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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 Mr. Philippe de Seynes, Under-Secretary-General
for Economic and Social Affairs, at the 35th meeting of
the Sub-Committee, on 11 August 1970*

I do not know, Mr. Chairman, whether there is much point in my speaking after the extremely comprehensive and convincing statement that you yourself have just made to the Economic and Technical Sub-Committee. If, nevertheless, I venture to avail myself of your kind invitation, it is mainly in order to tell the Sub-Committee how fully the department which I have the honour to head is aware of the responsibilities which, in the present institutional context, devolve upon it in this vast field of the exploration and exploitation of marine resources. It is also, perhaps, in order to express my admiration for the work that has been accomplished by this Sub-Committee over which you, Mr. Chairman, have presided for two years in masterly fashion and in which a veteran of international life is tempted to see a singularly eloquent manifestation of the virtues of international parliamentary democracy.

I still remember the scepticism which marked the early meetings of this Sub-Committee and, in general, the first discussions of these problems of the sea-bed and ocean-floor at United Nations Headquarters. I clearly recall the statements of some delegations which regarded this as still a matter of marginal importance and suspected that an attempt was being made to divert efforts from some more clearly defined and perhaps conceptually simpler problems about which they were mainly concerned at the time. I believe that that is now in the main a thing of the past, thanks very largely to your Sub-Committee, Mr. Chairman, and of course to the plenary Committee presided over by Ambassador Amerasinghe. In the past two years the Sea-Bed Committee has been dealing with a number of

* Circulated at the request of the Sub-Committee

tasks and has successfully exercised certain functions. First, as I see it, it has performed an information function for the benefit of its members and in a wider context, for that of the whole international community. I think that reference may be made here, as you yourself have done, to the reports it prepared in 1968 and 1969, which give a good account of the scope and depth of the work it has done. The vast majority of Governments, especially those of the developing countries, now have an idea - a very rough idea to be sure, but an idea nevertheless - of the size and location of the sea's mineral resources. They are also somewhat more familiar with the techniques necessary for their exploitation and have, I believe, clearly realized the dangers which would attend an irrational development of those resources. It may be said, moreover, that in the performance of this information function, the Committee has also played an exploratory role. In 1968 it requested the Secretary-General to submit a note on the economic implications of the exploitation of the mineral resources of the sea-bed and only a few months ago, at its first 1970 session, it requested a further note on the possible methods and criteria for the sharing of proceeds from the exploitation of the resources of the sea-bed. You, Mr. Chairman, have already referred to those two documents, and there is no point in my dwelling on them except, perhaps, to emphasize, as you yourself have done, both their usefulness and their limitations, which are still very strict. In view of the direction taken by the discussion in the plenary Committee and the manifestly keen desire of Member Governments to see some results at an early date, namely, the draft declaration of principles for possible publication on the occasion of the 25th anniversary of the United Nations, I consider it all the more important to lay stress on the economic context, which should serve as the background for all sea-bed activities and, in particular, for this immediate task of drawing up a declaration of principle. This economic context is, of course, in a state of constant flux. It has just undergone substantial modification as a result of recent discoveries. As everyone here knows, the Phillips Oil Company recently discovered a huge oilfield in the North Sea off the Norwegian coast, which seems to point to the existence there of an oil-bearing zone that might become the largest source of oil in Western Europe. Oil has also been discovered recently for the first time off the coasts of Ghana and Argentina. What is more, oil fields are being discovered weekly on the continental shelf. Apart from oil, mention should be made of recent discoveries of natural gas, copper and iron ore at much lower depths, but it will probably be some time before their economic value can be determined.

In addition to these discoveries, an event has just occurred which will be of the greatest technological importance for the entire development of the exploitation of the sea-bed. I am referring to the solution of the problem of re-entering drill-holes in deep water after changing the drill-bit. This will permit of continuous drilling even in very deep water and is, of course, equally significant both for scientific research and for prospecting and mining.

