



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.138/SC.2/SR.15-25
1 November 1969

ENGLISH

ORIGINAL: ENGLISH/FRENCH

COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN
FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION

Third Session

ECONOMIC AND TECHNICAL SUB-COMMITTEE

SUMMARY RECORDS OF THE FIFTEENTH TO TWENTY-FIFTH MEETINGS

Held at Headquarters, New York,
from 12 to 28 August 1969

Chairman:

Mr. DENORME

Belgium

Rapporteur:

Mr. PROHASKA

Austria

The list of representatives is to be found in documents A/AC.138/INF.1/Add.6
and Corr.1, Add.7 and Corr.1, Add.8-11.

CONTENTS

Third SessionPage

<u>15th meeting</u>	5
Opening of the session	
Adoption of the agenda	
Programme of work	
Examination of the economic and technical aspects of the report submitted by the Secretary-General pursuant to resolutions 2414 and 2467 D (XXIII): comprehensive outline of the scope of the long-term programme of oceanographic research of which the International Decade of Ocean Exploration will be an important element	
<u>16th meeting</u>	13
Examination of the economic and technical aspects of the report submitted by the Secretary-General pursuant to resolutions 2414 and 2467 D (XXIII): comprehensive outline of the scope of the long-term programme of oceanographic research of which the International Decade of Ocean Exploration will be an important element (<u>continued</u>)	
<u>17th meeting</u>	21
Points of order	
Examination of the economic and technical aspects of the report submitted by the Secretary-General pursuant to resolutions 2414 and 2467 D (XXIII): comprehensive outline of the scope of the long-term programme of oceanographic research of which the International Decade of Ocean Exploration will be an important element (<u>continued</u>)	
<u>18th meeting</u>	43
Study on the question of establishing in due time appropriate 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 these resources in the interest of mankind	

CONTENTS (continued)

Third Session (continued)

	<u>Page</u>
<u>19th and 20th meetings</u>	53
Examination of the economic and technical aspects of the report submitted by the Secretary-General pursuant to resolution 2467 C (XXIII); 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	
<u>21st meeting</u>	79
Study on the question of establishing in due time appropriate 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 these resources in the interest of mankind (<u>concluded</u>)	
<u>22nd meeting</u>	111
Examination of the economic and technical aspects of the report submitted by the Secretary-General pursuant to resolution 2467 C (XXIII); 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 (<u>concluded</u>)	
Examination of the economic and technical aspects of the report submitted by the Secretary-General pursuant to resolutions 2414 and 2467 D (XXIII): comprehensive outline of the scope of the long-term programme of oceanographic research of which the International Decade of Ocean Exploration will be an important element (<u>concluded</u>)	
<u>23rd and 24th meetings</u>	137
Report of the Sub-Committee	
<u>25th meeting</u>	177
Report of the Sub-Committee (<u>concluded</u>)	
Closure of the session	

SUMMARY RECORD OF THE FIFTEENTH MEETING

Held on Tuesday, 12 August 1969, at 11.10 a.m.

Chairman:

Mr. DENORME

Belgium

OPENING OF THE SESSION

The CHAIRMAN* recalled that, at its March session, the Sub-Committee had attempted an initial analysis of ways and means of promoting the utilization of the resources of the sea-bed for the benefit of mankind as a whole. At that time it had decided to consider at its third session the two items that now appeared on its programme of work for the current session (E/AC.138/SC.2/5).

The first item provided for a comprehensive outline of the scope of the long-term programme of oceanographic research of which the International Decade of Ocean Exploration will be an important element. In 1968, the Ad Hoc Committee's Economic and Technical Working Group, when considering the report by the Secretary-General on the mineral resources of the sea, had noted that accurate and sufficiently detailed geological maps would be needed in order rationally to explore those resources. At present, little was known even about the geological features of the continental shelf. The four preliminary maps showing the world distribution of possible sub-sea mineral resources, circulated the day before by the United States delegation, had been made on the basis of limited information at present available to scientists. Further research could radically alter the data recorded on those maps.

At the twenty-third session of the General Assembly the need for a greater knowledge of the ocean environment had been unanimously recognized. It had also been acknowledged that, in order to attain that goal, the co-operation of the Intergovernmental Oceanographic Commission would have to be sought. The methods employed by the IOC in the performance of its task were as follows: the secretariat of the Commission collected from Member States and the international organizations concerned suggestions for international programmes of oceanographic investigation; the Commission then considered the programmes suggested and adopted recommendations concerning them, as well as measures for their implementation; lastly, the programmes recommended by the Commission were carried out with the aid of the resources of participating member States, in accordance with the obligations they were willing to assume.

