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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. By resolution 2750 C (XXV) of 17 December 1970, the General Assembly reaffirmed the mandate of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction set forth in General Assembly resolution 2467 A (XXIII) as supplemented by resolution 2750 (XXV). Furthermore, it decided to enlarge the Committee by forty-four members, appointed by the Chairman of the First Committee of the General Assembly in consultation with regional groups and taking into account equitable geographical representation thereon.
2. Under the operative part of resolution 2750 C (XXV), the General Assembly decided to convene in 1973 a conference on the law of the sea and it further 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; with the proviso that if the Assembly, at its twenty-seventh session, determined the progress of the preparatory work to be insufficient, it might decide to postpone the conference. The conference 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 régimes 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.

3. The Assembly further decided to review, at its twenty-sixth and twenty-seventh sessions, the report 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.

4. The enlarged Committee was instructed to hold two sessions in Geneva, in March and in July-August 1971, in order to prepare for the conference on the law of the sea draft treaty articles embodying the 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, taking into account the equitable sharing by all States in the benefits to be derived therefrom, bearing in mind the special interests and needs of developing countries, whether coastal or land-locked, on the basis of the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, and a comprehensive list of subjects and issues relating to the law of the sea referred to in paragraph 2 above, which should be dealt with by the conference, and draft articles on such subjects and issues.

5. The Committee was authorized to establish such subsidiary organs as it deemed necessary for the efficient performance of its functions, bearing in mind the scientific, economic, legal and technical aspects of the issues involved, and was requested to prepare, as appropriate, reports to the General Assembly on the progress of its work. The Secretary-General was requested to circulate those reports to Member States and to observers to the United Nations for their comments and observations. He was also requested to render the Committee all the assistance it might require in legal, economic, technical and scientific matters, including the relevant records of the General Assembly and specialized agencies for the efficient performance of its functions.

6. The Assembly decided to invite other Member States which were not appointed to the Committee to participate as observers and to be heard on specific points.

7. The United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission, the Food and Agriculture Organization of the United Nations and its Committee on Fisheries, the World Health Organization, the Intergovernmental Maritime Consultative Organization, the World Meteorological Organization, the International Atomic Energy Agency and other intergovernmental bodies and specialized agencies concerned were invited to co-operate fully with the enlarged Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction in the implementation of the present resolution, in particular by preparing such scientific and technical documentation as the Committee might request.

8. At its twenty-fifth session the General Assembly also adopted, as resolution 2749 (XXV) of 17 December 1970, the Declaration of Principles governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction.

9. Under the operative section of resolution 2750 A (XXV), the Assembly requested the Secretary-General to co-operate with the United Nations Conference on Trade and Development, specialized agencies and other competent organizations of the United Nations system in order to: (a) identify the problems arising from the production of certain minerals from the area beyond the limits of national jurisdiction and examine the impact they would have on the economic well-being of the developing countries, in particular on prices of mineral exports on the world market; (b) study these problems in the light of the scale of possible exploitation of the sea-bed, taking into account the world demand for raw materials and the evolution of costs and prices; (c) propose effective solutions for dealing with these problems. The Secretary-General was requested to submit his report thereon to the Committee for consideration during one of its sessions in 1971 and for making its recommendations, as appropriate, to foster the healthy development of the world economy and balanced growth of international trade, and to minimize any adverse effects caused by the fluctuation of prices of raw materials resulting from such activities. The Secretary-General was also requested, in co-operation with the United Nations Conference on Trade and Development, specialized agencies and other competent organizations of the United Nations system, to keep this matter under constant review so as to submit supplementary information annually or whenever it was necessary and recommend additional measures in the light of economic, scientific and technological developments. The Assembly called upon the Committee to submit a report on this question to the General Assembly at its twenty-sixth session.

10. Under the operative part of resolution 2750 B (XXV), the General Assembly requested the Secretary-General to prepare, in collaboration with the United Nations Conference on Trade and Development and other competent bodies, an up-to-date study of the matters referred to in the memorandum dated 14 January 1958, prepared by the Secretariat^{1/} on the question of free access to the sea of land-locked countries and to supplement that document, in the light of events which had occurred in the meantime, with a report on the special problems of land-locked countries relating to the exploration and exploitation of the resources of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction. The Secretary-General was requested to submit the study to the Committee for consideration at one of its 1971 sessions, so that appropriate measures might be evolved within the general framework of the law of the sea, to resolve the problems of land-locked countries. The Assembly also requested the Committee to report on this question to the General Assembly at its twenty-sixth session.