The political context is also changing, just as rapidly it seems, as the economic and the technological contexts. When I addressed one of the Committees of the Economic and Social Council on the same subject, barely a month ago, I was able to refer to President Nixon's proposals, which had just been published in detail. Today, at the very time when this Committee is meeting, we have before us, in addition to President Nixon's proposals, those of France and the United Kingdom, which also entail the establishment of a regime, of regulations governing the exploration and the exploitation of sea-bed resources. What I said in the Economic and Social Council is therefore all the more true today: we have entered a period of negotiation. In a matter of this kind, I think it is customary to distinguish three stages: elucidation, negotiation and decision-taking. However, there is no clear dividing-line between them; they overlap, and, for example, it seems that there is a desire to pass very quickly to the decision-taking stage as regards the draft declaration of principles. I am mentioning these three stages in order to point out that, as you yourself have indicated, Mr. Chairman, the negotiation stage must begin at a time when the elucidation stage is far from complete, and that the two operations must be tackled simultaneously, namely, negotiation on issues which can be negotiated currently and elucidation of the totality of the extremely complicated, extraordinarily vast and extraordinarily many-sided problems raised by the adoption of a true international régime of the sea-bed and the ocean floor. Even apart from the actual proposals before us, the political context has also been affected, and radically so, by what, in my opinion, is a milestone in the history of the international community and the United Nations, and that is the general acceptance of the concept of the common heritage of mankind. Ardent internationalists have, I think, been waiting impatiently, even anxiously, for this concept to make its appearance in international life in concrete terms, and this, I believe, has now happened in the case of the sea-bed and ocean floor.

Because of this changing context I think it is essential to stress, as you, Mr. Chairman, rightly did a moment ago, the need to push on with the work of study and elucidation, which are the special responsibility of this Sub-Committee, as quickly as possible since one cannot usefully work on reaching legal and political agreement, even on a declaration of principles in an economic and technological void. And I think that we should continue to bear in mind some of the problems which are going to haunt and even harass us as we proceed to work out the political and legal regime. I am speaking here mainly of the economic problem. For instance, we cannot ignore the fact that some observers and certain projections give us reason to fear that there may be in the not too distant future a surplus of oil from dry-land deposits or from offshore deposits under national jurisdiction. We have also seen a fall in copper prices, though we do not know at the moment whether this is simply a cyclical manifestation or a more lasting phenomenon connected with the structure of demand, but these are developments to which we must certainly pay attention. This being so, the question arises - and it is a legitimate question in a sub-committee of this kind - whether the marine resources and the resources of the sea-bed should be exploited as rapidly as technological advances permit. This might lead to a redistribution of wealth in natural resources which would not necessarily be in conformity with the objectives which the United Nations, in other forums and from time to time in other discussions, might decide to promote. And I believe that, as you did, Mr. Chairman, and as the first document submitted by the Secretariat did, we must consider all the economic and financial aspects of the exploitation of marine resources as a whole and not solely the problem of the distribution of the benefits which may accrue from the exploitation of mineral deposits on the sea-bed; for, if we are consistently to approach economic and social matters from the United Nations point of view, that is to say, basically from the point of view of the development of the developing countries, there might be little point in distributing the benefits of the exploitation of the sea-bed to the developing countries as a whole if they are to lose the benefits they now enjoy from the natural resources which they may have and which are one of the rare advantages they possess in a fiercely competitive world, where so many positions are already occupied, and solidly occupied, by the industrial Powers. So I think we must support you when you say that we have to consider this matter of distributing benefits in conjunction with import schemes, taxation and financial regulations and, perhaps, even

a degree of planning of the exploitation of marine resources in the framework of an international regime, planning which would be geared not only to the inherent opportunities offered by marine resources but also to a much wider perspective, to world development and to a global development strategy, as we say in the economic terminology of the United Nations. The great difficulty will arise, of course, from the fact that there will be an international regime for a large part of the sea-bed and ocean floor (which I believe is inevitable, and I welcome it) and within this international regime it will be possible to proceed to a rational and planned process of exploitation, whereas there will be no such possibility with respect to mineral resources on land. This is one of the thorniest problems with which the international community is going to be faced, and one about which your Committee will certainly have something to say, even though it is not the only body that will have a say in it, and may not be the principal body that will have the responsibility of solving that problem.