* The full text of the statement by the Chairman was issued as document A/AC.138/SC.2/8.

(The Chairman)

The "long-term programme of oceanographic research" should be viewed as an effort to intensify the traditional programmes of the IOC. It aimed, on the one hand, to increase knowledge of the ocean, its contents and the contents of its subsoil and, on the other hand, to improve understanding of processes operating in the marine environment, with the goal of enhanced utilization of the ocean. The International Decade of Ocean Exploration should constitute, as it were, the initial acceleration phase of that programme.

At the General Assembly's request, the IOC had agreed to play a policy-making role in the elaboration of the long-term programme. It had thus called upon a Joint Working Party, which had met at Ponza and Rome in April and May 1969, and set up its own special working group which had met in Paris in June. The report of that special working group was now available to the Sub-Committee, and it was to be hoped that Mr. Langeraar, the Chairman of the IOC, would be able to comment on that document in person very shortly. Unfortunately the text was available only in one working language; however the attention of the officials responsible had been drawn to the difficult situation thus created.

In considering the document, the Sub-Committee would not be able to pronounce on its scientific aspects, with which it was not competent to deal. It could, however, give an opinion on the economic value of the proposed programme, particularly for the developing countries. The opinions expressed in the Sub-Committee could be reflected in the assignment of a scale of priorities for the proposals contained in the report of the Special Working Group. The second part of the report, which dealt with practical problems of implementation, contained a number of recommendations which deserved the special attention of the Sub-Committee.

The second item on the programme of work for the session concerned the study of the possible régimes for the exploitation of the resources of the sea-bed and ocean floor. In its resolution 2467 C the General Assembly had requested the Committee to submit, at the twenty-fourth session of the Assembly, a report on the study made by the Secretary-General concerning the question of establishing appropriate international machinery. The Economic and Technical Sub-Committee, for its part, would discuss the economic considerations that would

/...

(The Chairman)

necessarily have a decisive influence on the choice of such machinery. In paragraph 38 of its interim report, the Sub-Committee, pending an opportunity to consider the Secretary-General's study had "reserved its position on the nature and form of any arrangements for a régime which might eventually be agreed upon". Now that the Secretary-General's study (A/AC.138/12) was available, the Sub-Committee would be able to adopt a position on the nature and form of the possible régime, or at least make progress in its consideration of the question. Since the functions assigned to any future international machinery would determine the type of international régime to be established, it would be useful if the Sub-Committee considered the possible régimes for the exploitation of the resources of the sea-bed in the light of chapter II of the Secretary-General's report. It should, in particular, consider the advantages and disadvantages of the three types of systems described in the report: the international registration system, the general licensing system and the international executing agency responsible for operations.

As a subsidiary measure, the Committee should study the criteria applicable to registration and licensing, which were mainly of an economic and technical nature (paras. 46-50 and 62-63 of the Secretary-General's report), as well as the regulatory functions to be exercised by machinery under an international régime (paras. 56 and 68). If time permitted, the Sub-Committee should also consider certain modalities, such as the establishment of buffer or intermediate zones (paras. 57-69), joint exploitation within the framework of the international régime (para. 57) and, lastly, certain interim measures pending the establishment of the régime.

Mr. ABDEL-HAMID (United Arab Republic) proposed that the statement just made by the Chairman should be reproduced in extenso.

It was so decided.

ADOPTION OF THE AGENDA

The agenda was adopted.

/...

PROGRAMME OF WORK (A/AC.138/SC.2/5)

Mr. PIÑERA (Chile) commended the dedication and impartiality of the officers of the Sub-Committee and congratulated the United Nations staff, and in particular Father de Breuvery, who was unable to attend the meeting for reasons of health, for having realized that the world's resources should belong to mankind and not just to some men. He agreed with the programme of work proposed by the Chairman but felt that he should explain Chile's understanding of it. He suggested that the Sub-Committee should devote a week and a half or two weeks to it, leaving the Main Committee the task of summing up the work of the two Sub-Committees during the remaining time so that a decision could be taken, if possible, concerning the arrangements for the machinery and régime referred to in paragraph 38 of the Interim Report of the Economic and Technical Sub-Committee (A/AC.138/SC.2/6). He appreciated the importance of the work of the IOC and regretted that its Chairman, Admiral Langeraar, was not present. He was agreeably surprised at the discoveries which the marine environment held in store, as could be seen from the maps and documents submitted by the United States and he hoped that the great Powers would not be secretive about the knowledge which they had the means to acquire and would ensure that everyone benefited from the wealth of the sea-bed. Returning to the subject of the programme of work, he observed that the various questions under consideration were closely linked, and urged the Chairman not to over-compartmentalize the subjects for discussion during the Sub-Committee's debates and to allow the greatest possible flexibility.

