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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. In resolution 2574 B (XXIV), the General Assembly requested the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction to consider further, with a view to making recommendations, the questions entrusted to it in accordance with its terms of reference as set out in resolution 2467 A (XXIII).
2. (Text to be prepared later)

PART I - ORGANIZATION OF THE COMMITTEE DURING 1970

3. The membership of the Committee, as established by the General Assembly at its twenty-third session, remained unchanged as follows: 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, United Arab Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yugoslavia.
4. A number of Member States requested accredited observer status as provided for in the decision of the First Committee at the twenty-third session of the Assembly.^{1/} At the close of the Committee's second session in 1970, the following Members had observer status: Barbados, Burma, Cuba, Denmark, Ecuador, Finland, Guyana, Indonesia, Iran, Jamaica, Morocco, Netherlands, New Zealand, Nicaragua, Philippines, Portugal, South Africa, Spain, Sweden, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Uruguay, Venezuela.

^{1/} A/7477, para.19.

5. The officers of the Committee during 1970 were as follows:

Main Committee

Chairman: Mr. Hamilton Shirley Amerasinghe (Ceylon)
Vice-Chairman: Chile (Mr. José Pinera (first session);
Mr. Fernando Zegers (second session)).
Norway (Mr. Edvard Hambro (first session);
Mr. Jens Evensen (second session)).
Poland (Mr. Eugeniusz Kułaga (first session);
Mr. Włodzimierz Natorf (second session)).
United Republic
of Tanzania (Mr. Salim A. Salim (first session),
Mr. E.E. Seaton (second session)).

Rapporteur: Mr. Charles V. Volla (Malta)

Legal Sub-Committee

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

Economic and
Technical Sub-Committee

Chairman: Mr. Roger Denorme (Belgium)
Vice-Chairman: Mr. J.S. Toja (India) - first session;
Mr. C.V. Ranganathan (India) - second session.
Rapporteur: Mr. Anton Prohaska (Austria).

6. During 1970, the Committee held an organizational meeting at United Nations Headquarters in New York on 26 February, and two sessions: a spring session at United Nations Headquarters in New York from 2 to 26 March, and a summer session in Geneva from 3 to 28 August.

7. Meetings of the Committee were attended by representatives of the International Atomic Energy Agency and of the specialized agencies - International Labour Organisation, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization and its Inter-Governmental Oceanographic Commission, Inter-Governmental Maritime Consultative Organization, and World Meteorological Organization.

8. A list of official documents of the Committee is contained in Annex III.

PART II - ACTIVITIES OF THE COMMITTEE

A. Legal principles

9. In paragraph 2(a) of resolution 2467 A (XXIII), the Assembly instructed the Committee 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.

10. As related in the report of the Legal Sub-Committee^{2/}, prolonged attention was given in that Sub-Committee during 1969 to the elaboration of legal principles and norms for a régime for the sea-bed and ocean floor beyond the limits of national jurisdiction. Making use of the method of informal consultations between sessions, the Sub-Committee made progress in more concrete formulations of legal principles and in identifying the differences among various formulations. In its final meetings in 1969, the Sub-Committee reached agreement on a report including a synthesis, on the basis of a text prepared by the Sub-Committee's Rapporteur.^{3/}

11. In resolution 2574 B (XXIV), the General Assembly noted with interest the synthesis at the end of the report of the Legal Sub-Committee, which, it stated, reflected the extent of the work done in the formulation of principles designed to 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 ensure the exploitation of their resources for the benefit of mankind, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries, whether land-locked or coastal. The Assembly requested the Committee to expedite its work of preparing a comprehensive and balanced statement of these principles and to submit a draft declaration to the General Assembly at its twenty-fifth session.

12. The Legal Sub-Committee continued during 1970 its intensive study of various formulations of different principles to be contained in a declaration of legal principles.

(TO BE COMPLETED)

^{2/} Official Records of the General Assembly, Twenty-fourth session, Supplement No.22 (A/7622), part Two.

^{3/} Ibid., paras. 85-97.

B. Economic and technical conditions and rules

13. Paragraph 2 (a) of resolution 2467 A (XXIII) instructed the Committee to study the economic and technical requirements which a régime should satisfy in order to meet the interests of humanity as a whole. Paragraph 2 (b) of the same resolution called on the Committee 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.

