In spite of intensive discussions, it was not found possible to arrive at the stage of making specific recommendations on the substantive matters before the Committee. The synthesis contained at the end of the report of the Legal Sub-Committee reflects the measure of progress achieved in the sustained attempt to arrive at a formulation of principles, which was one of the main preoccupations of the members of the Committee. The Committee considers that these efforts should be continued with a view to the formulation of recommendations during future sessions.

16. The report of the Economic and Technical Sub-Committee reflects the detailed consideration given, in accordance with operative paragraph 2 (b) of resolution 2467 A (XXIII), to 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. A preliminary exchange of views also took place in this Sub-Committee in connexion with the examination of the economic and technical aspects of the draft comprehensive outline of the scope of the long-term programme of oceanic exploration. Comments and suggestions were made which it was agreed would be brought to the attention of the IOC for its consideration when the final outline of the scope of the long-term programme was elaborated.

17. The Committee hopes to be in a position in the coming year to give further attention to the matters entrusted to it under operative paragraphs 2 (c) and (d) of resolution 2467 A (XXIII) in the light of the reports and studies expected to be available.

18. The Committee heard a number of statements with reference to operative paragraph 3 of resolution 2467 A (XXIII), under which the Assembly, inter alia, called upon it to study the reservation of the area exclusively for peaceful purposes, taking into account the studies and international negotiations being undertaken in the field of disarmament. The Committee noted that it was also requested, in accordance with operative paragraph 4 (a) of the same resolution, to work in close co-operation with other intergovernmental bodies working within its area of activity. In this connexion the hope was expressed that the Committee would be kept informed of the progress of the current negotiations in the Conference of the Committee on Disarmament.

19. In the very limited time at its disposal, the Committee was unable to finalize its study in detail of all the various aspects of the report of the Secretary-General (A/AC.138/12 and Corr.1 and Add.1 and Add.1/Corr.1) relating to 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 - an item which by virtue of resolution 2467 C (XXIII) was accorded a degree of priority. The Economic and Technical Sub-Committee was however able, as its report indicates, to devote close attention to those aspects of the report falling within its competence.

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Statements in connexion with the Secretary-General's report were also made in the main Committee during the closing stages of its work. The Committee considers that it should place on record the view, expressed by a number of delegations in the Economic and Technical Sub-Committee, that the report of the Secretary-General constitutes a useful point of departure which can form a basis for further detailed consideration, although a number of delegations took the position that, because of the complexity and the inter-related aspects of the issues involved, Governments might require additional time to study the report. The Committee therefore proposes to consider this question further during its sessions in 1970. 20. The Committee considers that it would be desirable in future that it be allowed more time to carry out its programme of work under the terms of reference given to it by the Assembly, and suggests that it should be allotted two sessions of four weeks each during 1970.

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UNITED NATIONS  
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PROVISIONAL

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19 November 1969

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

1. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, which had already finalized its report<sup>1/</sup> and submitted it to the General Assembly, held additional meetings on 11, 12, 18 and 19 November 1969 to consider, in accordance with its mandate under paragraphs 3 and 4 of General Assembly resolution 2467 A (XXIII) of 21 December 1968, the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, taking into account the studies and international negotiations being undertaken in the field of disarmament.
2. These meetings were convened in view of the availability of the account of the relevant international negotiations contained in the report of the Committee of the Conference on Disarmament submitted to the General Assembly on 3 November (A/7741). The Committee discussed, in particular, the implications of the Draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil thereof, submitted to the CCD by its two Co-Chairmen and reproduced in annex A of the report to the General Assembly.
3. The Committee on the Sea-Bed heard explanatory statements by the representatives of the Union of Soviet Socialist Republics and the United States concerning the Draft Treaty in its relation to the Committee's mandate and programme of work. These statements pointed out that the proposed Treaty was still in draft form and that revisions might be forthcoming in the light of the

<sup>1/</sup> Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 22 (A/7622) and Corr.1 (English and Russian only).

discussion to be held in the First Committee on the report of the CCD. An exchange of views was welcomed in the expectation that the Treaty which finally resulted would materially assist the Committee in the discharge of its responsibilities and would represent a major step forward towards the reservation of the ocean floor exclusively for peaceful purposes, and the utilization of its resources in the interests of mankind. With this objective in mind, members would no doubt wish to ensure that a treaty enjoying broad international support would be signed and brought into force as soon as possible.

4. The Committee had a preliminary exchange of views on the subject under discussion. Various members stated that their Governments had not had adequate time to study the report and the Draft Treaty, but welcomed the initiative of the USSR and the United States in preparing and submitting the Draft Treaty and expressed appreciation for the measure of agreement achieved. The view was stated that further negotiations were desirable to extend the scope of the prohibition of military activities, in order to attain a wider realization of the objective of reserving the ocean floor exclusively for peaceful purposes; in this connexion attention was drawn to the suggestion made by Sweden to the CCD (CCD/271) for the inclusion in the treaty of an additional article to that effect.

5. Some delegations, taking into account the broad mandate of the Sea-Bed Committee, reviewed the implications of certain provisions in the Draft Treaty in the light of the work already carried out by the Committee. The importance of safeguarding the consensus on common areas of agreement reached in the Committee was stressed. In this connexion, reference was made to the Committee's work in formulating legal principles, in particular to the concept accepted by many States of the ocean floor beyond national jurisdiction being a common heritage of mankind and consequently being reserved exclusively for peaceful purposes, as well as to the concept of the use of this area for the benefit of all mankind, taking into account the special needs of developing countries, and to other elements which would be incorporated in an international régime to apply to the area.

6. In their comments on various provisions of the Draft Treaty, which in a number of instances were stated to be preliminary, delegations raised some specific considerations, among them the following: the legal implications of the Draft Treaty arising from its reference to the Geneva Convention on the Territorial Sea and the Contiguous Zone, which up to the present time had not been adhered to by a majority of Members and, in this connexion, suggestions were made to eliminate this difficulty; the preservation of the rights of States recognized by customary international law and existing Conventions on the Law of the Sea; the desirability of defining the types of weapons and activities covered in the Draft Treaty, and their relationship to the protection of the living and mineral resources of the marine environment; stress was laid on the need for adequate verification procedures, on which references were made to the proposals made in the CCD by Brazil (CCD/267) and Canada (CCD/270) - in this connexion attention was also drawn to the possibility of verification by an international agency which might be established, as well as to the need for safeguarding recognized rights of coastal States; the suggestion was made that it would be useful to distinguish, in view of the characteristics of the marine environment, between observation, verification and inspection procedures; the need was also stressed to reserve the maximum possible area of the ocean floor for peaceful purposes, and consequently to use a formulation which would not convey the impression that coastal States are expected to emplace weapons where prohibition is not contemplated by the terms of the proposed draft.

7. Several members of the Committee, conscious of the importance, urgency and complexity of the matter, expressed the hope that the implications of the proposed Draft Treaty would be considered in greater depth at a later stage, and that suggestions made would be given careful consideration.

8. Since the Committee's consideration of the question was of a limited and preliminary character, the views expressed do not reflect the considered opinion of the Committee as a whole, nor do the points mentioned above represent a detailed summary of the views expressed, which are shown in the summary records<sup>2/</sup>.

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<sup>2/</sup> These consist of the records of the 12th to 15th meetings of the Committee (A/AC.138/SR.12-15).