Mr. ABDEL-HAMID (United Arab Republic) said that he regretted that the programme of work for the third session was not as detailed as that for the second session. He thought that the Sub-Committee's work would be easier if some sub-items were added to the two main items on the programme.

Mr. GAUCI (Malta) said that he was afraid that the discussions might be unduly prolonged if an attempt were made to add the sub-items requested. He suggested that the programme should remain unchanged, on the understanding that the proceedings would be conducted with some flexibility.

The CHAIRMAN said that he would certainly take into account the suggestions which had been made.

The programme of work (A/AC.138/SC.2/5) was adopted.

EXAMINATION OF THE ECONOMIC AND TECHNICAL ASPECTS OF THE REPORT SUBMITTED BY THE SECRETARY-GENERAL PURSUANT TO RESOLUTIONS 2414 AND 2467 D (XXIII): COMPREHENSIVE OUTLINE OF THE SCOPE OF THE LONG-TERM PROGRAMME OF OCEANOGRAPHIC RESEARCH OF WHICH THE INTERNATIONAL DECADE OF OCEAN EXPLORATION WILL BE AN IMPORTANT ELEMENT (A/AC.138/14)

Mr. ARORA (India) said that he could only make some preliminary comments on document A/AC.138/14, an IOC report, which he considered excellent. Nevertheless, it was a pity that the report, which repeated to a great extent the data contained in the document entitled "Global Ocean Research" (prepared by the Joint Working Party that had met at Ponza from 29 April to 7 May 1969), did not include a number of details that were to be found in the latter document. The second part, for example, gave no indication of the extent of the means necessary for attaining the objectives mentioned, or of the expenses that they would entail.

In that connexion he quoted several passages from part II of document A/AC.138/14. It contained some excellent analyses but nothing to suggest, for example, who would be responsible for training and education (para. 1) or for data and information management (para. 2) or where the necessary funds would come from. It was clear that until the question of financing was settled, the programme presented would remain dormant. The same comments applied to all the activities described in the nine paragraphs of part II. With regard to the legal aspects, the IOC was indeed responsible for considering certain legal problems, but that did not mean that the Legal Sub-Committee should not also give its attention to such matters. Again, paragraph 8, which dealt more specifically with the implementation of the expanded programme, provided no details regarding the equipment needed; the bodies in charge of implementation or the method of financing activities. The report entitled "Global Ocean Research", on the other hand, contained many details regarding the facilities that would be needed to carry out the programme: sixty surface ships, a small aircraft carrier and two escort vessels, as well as six aircraft, three vessels of the "Glomar Challenger" type, at least five drilling barges, as well as some 100 other small craft, a nuclear powered submarine and four small submersibles. It also estimated the length of time during which such ships and material would be used. That kind of detail could have been included in document A/AC.138/14. At least it was important to be realistic and to know where and how all the resources needed to implement the programme could be obtained. The various international agencies were already overburdened with

(Mr. Arora, India)

requests for technical assistance. Referring to paragraph 5, which dealt with the role that would be played by the IOC, he said that he did not object to that role, but felt that the programme plans would have to be more detailed and contain more information. He believed - and a similar statement had been made by the United States - that during the meeting of the Special Working Group, held in Paris from 16 to 21 June 1969, it had been suggested that the IOC should be asked to study all questions concerning ocean resources and to report on the subject to the General Assembly, which would take the necessary decisions. If the IOC were to be made into an ocean committee - the establishment of which had already been considered on several occasions - a serious study of the document before the Sub-Committee would not seem to serve any useful purpose. He would like some clarification on the matter.

Mr. PIÑERA (Chile) felt that it would be useful if Admiral Langeraar, the Chairman of the IOC, could participate in the Committee's proceedings so that he could furnish the necessary details and answer the questions raised by the representative of India. Also, he would like to know why document A/AC.138/14, which had been issued two weeks earlier, was available only in English and had not yet been translated into the other working languages.

The CHAIRMAN said that Mr. Langeraar had told him that he would be coming to New York, but not before 20 August. With regard to document A/AC.138/14, the delay in translation had apparently been due to a misunderstanding, as the experts had thought that the translations would be done by UNESCO, whereas other offices had thought that Headquarters would undertake the task.

Mr. DEJAMMET (France) also complained that the document had not been translated into French. He could make no useful comment until the French version of the document was available. He did wonder, however, in connexion with the questions asked by the Indian representative, if it was consistent to deplore the lack of financial details in the document and at the same time emphasize the strictly scientific nature of the activities of the IOC. If the Group had made proposals including figures, it could have been considered to have exceeded its powers.

/...

