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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 OPENING OF THE MARCH 1970 SESSION  
OF THE ECONOMIC AND TECHNICAL SUB-COMMITTEE, 9 MARCH 1970

Now that we are again meeting with so many specialist and expert colleagues, with whom we have had an opportunity of establishing bonds of friendship during previous sessions, we deeply lament the absence of one, Reverend Father de Breuvery. From the very first meetings of the Economic and Technical Working Group, Father de Breuvery's keen mind, dynamism and faith deeply influenced all our work. Father de Breuvery is no more; our Sub-Committee may consider itself fortunate to have benefited from his advice when it was being established and pride itself on having held his interest until his last breath. His zeal will continue to inspire us.

I invite you to observe a minute's silence in tribute to his memory.

From now on, the Secretary-General will be represented here by Mr. Vladimir Baum. For some ten years Mr. Baum has been Chief of the Energy Section of the Resources and Transport Division of the Department of Economic and Social Affairs at the United Nations. In this capacity, he has organized various seminars on petroleum administration, the utilization of oil-shale resources, and small-scale power generation. Among his recent activities, reference may be made to the fact that he was secretary of the group of experts which prepared a report on possible contributions of nuclear technology to the economic and scientific advancement of the developing countries.

In other words, Mr. Vladimir Baum is an expert on energy in all its forms. We are sure that he will make a particularly valuable contribution to our work and we welcome him in our midst.

I must also welcome Mr. Teja and congratulate him on his unanimous election to the post of Vice-Chairman. His predecessor, our colleague and friend Ramesh Arora, was an eminent spokesman of his country and often, in a broader sense, of the developing countries. However, he was above all a particularly valuable officer of the Economic and Technical Sub-Committee. I am sure that Mr. Teja will live up to this worthy tradition and thank him in advance for his co-operation.

At the end of the past decade, man came to realize that the ocean floor contains mineral wealth whose exploitation might eventually prove to be economically quite attractive, even though at present his knowledge of the extent and nature of these resources is incomplete. He also came to realize that he would not be able to exploit them unless extensive exploratory work is undertaken, scientific knowledge is accumulated and techniques permitting efficient work in the ocean depths are developed.

When we tried in 1968 and 1969 to assess the extent of the mineral and fossil resources of the ocean floor and their geographic distribution, we reached the conclusion that hydrocarbons - crude oil, natural gas and gas condensate - are certainly the most valuable resources of the subsoil of the ocean. Since there has as yet been no adequate exploration of the geological structure of the sea-bed and ocean floor on a world-wide basis, we cannot rule out the possibility that there may exist in the vast areas of the abyssal plain, even at great depths, sediments thick enough to contain sizable reserves of petroleum and gas. Nevertheless, this seems to be unlikely: it appears from geophysical and geological observations that the areas offering most promise as potential reservoirs of hydrocarbons are situated on the continental shelf (geomorphologically speaking), the continental slope, the continental rise and in certain small oceanic basins.

Recently it has been possible to detect, in some statements made during the general debate in the main Committee, a tendency to extend the interpretation of the legal definition of the continental shelf to make it include the continental slope and even the continental rise, as these areas become exploitable. It seems obvious that, if this gradual extension of national jurisdiction became generally accepted, the international community would thus be deprived of the "most promising resources of the ocean floor".

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Reverting to our study of the resources of the sea-bed and ocean floor during the past two years, I must remind you that we have acknowledged that, in addition to large accumulations of hydrocarbons, there exist other resources, mineral deposits on the bedrock and, above all, surficial deposits, particularly of manganese nodules, which could in the future become technically recoverable and prove of some economic interest because of their content of nickel and copper.<sup>1/</sup>

Consequently, even assuming that the international community would have no control over the exploitation of hydrocarbons, it is perhaps worth reflecting on the way in which that community could eventually enable mankind as a whole to benefit from the exploitation of the resources lying beyond the jurisdiction of coastal countries.

The General Assembly has very wisely invited us to consider the economic and technical conditions and rules for the exploitation of the resources of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction in the context of the régime to be set up.

Our Sub-Committee has all the tools needed for this: it can make use of the work it did in 1969, which has been excellently described in its report to the General Assembly at its twenty-fourth session; it can get ideas from the comments made at that session in many outstanding statements; above all, it can base its analyses on the remarkable review prepared by the Secretariat on "Government measures pertaining to the development of mineral resources on the continental shelf".