14. These matters were considered at some length by the Economic and Technical Sub-Committee during 1969, as described in its report.^{4/} The suggestions contained in that report were noted by the General Assembly in resolution 2574 B (XXIV), which requested the Committee to formulate recommendations regarding the economic and technical conditions and rules for the exploitation of the resources of this area in the context of the régime to be set up. In accordance with a request contained in the third part of the Committee's report to the twenty-fourth session, the Secretariat submitted a review of Governmental measures pertaining to the development of mineral resources on the continental shelf (A/AC.138/21 and Corr.1).

15. At the session in March 1970, lists of topics were suggested by some delegations to be studied in preparing economic and technical rules and conditions for such exploitation. At the request of the Sub-Committee, the Secretariat prepared a preliminary note on the question of possible methods and criteria for the sharing by the international community of proceeds and other benefits derived from the exploitation of the resources of the area (A/AC.138/24).

(TO BE COMPLETED)

C. Exploration and research

16. In sub-paragraph 2 (c) of resolution 2467 A (XXIII), the General Assembly also asked the Committee 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. In a further resolution (2467 D (XXIII)), the General Assembly requested UNESCO that its Inter-Governmental Oceanographic Commission intensify its activities in the scientific field, in particular with regard to co-ordinating the

^{4/} A/7622, part Three.

scientific aspects of a long-term and expanded programme of world-wide exploration of the oceans and their resources. At the August session in 1969, the Economic and Technical Sub-Committee considered the draft comprehensive outline, prepared by the IOC of the scope of the long-term programme of oceanic exploration.^{5/} The records of the Sub-Committee's discussions were transmitted to the IOC for consideration in preparing the final draft outline. The report of the IOC was submitted to the General Assembly at its twenty-fourth session.

D. Pollution

17. Sub-paragraph (d) of paragraph 2 of resolution 2467 A (XXIII) requested the Committee 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 this area. In a further resolution, 2467 B (XXIII), the Assembly called for a study from the Secretary-General, in co-operation with the appropriate and competent body or bodies presently undertaking co-ordinated work in the field of marine pollution control. A report has accordingly been prepared on the basis of a study by the Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP), and is before the General Assembly at its twenty-fifth session. The problem of effective measures for controlling pollution, possibly arising from the exploitation of the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction, has been the subject of various statements in the Committee and its Economic and Technical Sub-Committee, all of which have stressed the urgency of the problem. It has been recognized that a number of specialized agencies are working in this field and that close co-ordination is called for.

(TO BE COMPLETED)

E. Peaceful uses

18. Paragraph 3 of resolution 2467 A (XXIII) called on the Committee 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.

^{5/} An account of this discussion was given in part Three of the Committee's report to the twenty-fourth session.

19. Accordingly, the Committee at five additional meetings held in November 1969 after the submission of its report to the Assembly at its twenty-fourth session, considered the implications for its work of the report of the Conference of the Committee on Disarmament (A/7741), and 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 Conference of the Committee on Disarmament by its two Co-Chairmen. In an addendum to its report^{6/}, the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction reported to the Assembly on its discussions.

F. International machinery

20. In resolution 2467 C (XXIII), the General 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 this area, and the use 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 1969.

21. A report (A/AC.138/12 and Add.1) was accordingly prepared, and was discussed in general terms in the main Committee in August 1969 and from the point of view of its economic and technical aspects in the Economic and Technical Sub-Committee at that session.^{7/} The Committee suggested that the Secretary-General be requested to continue in depth the study of the establishment in due course of appropriate international machinery, concentrating on the following areas: (a) status of the machinery; (b) structure of the machinery; (c) powers and authority to be given to this machinery; (d) activities and functions of the machinery.

^{6/} A/7622/Add.1.

^{7/} An account of the Sub-Committee's discussion is contained in part Three of the Committee's report to the twenty-fourth session.

22. The General Assembly, bearing this recommendation in mind, requested the Secretary-General, in resolution 2467 C (XXIII) to prepare a further study on various types of international machinery, particularly a study covering in depth the status, structure, functions and powers of an international machinery, having jurisdiction over the peaceful uses of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, including the power to regulate, co-ordinate, supervise and control all activities relating to the exploration and exploitation of their resources, for the benefit of mankind as a whole, irrespective of the geographical location of States, taking into account the special interests and needs of the developing countries, whether land-locked or coastal.

23. A further report (A/AC.138/23) was accordingly prepared by the Secretary-General, taking into account the views expressed by Members in the General Assembly and at the session of the Committee in March 1970, and was before the Committee at its August session in 1970.