Mr. ARORA (India) recalled, once again, that the Ponza report provided many details regarding the means that would be needed; it should therefore be possible to make an estimate of the cost of the operations proposed. He was well aware that it was not for the IOC to procure the necessary funds. The question of financing had already been raised during the previous year and it was said to be under consideration. Until that question was decided, it would be difficult to make an informed evaluation of a programme knowing nothing about the means of implementing it.

The meeting rose at 12.35 p.m.

SUMMARY RECORD OF THE SIXTEENTH MEETING

Held on Wednesday, 13 August 1969, at 10.50 a.m.

Chairman:

Mr. DENORME

Belgium

/...

EXAMINATION OF THE ECONOMIC AND TECHNICAL ASPECTS OF THE REPORT SUBMITTED BY THE SECRETARY-GENERAL PURSUANT TO RESOLUTIONS 2414 AND 2467 D (XXIII): COMPREHENSIVE OUTLINE OF THE SCOPE OF THE LONG-TERM PROGRAMME OF OCEANOGRAPHIC RESEARCH OF WHICH THE INTERNATIONAL DECADE OF OCEAN EXPLORATION WILL BE AN IMPORTANT ELEMENT (A/AC.138/14) (continued)

Mr. OLISEMEKA (Nigeria) expressed appreciation for the report which the Special Working Group of IOC had prepared and submitted to the Sub-Committee. The report was very largely a summary of a previous document entitled "Global Ocean Research" which had been prepared by a Joint Working Party of ACMRR, SCOR and WMO. It was perhaps unfortunate that the presentation was too brief and sometimes constituted merely a list of headings which was not only unlikely to arouse the reader's enthusiasm for the Expanded Programme but frequently obliged him to refer back to the main document in order to grasp precisely in what sense and in what context the various projects were being proposed. It would therefore be useful either to expand the outline or simply to annex to it the full text of the "Global Ocean Research" report so as to avoid the necessity of requesting clarification from the Chairman of IOC.

Turning to the substance of the outline, he referred to paragraph 6.4 of Part I, (Specific international regional investigation). While appreciating the special importance of the fishery industry for the developing countries, he felt that the proposed regional investigations should not be restricted to fisheries development but should encompass the entire range of the resources of the sea-bed, particularly the mineral resources which were so frequently mentioned. Indeed, he felt that on the whole the special importance of the entire question for the developing countries, to which the General Assembly had given special attention in the relevant resolutions, had not been adequately or even seriously taken into account in the outline. It was hardly reflected at all except in the final paragraph, which gave the impression of having been tacked on as a reluctant afterthought.

With regard to part II of the report, which dealt with the practical problems of programme implementation, he welcomed the proposals set out in section 1 (page 29) for meeting the training and education requirements but thought it regrettable that they had not been developed more specifically. Generally speaking, as the Indian and various other delegations had already

/...

(Mr. Olisemeka, Nigeria)

pointed out, the outline was extremely vague about such unscientific matters as funds, facilities and personnel. That was particularly disappointing in that the outline was based on a report whose authors had been expressly instructed under their terms of reference to comment on the practical problems of implementing such a programme, including priorities and timing, taking into account the funds, facilities and personnel which would probably be required. His delegation would have liked to see those matters fully dealt with in the IOC's report, for if the Expanded Programme was to have any meaning the problems of implementation must be tackled from the start. It was to be hoped that IOC would have some proposals to make in that connexion.

In conclusion, his delegation wished to thank the United States delegation, and particularly Mr. McKelvey and Mr. Wang, for having made available to the members of the Committee the extremely valuable preliminary maps of world sea mineral resources.

Mr. McKELVEY (United States of America) said that IOC was to be commended for the report which its Special Working Group had prepared in response to General Assembly resolutions 2414 and 2467 (XXIII) (A/AC.138/14). The present preliminary report had the merit of having been drafted with the participation of a large number of international organizations and Member States, including the United States.

The Intergovernmental Oceanographic Commission, whose function was to co-ordinate the work of Governments in oceanographic research, had enlisted the aid of the various countries which were active in that field. His Government had made available to it the knowledge acquired by the relevant United States agencies and had also arranged for a study to be undertaken by the National Academy of Sciences and the National Academy of Engineering. The report of those organizations, entitled "An Oceanic Quest", had just been published and circulated to the members of the Committee. Although the United States did not endorse all the proposals contained in that document, it regarded the latter as a useful guide for future activities in the exploration of the oceans. In April, ICSU, FAO and WMO had convened a meeting of scientists, which had prepared a basic document entitled "Global Ocean Research", known informally as the

/...

