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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
Economic and Technical Sub-Committee

STATEMENT BY THE CHAIRMAN AT THE FIRST MEETING
OF THE ECONOMIC AND TECHNICAL SUB-COMMITTEE ON
11 MARCH 1969

Now that the first session of the Economic and Technical Sub-Committee of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction is about to begin, let me say that it gives me great pleasure to bid you all welcome. My pleasure is all the greater because I notice among you a large number of representatives whose expertise made such a great contribution to the success of the Ad Hoc Committee's work. It is my conviction that, in the course of our deliberations, the Ad Hoc Committee's report will prove to be a very useful working document, providing us with the indispensable preliminary study without which no detailed consideration of the points constituting the Sub-Committee's mandate would be possible.

This mandate is a vast one. The excellent "organization of work" document, for which we are indebted to the unfailing wisdom and energy of our Chairman, Mr. Amerasinghe, has enumerated its functions and defined its limits, while leaving to us the responsibility of drawing up a programme of work which can be carried out during 1969. We must, of course, make sure that we make the best possible use of the three weeks of the present session by advancing both cautiously and resolutely along the path indicated by the General Assembly and the full Committee.

The Ad Hoc Committee's report, in spite of its value, which was kindly recognized by all the delegations reveals on practically every page our ignorance of the marine environment and of the processes explaining the natural phenomena which characterize it, and of the natural resources buried in the bedrock of the

oceans. The need to fill the substantial gaps in our present knowledge by scientific research and exploration has been constantly emphasized. We therefore welcome the adoption by the General Assembly, at its twenty-third session, of the resolutions in which it "endorses the concept of a co-ordinated long-term programme of oceanographic research designed to assist in a better understanding of the marine environment through science and to increase, in the interests of world economic development, the resources available to all the people of the world" (resolution 2414 (XXIII), operative paragraph 3) and "welcomes the concept of an International Decade of Ocean Exploration to be undertaken within the framework of a long-term programme" (resolution 2467 D (XXIII), operative paragraph 1).

Does this mean that the Committee is now entitled to wait for the result of this research before starting to carry out its mandate? Do not think that this is just a rhetorical question: on many occasions we have heard the argument that any commitment as regards a régime for the exploitation of undersea resources would be premature so long as their value and the techniques for exploiting them are not better known. That is why I consider it necessary to refute this argument.

Comparisons have often been drawn between our Committee and the Committee on the Peaceful Uses of Outer Space; the ocean has even been called "inner space". But at the present time, when the first man has yet to touch down on the moon and when the very concept of outer space has not yet been defined with any precision, a Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (resolution 1962 (XVIII) of 13 December 1963) has been in existence since 1963 and a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies entered into force in 1967.

Another frame of reference could be chosen by drawing a parallel between the régime applying to the area of the sea-bed under national jurisdiction and the absence of any régime beyond that jurisdiction. Did we know more about the continental shelf when the Geneva Convention was signed in 1958 than we know today about the continental slope, the precontinental rise or the abyssal plain? Did we know more about them when the Truman Declaration was proclaimed in 1945?

Be that as it may, one thing is certain: in spite of the gaps in our present knowledge, the ocean represents in many respects a challenge to technology, and industry has taken up the challenge. Technology gives us every reason to expect

very swift progress in the exploration and utilization of the sea-bed and the ocean floor which contain considerable wealth whose exploitation will not be long delayed.

In some cases the exploratory work done by some firms has not led to the results anticipated; in others, it seems to hold out promise of real progress in the near future.

Let me give you an example. A study carried out jointly by two private firms^{1/} in the United States in 1964 concluded that the value of the oceans as a source of food and organic chemicals considerably surpasses their value as a source of minerals and inorganic chemicals. Although the mining of deposits on the sea-bed and the ocean floor is technically feasible - the document continues - only the deposits on the continental shelf should be considered at present, except for manganese. It was in 1964, too, that the Draft of a General Scientific Framework for World Ocean Study, prepared by the Intergovernmental Oceanographic Commission of UNESCO, stated that our present knowledge of the distribution and composition of manganese nodules is not enough to justify large-scale industrial investments.

Six years of research in another firm^{2/} recently ended in the establishment of a branch^{3/} which announced publicly that its programme would lead to commercial operations for mining manganese nodules early in the next decade.

Industry obviously hopes that sufficient capital will be forthcoming for the enormous investments made in this new sector to justify the risks assumed and that the security of exploitation rights will be guaranteed under a stable régime accepted by the world community.

Under our mandate we are called upon precisely "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".

One activity which our Sub-Committee might usefully undertake would be an initial study of these "ways and means" pursuant to the decision adopted on

1/ Lockheed Aircraft Corporation and International Minerals and Chemical Corporation.

2/ Newport News Shipbuilding and Drydock Company.

3/ Deepsea Ventures: "programme that includes commercial mining operations in the early 1970s based on the lead established by a carefully selected fund of information and the engineering, development, discoveries, patents and personnel acquired from the six-year oceanic research activity of its former parent".