In March 1969, it was suggested that "experience gained in various countries in relation to the development of mineral resources under national jurisdiction should be taken into account when considering the measures which might be conducive to promoting the development of the resources of the ocean floor beyond the limits of national jurisdiction".

At the suggestion of the Indian delegation, it was decided that "the Secretariat be requested to prepare a study which would include a review of the measures taken by various Governments with regard to the development of their continental shelf mineral resources, in particular oil and gas, and the denominators which are common to these measures".

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<sup>1/</sup> According to Chemical Engineering of 26 January 1970, a small pilot plant that processes manganese nodules from the ocean floor has recently started operating for "Deepsea Ventures". The firm hopes to build a bigger pilot plant in 1971, to handle several tons daily and intends to begin focusing on a particular (undisclosed) ocean region.

The document prepared by the Secretariat in response to this request was based on a study of the practice of about ninety coastal States. A sizable amount of information was compressed into a review of some twenty pages, divided into four chapters:

- (i) National practices and machinery
- (ii) Operating rights
- (iii) Operating obligations
- (iv) Government share of the proceeds.

This review gives the essential facts in a concise and clear presentation, highlighting fourteen common features in national legislation, which are summarized in a tabulation. I should like to congratulate the Secretariat and to thank it for this excellent work.

What can we hope to achieve in this Sub-Committee? The documentation is before us. However, the Sub-Committee should not confine itself to merely commenting on this review. Instead, it should use this document to identify possible measures for the development of the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction in the context of the régime to be set up.

I must stress one point: the document prepared by the Secretariat is not strictly speaking the subject of our debates; it is only the substratum. It is a compilation of prevailing practices which are not open to discussion; moreover, they concern an area which is beyond our competence.

The Secretariat has assembled for easy reference the procedures and practices currently in use at the country level; it has identified certain common features among the practices in existence. It is for us to consider the extent to which national practices could be applied to the establishment of a régime of exploitation applicable beyond the limits of national jurisdiction.

It had been thought - this was one of the conclusions reached by this Committee at its March 1969 session - that the identification of common denominators amongst the practices followed by States on their continental shelves might facilitate the acceptance by the international community of an agreed procedure to ensure maximum efficiency in the régime for the exploitation of the resources of the sea-bed and ocean floor. This working hypothesis will have to be confirmed.

It was on the basis of this hypothesis that, in a note circulated to delegations, I suggested that we should follow the pattern adopted in this review.

It had been my intention to place the four parts of this review on the agenda for each of the four meetings which I had hoped to hold this week, so that we could start to consider item 4 of the provisional agenda next Monday. However, we shall probably not be able to keep to this schedule. In any case, delegations will be free either to make preliminary comments of a general nature or, if they wish to make one statement on all the four questions which I have just mentioned. In the latter case, I would urge them to make their statements as soon as possible.

The Sub-Committee's task is not merely to prepare a report on its discussions; it will have to formulate a number of recommendations to be submitted to the General Assembly. This will be its most important task.

It seems that the recommendations which could emerge from our discussions and would deal with "economic and technical conditions and rules for the exploitation of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction in the context of the régime to be set up" should fulfil two criteria:

(1) They should be within the competence of the Economic and Technical Sub-Committee - in other words, they should concern the tasks allocated to this Sub-Committee in document A/AC.138/8.

(2) They should command the support of all delegations or should at least not be disputed by any delegation, if they are not to be meaningless.

I would ask delegations to submit their suggestions along these lines to the Rapporteur.

My friend Anton Prohaska has distinguished himself by his exceptional skill as Rapporteur at each of our previous sessions. This time, his task will be a new challenge for him, since he will be asked not only to produce a report, which I hope will be as concise as possible but also to assemble the different suggestions and to prepare a preliminary draft of recommendations, which will then be discussed in detail by this Sub-Committee, both at informal consultations and at the formal meetings.

He will be assisted by the devoted Secretary of this Sub-Committee, Mr. Jean Pierre Lévy, who is the author of a number of articles on the subjects with which we are concerned and has placed his knowledge and ability at our service. I should like once again to say how much we all appreciate his work.

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So far, my words have been mainly addressed to the representatives of the forty-two States which are members of this Sub-Committee. Allow me to extend greetings to a large number of delegations here with observer status and to several representatives of specialized agencies and intergovernmental bodies.

With the co-operation of all, we should be able to perform our task. I therefore earnestly appeal for your effective assistance and constructive co-operation in the study of the complex questions which await our consideration.

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