(Mr. McKelvey, United States)

Ponza report. When the IOC Special Working Group had met in June, it had relied heavily on that report as well as on the contributions of Governments. The report which the Special Working Group had prepared in its turn was only a preliminary one and would no doubt be substantially revised at the sixth session of IOC, which was to be held in Paris in September.

The representative of India had noted that the Ponza report was more complete and specific than that of the Special Working Group on such matters as equipment requirements. It should be pointed out that the Ponza report had been prepared by scientists whereas IOC's report had been drafted by representatives of Governments; the latter had necessarily been more cautious, since they had been formulating a programme which Governments would have to support. The report of the IOC Special Working Group covered only the scope of a long-term programme and did not spell out the details of the work to be undertaken. However, it was a good beginning.

He then analysed the relevance of the proposals contained in the report of the Special Working Group from the standpoint of developing the resources of the ocean floor. The purpose of the Expanded Programme, as was noted on page 1, was "to increase knowledge of the ocean, its contents and the contents of its subsoil ... with the goal of enhanced utilization of the ocean and its resources for the benefit of mankind" (A/AC.138/14). That wording indicated that it was proposed to explore the entire ocean and not just the sea-bed, whereas the Committee was concentrating on the sea-bed; however, certain oceanographic studies which appeared to have little bearing on sea-bed resources could in fact help to increase knowledge of those resources. That was so in the case of the studies mentioned in part I, section 1; for example, the concentration of mineral deposits was related to the composition of sea water, which itself depended on its circulation and its interaction with the atmosphere. Similarly, the programme described in section 2 (A/AC.138/14), dealing with living resources and their relations with the marine environment, had a direct bearing on sea-bed resources, since certain valuable mineral deposits were formed as the result of biological processes. An example of that was the formation of petroleum and phosphorite.

(Mr. McKelvey, United States)

The relevance of the studies indicated in sections 3 and 4 of part I (marine pollution; geology, geophysics and mineral resources beneath the sea) required no explanation. All the studies listed - particularly those dealing with morphological charting, geological and geophysical surveys and deep drilling - had a direct or indirect bearing on the expansion of knowledge about the mineral resources of the sea-bed. The integrated global ocean station system dealt with in section 5 could provide forecasts which would be of great value for operational activities at sea. The international regional investigations referred to in section 6 had already yielded significant results.

Turning to part II of the report, he noted that sections 1 and 9 (training, education and manpower requirements; assistance to developing countries) indicated ways in which the developing countries could participate more actively in the exploration and exploitation of the resources of the oceans. With reference to section 8, he pointed out to the representative of India that the United States delegation had not suggested that the General Assembly should seek the advice of IOC before considering questions relating to the study of the ocean and its resources; that view had been expressed by another delegation and, moreover had not been endorsed by the IOC Special Working Group.

His delegation welcomed the proposal in section 8 to the effect that the IOC Executive Council should be responsible for periodic review and co-ordination of the Expanded Programme, taking into account the views expressed by the other international organizations involved. He noted, in that connexion, that IOC was trying to broaden its relations with other international bodies concerned with the ocean and was expected to adopt certain revisions of its statutes for that purpose at its sixth session. In addition, an Inter-Secretariat Committee was being established to examine matters relating to the co-ordination of the ocean programmes of the international agencies involved.

In conclusion, he expressed the view that IOC had made a good start towards formulating a long-term programme of oceanic exploration and research. Detailed programmes of work had yet to be drafted, but he was confident that the breadth of the investigations proposed would enable fuller use to be made of the ocean and its resources for the benefit of all mankind.

/...

Mr. GAUCI (Malta) said that although the document submitted to the Sub-Committee by IOC was extremely valuable, it was only a progress report which had been submitted to IOC by its Working Group pursuant to General Assembly resolution 2467 B (XXIII) and would probably be revised by IOC at its plenary session. The basis for the Sea-Bed Committee's assessment of the programme proposed by the Working Group should be, firstly, the mandate given to IOC by the General Assembly - namely to promote international efforts to strengthen the research capabilities of all interested nations with particular regard to the needs of the developing countries - and, secondly, its own mandate, as set out in operative paragraph 2 (c) of resolution 2467 A (XXIII). He noted in passing that the extent to which various countries could participate in the activities of a given organization depended on the resources available to them and was not necessarily a reflection of their interest in such activities.

While recognizing the value of scientific research and the existence of interaction between the sea-bed and the superjacent waters, he noted that hardly any of the thirty projects listed in parts I and II of the report were relevant to the field with which the Committee was directly concerned. At the present stage, undue time should not be spent in protracted discussions on questions which were not directly related to the urgent economic, legal and political problems.