11. Pursuant to the decisions of the General Assembly referred to in paragraphs 9 and 10 above, the Secretary-General submitted the following reports to the Committee: Possible impact of sea-bed mineral production in the area beyond national jurisdiction on world markets, with special reference to the problems of developing countries: a preliminary assessment (A/AC.138/36), Study of the question of free access to the sea of land-locked countries and of the special problems of land-locked countries relating to the exploration and exploitation of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction [A/AC.138/37 and Corr.1 (English only) and Corr.2 (English only)].

12. In accordance with the above-mentioned decision of the General Assembly in resolution 2750 C (XXV) to enlarge the Committee by forty-four members, the Chairman of the First Committee of the General Assembly by a letter dated 8 January 1971^{2/} informed the Secretary-General of the forty-three additional members of the Committee but stated that he was not yet in a position to announce the name of the additional member who would represent the group of Eastern European States. The membership of the Committee was thus as follows:

^{1/} United Nations Conference on the Law of the Sea, Official Records, vol. I: Preparatory Documents (United Nations publication, Sales No.: 58.V.4, vol.I), document A/CONF.13/29 and Add.1

^{2/} See A/8377

Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian SSR, Cameroon, Canada, Ceylon, Chile, Colombia, Congo (Democratic Republic of), Cyprus, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, France, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, People's Republic of the Congo, Peru, Philippines, Poland, Romania, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United Republic of Tanzania, United States, Uruguay, Venezuela, Yemen and Yugoslavia.

13. The following Member States have participated as observers as provided for in paragraph 10 of resolution 2750 C (XXV): Barbados, Burma, China, Cuba, Dominican Republic, Fiji, Finland, Ireland, Israel, Malawi, Nicaragua, Portugal, Saudi Arabia and South Africa.

14. 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 and its Committee on Fisheries, United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission, Inter-Governmental Maritime Consultative Organization and World Meteorological Organization, as well as of the United Nations Conference on Trade and Development.

15. At the opening meetings of its spring and summer sessions on 12 March and 19 July, the Committee heard messages from the Secretary-General of the United Nations, conveyed to it respectively by Mr. Winspeare-Guicciardi, Director-General of the European Office of the United Nations, and Mr. L. N. Kutakov, Under-Secretary-General for Political and Security Council Affairs. Mr. Winspeare-Guicciardi served as temporary Chairman of the Committee at the opening meeting of the March session (forty-fifth meeting). Mr. Kutakov and Mr. Stavropoulos, the Legal Counsel and Under-Secretary-General for General Assembly Affairs, were present at various meetings of the Committee and its Sub-Committees.

16. At its 61st meeting on 19 July, the Committee heard a statement by the Secretary-General of the Asian-African Legal Consultative Committee.

PART I - WORK OF THE COMMITTEE IN 1971

17. After intensive informal consultations in February and the first part of March 1971, the Committee met from 12 to 26 March 1971 in Geneva. Its second session was also held in Geneva, from 19 July to 27 August.

18. The Committee held _____ meetings.

19. At the forty-fifth meeting of the Committee on 12 March 1971, the Committee re-elected Ambassador H.S. Amerasinghe as Chairman. The Chairman read out, and the Committee adopted, the text of the following agreement reached on organization of work:

"The Committee shall form three Sub-Committees of the Whole.

"The allocation of subjects and functions to the Sub-Committees shall in the first instance be limited to those items on which there is common agreement.

"Treatment and allocation of all outstanding subjects including, inter alia, (1) the precise definition of the area of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction and (2) peaceful uses of that area shall be left for determination by the Committee. It is understood that the Sub-Committees, in connexion with the matters allocated to them, may consider the precise definition of the area of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction. It is clearly understood that the matter of recommendations concerning the precise definition of the area is to be regarded as a controversial issue on which the Committee would pronounce. The Committee shall also decide on the question of priority of particular subjects, including the international régime, the international machinery and the economic implications of exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, proceeding from resolution 2750 (XXV) and the relevant explanations made on behalf of its co-sponsors.