I should like simply to conclude with two observations. The first is that this Sub-Committee must certainly not be relegated to a minor position. If the Legal Sub-Committee and the parent Committee are to make progress, it is essential that your Sub-Committee should also make progress and, in my view, (you may say that this observation is attributable to an occupational disease) it should progress more rapidly even than the parent Committee, if the latter is to be able to perform its political and legal tasks. I quite appreciate the circumstances which led the Committee to decide that the Sub-Committee would have only a few working meetings during the present session, but I am certain that the main Committee had not the slightest intention of making this the shape of things to come in your Sub-Committee's activities, which, I must repeat, are essential. Secondly, I believe that it is very important that this Sub-Committee should not work in isolation, but should be constantly kept abreast and informed of what is being done in the same area, or in areas very close to it, in other United Nations quarters. We must realize that, for the time being, our international system has no single or monolithic machinery for dealing in a single agency or a single body with problems which, by their very nature, involve many disciplines. I myself do not know how our institutional system is likely to evolve and whether it will be considered feasible or desirable at a given time to centralize most of the activities concerned with marine resources in a single agency. But for

the moment, and probably for some years to come, we must live with a plurality of agencies and bodies, and this means that each of these agencies, each of these bodies, each of these organs must assume a special responsibility, namely that of not becoming isolated, of being kept continuously abreast of what is happening elsewhere and of wanting to be in touch with what is happening elsewhere.

I have just mentioned the very difficult and thorny problem which is likely to arise concerning what may be termed an international policy on mineral resources.

The Economic and Social Council, as you may know, has recently set up a Committee on Natural Resources after long discussion over a number of years and after previously taking some hesitant steps in that direction. Now, however, the Committee on Natural Resources is a fact, and I believe that, under the aegis of the Economic and Social Council, it will very much wish to study the problem to which I alluded a moment ago. There are also, of course, the developing activities concerning the environment, the protection of the environment and the very important matter of control of water pollution and marine pollution, of which we have recently had a striking and picturesque illustration in Thor Heyerdahl's account of his voyage. There too we are in an area in which the institutional system is probably rather fluid and in motion and where we ought not to be annoyed or alarmed at seeing the same problem dealt with in several different places. I believe that this is infinitely preferable to seeing some aspects of the problem neglected. For it is important that every aspect of such a complex problem should be dealt with. Owing to differences of basic function, the matters with which the various organs are concerned are not all focused in exactly the same way, and it is entirely logical that, for the present at any rate, there should be a certain amount of duplication as regards studies and discussions. This situation should not worry us, as it properly does in other fields where definition and classification are infinitely easier and their absence is far less excusable than in the present case.

Lastly, let me say that the Economic and Social Council has already concerned itself on several occasions with the problem of the sea-bed and will quite obviously continue to exercise a responsibility which, I believe, is absolutely basic, since the Economic and Social Council is increasingly emerging as the consolidating organ of the United Nations institutional system and it is in the Economic and Social Council that the totality of the problems with which we are now concerned must be consolidated for

submission to the General Assembly for decision. As you know, the Economic and Social Council in dealing with marine resources concerns itself not only with the sea-bed but with marine resources as a whole, including marine pollution, and I believe that it is a necessary check-point, so to speak, for the questions which you are considering here, even if the line of command at present appears somewhat different. The point at issue is not a question of line of command, but of methodology. Consolidation must take place somewhere, and I believe that Governments are coming increasingly to recognize that this consolidation is the task of the Economic and Social Council as part of a development strategy. This development strategy must henceforth take into consideration a number of factors which were not taken into consideration, were not even envisaged, when we began to talk about it and elaborate it. Technological development and its implications for the international community are now much better understood than they were four or five years ago, as regards the exploitation of marine resources in particular, but also as regards the ecological factor, which now, whether we like it or not, has entered into all economic thinking and discussion.

This is all I wished to say, in essence, in order to echo what you yourself, Mr. Chairman, have said so much better than I have, and in order once again to assure this Sub-Committee that my Department is eager to provide it with more and better service within, of course, the narrow limits of the material and human resources at present available to it, resources which, I hope can be expanded and strengthened in the context of the work which this Sub-Committee may ask us to undertake as well as in the context of the administrative reform now in progress at United Nations Headquarters. I thank you.