The task outlined in the report was so vast that it would probably take nearly a century to accomplish it. However, the report contained no indication of the priority which should be given to the various projects or of proposed time-limits, of the costs of the projects or of the capital available for them. For example, how important was the problem of locating fish stocks as compared with the study of budgets of water, heat, salt and nutrients in various oceans? Would certain regions, particularly those near under-developed and densely populated regions, receive priority over others? Would it be best to combat pollution first and then attempt to extract "unconventional resources" from the sea, or to combine the two activities?

Apart from its value in disseminating scientific information, it seemed unlikely that the programme could help the majority of the developing countries to strengthen their research capabilities. The developed countries had already made substantial progress in the identification and assessment of mineral resources and in morphological charting of the sea floor, but their activities might lead

(Mr. Gauci, Malta)

to unilateral claims to certain regions. It might be wondered whether IOC could undertake the vast tasks which it had outlined, since it apparently wished to extend its activities outside the strictly scientific field, as was indicated by the examples given on page 32 of the report.

On page 22 of the report, the IOC Working Group noted that the establishment of a world-wide pollution monitoring programme had important legal aspects which should be studied by the competent bodies. Those aspects could not be separated from the over-all legal problem currently being considered by the Legal Sub-Committee.

Mr. ARORA (India) recalled that at the previous meeting of the Sub-Committee he had stated that his delegation, which had not participated in the discussions held in Paris in June 1969, had learned from certain sources that the opinion had been expressed at a meeting of IOC or its Working Group, or had been accepted by the latter, that IOC should be responsible for studying all questions relating to the ocean and that the General Assembly should not take action until it received IOC's opinion. He had not intended to imply that that proposal had been made by the United States delegation and he appreciated the United States representative's explanation. However, even though the proposal had not been adopted by IOC, it was disquieting to note a decline in the influence of the Sea-Bed Committee, whose mandate came from the General Assembly. He requested the representatives of those countries which were members of both the Committee and IOC to examine their positions on the matter and inform the Sub-Committee of their views.

The CHAIRMAN noted that eight representatives were due to speak on the present item at the next meeting. He assured the Sub-Committee that he would not close the debate, so that all members would have time to study the document under consideration as soon as it was issued in all the working languages.

The meeting rose at 11.45 a.m.

SUMMARY RECORD OF THE SEVENTEENTH MEETING

Held on Thursday, 14 August 1969, at 10.50 a.m.

Chairman:

Mr. DENORME

Belgium

POINTS OF ORDER

Mr. PINERA (Chile), speaking on a point of order, observed that the report of the Special Working Group of IOC (A/AC.138/14) was still not available in all the working languages, and he wondered whether it would not be preferable to wait until the translations were ready before considering the first item on the agenda; meanwhile the Sub-Committee could consider other matters.

Secondly, he regretted that the Chairman's opening statement, for which the representative of the United Arab Republic had requested reproduction in extenso, had not yet been circulated.

Thirdly, he wished to make certain comments concerning the press releases. For purposes of comparison, he noted that the statements made to the plenary on 11 August by the representatives of the United States and of the USSR each took up one page both in the press release for that meeting and in the corresponding summary record. But the first statement he himself had made to the Sub-Committee on 12 August, to which the summary record also devoted one page, had not even been mentioned in the press release for that meeting, although the statement contained comments on procedure and also on substance which he regarded as important. Later in the same press release, an important point mentioned by the United Arab Republic had also been omitted. It was to be regretted that the statements made by representatives of small countries were overlooked in that way. Again in the same release, the summary of a second statement he himself had made contained some factual mistakes: firstly, he had mentioned the Chairman of IOC, Admiral Langeraar, by name, and secondly, he had asked for translations of the report of the Special Working Group of IOC to be circulated not only in Spanish, but also in French and in Russian. The representative of France, incidentally, had supported that request. In view of the fact that press releases were useful to delegations, despite their unofficial nature, he wished the situation to be brought to the attention of the Office of Public Information.

Mr. LEVY (Secretary of the Committee), in reply to the representative of Chile, explained that, while he could not justify the delay in the circulation of the report of the IOC Special Working Group in all languages, it was due to a misunderstanding between IOC and the United Nations concerning the translation of

(Mr. Levy, Secretary of
the Committee)

that document. The technical services of the Secretariat had been requested to speed up the translation, and he was able to announce that the French, Russian and Spanish versions would be available on 18 August.

As to the Chairman's opening statement, it would be distributed in all languages on the morning of 15 August, under the symbol A/AC.138/SC.2/8.

Lastly, while he could not comment on the work of the Office of Public Information, he would not fail to transmit to it the Chilean representative's observations.

Mr. ABDEL HAMID (United Arab Republic) said that he was willing to postpone the statement he had been going to make on item 1 in order to take the Chilean representative's request into account.