"On this understanding and in accordance with the mandate of the Committee as defined in resolution 2750 C (XXV), the following subjects and functions shall be allocated to the three Sub-Committees respectively:

"Sub-Committee I : To prepare draft treaty articles embodying the 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, taking into account the equitable sharing by all States in the benefits to be derived therefrom, bearing in mind the special interests and needs of developing countries, whether coastal or land-locked, on the basis of the Declaration of Principles Governing the Sea-Bed and the Ocean Floor and the Subsoil Thereof beyond the Limits of National Jurisdiction, economic implications resulting from the exploitation of the resources of the area [resolution 2750 A (XXV)] as well as the particular needs and problems of land-locked countries [resolution 2750 B (XXV)].

"Sub-Committee II : To prepare a comprehensive list of subjects and issues relating to the law of the sea, including those concerning the régimes 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) and to prepare draft treaty articles thereon. It is understood that the Sub-Committee may decide to draft articles before completing the comprehensive list of subjects and issues related to the law of the sea.

"Sub-Committee III : To deal with the preservation of the marine environment (including, inter alia, the prevention of pollution) and scientific research and to prepare draft treaty articles thereon.

"The Bureaux shall consist of a total of 25 members on the principle of equitable geographical distribution, the distribution being as follows:

"Main Committee	Chairman:	Asia
	Vice-Chairmen:	Africa (2) Asia (1) Latin America (2) Western European and Others (1) Eastern European (1) Yugoslavia (1)
	Rapporteur:	Western European and Others
"Sub-Committee I	Chairman:	Africa
	Vice-Chairmen:	Asia Latin America Eastern European
	Rapporteur:	Western European and Others
"Sub-Committee II	Chairman:	Latin America
	Vice-Chairmen:	Africa Asia Eastern European Western European and Others
	Rapporteur:	Africa

"Sub-Committee III

Chairman: Western European and Others
 Vice-Chairmen: Africa
 Latin America
 Rapporteur: Asia

"It was also agreed that, at the formal meeting, the first item would be the election of the Chairman of the Main Committee, thereafter the election of the Vice-Chairmen and Rapporteur, followed by the election of the Bureaux of the three Sub-Committees."

20. The officers of the Committee during 1971 were as follows:

Main Committee

Chairman:	Mr. Hamilton Shirley Amerasinghe (Ceylon)	
Vice-Chairmen:	Democratic Republic of the Congo	Mr. T. Idzumbuir (first session) Mr. B. Kalonji-Tshikala (second session)
	Mauritius	Mr. T. Ramphul (first session) Mr. R. Lallah (second session)
	Kuwait	Mr. S. Khanachet (first session) Mr. S.N. Al-Sabah (second session)
	Chile	Mr. F. Zegers
	Trinidad and Tobago	Mr. P.V.J. Solomon
	Norway	Mr. J. Evensen
	Poland	Mr. W. Natorf
	Yugoslavia	Mr. L. Mojsov
Rapporteur:	Mr. Charles V. Vella (Malta)	

Sub-Committee I

Chairman:	Dr. E.E. Seaton (United Republic of Tanzania)
Vice-Chairmen:	Mr. C.V. Ranganathan (India) Mr. M. Thompson-Flores (Brazil) Mr. G. Fekete (Hungary)
Rapporteur:	Mr. A. Prohaska (Austria)

Sub-Committee II

Chairman: Mr. R. Calindo Pohl (El Salvador)
Vice-Chairmen: Mr. B. Holder (Liberia)
Mr. A. Massoud Ansari (Iran)
Mr. A. Yankov (Bulgaria)
Mr. N. Tuncel (Turkey)
Rapporteur: Mr. S. Abdel-Hamid (United Arab Republic)

Sub-Committee III

Chairman: Mr. A. van der Essen (Belgium)
Vice-Chairmen: Mr. M. Gebre-Kidan (Ethiopia)
Mr. A. Espinosa (Colombia)
Rapporteur: Mr. T. Iguchi (Japan)

21. Following the preliminary note by the Secretary-General (A/AC.138/24) 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, requested by the Committee at its March 1970 session and in accordance with the decision of the Committee as contained in paragraph 16 of its report to the twenty-fifth session (A/8021), a more comprehensive report was prepared by the Secretary-General and was before the Committee at its July-August session (A/AC.138/38 and Corr.1). Other documents prepared by the Secretariat are included in the list in Annex ...

22. In accordance with requests made by the Committee at its 60th meeting held on 26 March 1971, the Committee also had before it an illustrative atlas on the living resources of the sea, prepared by the Food and Agriculture Organization (A/AC.138/47) and a publication up-dated by that Organization entitled "Limits and status of the territorial sea, exclusive fishing zones, fishery conservation zones and the continental shelf (with particular reference to fisheries) (A/AC.138/50).