(TO BE COMPLETED)

ANNEXLIST OF DOCUMENTS OF THE COMMITTEE

- Letter dated 4 February 1969 from the Permanent Representative of Belgium addressed to the Secretary-General A/AC.138/1
- Draft programme of work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction - Submitted by Argentina, Brazil, Chile, El Salvador, Mexico, Peru, and Trinidad and Tobago [dated 5 February, 1969] A/AC.138/2
- Draft programme of work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction - Submitted by Bulgaria, Czechoslovakia, Poland, Romania, and the Union of Soviet Socialist Republics [dated 6 February 1969] A/AC.138/3
- Outline of programme of work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction - Submitted by the United States of America [dated 6 February 1969] A/AC.138/4
- Programme of work for 1969 of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction - Submitted by India, Kenya, Kuwait, Liberia, Libya, Madagascar, Malaysia, Sierra Leone, Sudan, Thailand, United Arab Republic and Yugoslavia [dated 7 February 1969] A/AC.138/5
- Economic considerations conducive to promoting the development of the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction in the interests of mankind - Preliminary note by the Secretariat [dated 4 March 1969] A/AC.138/6
- Proposals and views relating to the adoption of principles - Working paper prepared by the Secretariat [dated 6 March 1969] A/AC.138/7 and Corr.1-4
- Organization of work - Proposals by the Chairman presented in accordance with the agreement reached at the meeting of the Committee held on 7 February 1969 [dated 7 March 1969] A/AC.138/8
- 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 (A/AC.135/11, and Corr.1 and Add.1) - Document prepared by the Secretariat [dated 11 March 1969] A/AC.138/9

- Letter dated 27 February 1969 from the Chairman of the IOC addressed to the Secretary-General (Circulated at the request of the representative of UNESCO) A/AC.138/10
- Malta : draft resolution [dated 18 March 1969] A/AC.138/11
- 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 - Report of the Secretary-General [dated 18 and 30 June 1969] A/AC.138/12 and Corr.1 and Add.1 and Add.1/Corr.1
- (Reproduced in Annex II to Report of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction, Official Records of the General Assembly: Twenty-fourth Session, Supplement No.22 (A/7622))
- 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 - Note by the Secretary-General [dated 28 July 1969] A/AC.138/13
- Note by the Secretary-General [transmitting 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 on the Long-Term and Expanded Programme] A/AC.138/14 and Corr.1
- Note by the Inter-Governmental Maritime Consultative Organization (IMCO) [dated 15 August 1969] A/AC.138/15
- Statement by the Chairman at the eighth meeting of the Committee on 27 August 1969 A/AC.138/16
- Report of the Economic and Technical Sub-Committee [dated 27 August 1969] A/AC.138/17
- Report of the Legal Sub-Committee (covering its March and August sessions) [dated 28 August 1969] A/AC.138/18 and Add.1
- Letter 10 October 1969 from the Chairman of the Committee addressed to the Secretary-General A/AC.138/19
- Letter dated 21 October 1969 from the Secretary-General addressed to the Chairman of the Committee A/AC.138/20
- Government measures pertaining to the development of mineral resources on the continental shelf - Review prepared by the Secretariat [dated 27 January 1970] A/AC.138/21 and Corr.1

- Letter dated 25 May 1970 from the representative of the United States of America addressed to the Chairman of the Committee A/AC.138/22
- Study on international machinery - Report of the Secretary-General [dated 26 May 1970] A/AC.138/23
- Possible methods and criteria for the sharing by the international community of proceeds and other benefits derived from the exploitation and the resources of the area beyond national jurisdiction - Preliminary note by the Secretariat [dated 9 June 1970] A/AC.138/24
- Draft United Nations Convention on the International Sea-Bed Area - Working paper submitted by the United States [dated 3 August 1970] A/AC.138/25
- International regime - Working paper presented by the United Kingdom [dated 5 August 1970] A/AC.138/26
- Proposals concerning the establishment of a regime for the exploration and the exploitation of the sea-bed - Submitted by France [dated 5 August 1970] A/AC.138/27
- Letter dated 14 August 1970 from the Chairman of the Delegation of Peru addressed to the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction. A/AC.138/28

Limited Documents

- Draft report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction [25 August 1969] A/AC.138/L.1
- Statement by the Chairman at the Twenty-fourth meeting of the Committee on 6 March 1970 A/AC.138/L.2

Report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (Official Records of the General Assembly, Twenty-fourth session, Supplement No. 22 (A/7622)).