Mr. PIÑERA (Chile) said that, in a spirit of co-operation, he did not object to the speakers on the list for the meeting taking the floor.

EXAMINATION OF THE ECONOMIC AND TECHNICAL ASPECTS OF THE REPORT SUBMITTED BY THE SECRETARY-GENERAL PURSUANT TO RESOLUTIONS 2414 AND 2467 D (XXIII):
COMPREHENSIVE OUTLINE OF THE SCOPE OF THE LONG-TERM PROGRAMME OF OCEANOGRAPHIC RESEARCH OF WHICH THE INTERNATIONAL DECADE OF OCEAN EXPLORATION WILL BE AN IMPORTANT ELEMENT (A/AC.138/14) (continued)

Mr. ABDEL HAMID (United Arab Republic) pointed out that it was generally agreed by everybody, including the authors, that the Draft Comprehensive Outline of the Scope of the Long-term Expanded Programme of Oceanic Exploration and Research (A/AC.138/14) raised issues of a political and legal as well as a scientific nature.

His delegation noted that the nineteen countries which had participated in preparing the draft included only four developing countries. The Special Working Group ought therefore to be enlarged, in order to make it more representative. He would like that proposal to be conveyed to IOC as soon as possible. Africa, which had not been represented in the Special Working Group, attached great importance to that matter.

He then referred to paragraph 8 of the Introduction, which contained a list of criteria to be applied as appropriate in the selection of co-operative projects. The first of the criteria, which was that Member States were willing to participate actively in the project did not seem to have been sufficiently

/...

(Mr. Abdel Hamid, United Arab Republic)

developed: mention should be made of the need to offer Member States some advantages likely to stimulate national interest, and also the obligation to respect at all stages the legitimate interests of the States directly concerned.

Criteria 3 and 4 were not clearly distinguishable from each other, and needed clarification. Lastly, the statement of the fifth criterion spoke of meeting the needs of developing countries; it would be advisable to combine that with the wider concept of the interests of those countries.

While he did not wish at that stage to comment on Part I of the Special Working Group's report, he shared some of the concern expressed the previous day by the delegation of Malta; a large number of the projects suggested, clearly dealt less with the sea-bed and the ocean floor than with superjacent waters.

Regarding the financing of the projects, he hoped that the Sub-Committee would deal not only with the sources of financing but also with the choice of the forum for discussing the question of financing. Would it be, for example, for the Committee itself or for some other body to decide the matter of financing? And should IOC be requested to prepare tentative estimates for consideration by the Committee? Those were matters on which the Sub-Committee must state its views.

Mr. GRABOVSKY (Union of Soviet Socialist Republics) said that he regarded IOC's Draft Comprehensive Outline of the Scope of the Long-term and Expanded Programme of Oceanic Exploration and Research (A/AC.138/14) as a plan of international co-operation among States and the specialized international agencies for the purpose of a joint study in greater detail of the oceans and their resources and their utilization for the benefit of mankind. The purposes of that study should above all else be practical. The object of studying the physical processes of the ocean was to facilitate navigation, the preparation of weather forecasts and the use of energy resources; chemical and geological research made it possible to use mineral resources and to solve the major problems of shipbuilding and harbour construction; biological research was necessary in order to make full and rational use of the animal and plant resources of the seas.

(Mr. Grabovsky, USSR)

The establishment of IOC had done much to unify international efforts directed towards the exploration of the ocean and its resources. The Commission's programmes had helped to extend knowledge of the marine environment in several important areas and to broaden the exchanges of oceanographic observation data and results of research, to standardize and unify research methods and procedures, to develop contacts among the specialized organizations and to strengthen oceanographic research in certain countries. Thanks to IOC's efforts, the States and the specialized agencies were increasingly concerned with the study of the oceans and their resources. That concern had been expressed in the form of numerous General Assembly and Economic and Social Council resolutions and of reports prepared by many institutions.

The proposed programme should reflect the interests of the States and the specialized agencies; it should define the basic trends of long-term international co-operation, pave the way for technological progress, intensify the training of specialists and provide scientific assistance to the developing countries.

The use of marine resources was closely dependent on theoretical studies in the field of oceanography. For example, it was necessary to know the conditions of the environment, the concentration of salts in the water and the variations in temperature, as well as the structure, biology and development cycles of the stocks exploited. For those reasons the food and fishing industries and the many industries wishing to exploit the mineral resources of the sea-bed and the chemical compounds in sea-water and marine organisms were concerned with all fields of oceanography.