7 February, when the full Committee requested the Secretariat "to prepare 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/SR.3, p. 7).

Operative paragraph 2 (b) of resolution 2467 A (XXIII) provides that this study is to be carried out "taking into account the foreseeable development of technology and the economic implications of such exploitation". The report of the Ad Hoc Committee, however, has dealt at length with the present level of technology and its foreseeable development and with the impact which the future exploitation of the mineral resources of the sea will have both on the world market and on the other uses of the sea. It would seem that the conclusions which were arrived at by the Ad Hoc Committee last year could serve as a basis for our study of the matter. I have also given considerable thought to the importance of reviewing the progress which has been made in the exploration and exploitation of these resources and in the technology for their utilization so that the information which was made available last year can be brought up to date.

In addition to the contemplated preliminary study of the "ways and means" of promoting the exploitation and use of the resources of this area, and of international co-operation to that end, it will one day be necessary to embark on a study of the régime governing such exploitation.

There are, after all, various possible types of exploitation régimes in between the two extreme solutions: of, on the one hand, dividing up the oceans on the basis of the median lines and permitting the closest coastal States to set up their own national régimes there; and, on the other hand, of endeavouring simply to assign the responsibility for exploitation to an international organization.

The first of these proposed solutions would imply that no area of the sea-bed and ocean floor was outside national jurisdiction. This position, however, is clearly at variance with one of the principles that was very clearly affirmed by the Ad Hoc Committee and recognized by the General Assembly. A system of international exploitation, on the other hand, would undoubtedly involve a vast administrative machinery that might take on a supra-national character to which many Governments would certainly object.

Between these two extremes, a variety of international systems are conceivable, ranging from a registration bureau to an authority empowered to grant

concessions according to the principle of "first come, first served", the principle of the "highest bidder" or some other criterion. All such systems would obviously require some kind of "machinery", this being, at least, the opinion of Professor Louis Henkin, who said in 1968: "There is no doubt a role for international institutions in the implementation of any new law for the sea's mineral resources" (Uses of the Sea, p. 94).

Although a study of such institutions still seems somewhat premature, it might prove feasible when the Secretary-General has completed the study which he was asked by the General Assembly to undertake 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". It would thus be appropriate for us, after this has been done, to examine and to weigh the advantages and the disadvantages of the various forms of international co-operation.

I have quickly reviewed for you four areas on which the Sub-Committee will undoubtedly be required to concentrate its activities in the course of 1969:

- (1) Examination of the comprehensive outline of the scope of the long-term programme of oceanographic research, of which the International Decade of Ocean Exploration will constitute the initial phase and impetus;
- (2) The ways and means of promoting the exploitation and use of the resources of this area, and of international co-operation to that end, bearing in mind the fact that such exploitation should benefit mankind as a whole;
- (3) The progress achieved in the exploration and exploitation of the resources of this area and in the technology for their utilization;
- (4) A study of the possible régimes for the exploitation of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction.

As you are aware, the General Assembly has asked the Secretary-General to prepare reports on topics 1 to 4. These reports will most likely be available to us when our Committee holds its third session this coming August.

With regard to the second topic, the Secretariat has prepared a preliminary note dealing with "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". I believe that I can speak for all of you in expressing to Mr. de Breuvery, the representative of the Secretary-General, my sincere gratitude for having prepared this study in a very short time. It will, I am sure, provide us with an excellent guide in our deliberations.

The third point, the progress of technology, chiefly concerns the bringing up to date of the Ad Hoc Committee's report on the basis of the most recent data. I am therefore confident that the delegations present here, and in particular the experts who are members of these delegations, will, as their colleagues have done in the past, provide us with all relevant information available to them.

We must, incidentally, bear in mind that our report should not be merely a source of information but should also include practical suggestions in order to assist the Committee in making its recommendations to the General Assembly.

I am especially happy to be surrounded by the same team which, last year, gave me its unstinting support in the accomplishment of my task. I have already referred to Mr. de Breuvery, the Secretary-General's representative, and I should also like to mention his neighbour to the right, the talented Vice-Chairman of the Sub-Committee, Mr. Ramesh Arora. Also, at my left, I should like to mention our devoted Secretary, Mr. Jean-Pierre Levy, and, last but not least, Mr. Anton Prohaska, who last year won the admiration of all his colleagues not only for the accuracy and objectivity of his reports but also for the speed with which he was able to make them available.

You will allow me, I am sure, to address on your behalf a few words of welcome to our colleagues who have been sent here by their Governments to act as observers. I am sure that their presence here among us, as well as the contributions they may make, will add much to our discussions and reinforce our desire to accomplish something really effective. I also extend my gratitude to the representatives of the specialized agencies and other intergovernmental organizations who honour us by their presence and whose helpful co-operation was highly appreciated by the Ad Hoc Committee.

I know that I can count on everyone's co-operation. The confidence which you have shown in unanimously electing me as Chairman of this Sub-Committee is a guarantee of this. I therefore express the hope even now that our efforts may meet with success, and I declare open the first session of the Economic and Technical Sub-Committee.