The most realistic method would be to choose the most urgent problems and approach them on the basis of international co-operation and collaboration. Such problems would include the following: ocean-atmosphere interaction; circulation of ocean waters; vertical structure of the ocean; level of the world ocean; tsunamis; the origin of ocean trenches and relief: ridges, faults, fissures, etc.; the geological age and history of the ocean; the structure of the various geophysical domains of the ocean and the interaction between them; pollution of the world ocean; and the biological composition of the ocean.

/...

(Mr. Grabovsky, USSR)

In order to extend ocean research, it would be necessary to solve many organizational and technical problems, such as: establishment of an integrated global ocean station system; establishment of a network of experimental stations, laboratories and aquariums; fitting out of research vessels with the most modern equipment; development of undersea research; training of specialists in oceanography; preparation of co-ordinated research plans and unification of data collecting and processing methods; expansion of international co-operation; and guarantee of freedom of scientific research in the ocean.

The world ocean had a considerable influence on all the earth's natural processes and therefore affected many human activities and the economies of many countries. Weather, water resources, the nature of the soil, vegetation, agriculture and transportation all depended on the world ocean.

In order to draw up plans for the economic development of various countries, men must be able to predict correctly the changes in the natural conditions of the various regions of the earth and the productivity of different crops and industries in the ocean and on land. The accuracy of those predictions depended largely on knowledge of the processes which took place in the ocean and in the atmosphere and of their interactions.

A plan of scientific research for the seas and oceans, covering many years, must be based on the concept of the unity of the ocean, the relationships and reciprocal influences of all oceanic phenomena and processes.

To understand the interactions between the ocean and the atmosphere, it was necessary to know the mechanism of exchange and transformation of energy in the boundary layers of the ocean and the atmosphere, as well as the process of matter exchange between the ocean and the atmosphere. Those activities should be closely linked with the world atmospheric research programme. In the immediate future, it would be necessary to co-ordinate the activities of IOC and WMO in tropical and equatorial regions, since they were of particular importance to developing countries. Special zones would have to be marked off in the world ocean where research in the next three to five years would make it possible to study the nature and the mechanism of interactions between the ocean and the atmosphere.

(Mr. Grabovsky, USSR)

The study of the water circulation of the world ocean was very important. The horizontal and vertical movements of the seas were one of the most striking manifestations of dynamics and thermal interactions, and were an important factor in internal exchanges of energy and matter. Many problems concerning the efficiency of navigation and fishing were related to those phenomena. In that field, it would be necessary to study: the influence of the atmosphere on circulation in the ocean; the viscosity component in water circulation; the relationships between components resulting from wind and from water viscosity; the dynamic structure of ocean currents (e.g., the Gulf Stream, the Kuroshio, etc.); the general pattern of ocean circulation and its change over time.

One particularly important problem was the study of processes along the borders of the world ocean associated with upwellings of enormous masses of water and the sinking of surface waters. In the next three to five years, meteorology, oceanography and industry would need forecasts of variations in the flows of heat and salts in the ocean.

The ocean environment had a particularly significant influence on living organisms and on measures to conserve the biological resources of the sea. A large proportion of the world population suffered from malnutrition and protein deficiency. The biological resources of the sea were one of the principal sources of those food-stuffs, but exploitation of those resources fell short of the needs, either for lack of knowledge of the oceanic environment and the geological cycle of the organisms living in it or owing to ignorance of the conditions leading to the aggregation or migration of exploitable stocks. As a result, some species were exterminated through over-intensive fishing, while owing to ignorance enormous reserves of exploitable organisms were neglected.

Research in that field should deal with the following subjects: the influence of the ocean environment on primary production; the influence of the ocean environment on secondary production and quantitative relationships in the trophic systems of plankton, nekton and bathyplankton; the influence of the ocean environment on the laws of development of quantitative relationships in final production (fish, cephalopods, aquatic mammals); the influence of the ocean environment on the scientific bases of industrial forecasting.

(Mr. Grabovsky, USSR)

The rational exploitation and conservation of fisheries resources were extremely important to the economies of all countries, and particularly developing countries. Noteworthy was the work of the FAO Fisheries Committee and the specialized regional organizations which had studied the laws and relationships governing living marine organisms as a whole with a view to their more rational and economic utilization and the conservation of the biological resources of the sea.

The long-term programme of IOC gave an important place to the study of the geology and mineral resources of the world's oceans. Such resources, located not only on the continental shelf but also on the high seas, would soon constitute an important source of primary materials for all mankind. Manganese nodules and phosphorites were already known, and large petroleum deposits might be discovered. However, current knowledge was insufficient, and it was necessary to study at length the geographical distribution and concentration of different deposits. With that end in view, the following aspects should be studied: depth, relief and nature of the ocean floor; contemporary sedimentation; stratigraphy; relative and absolute geological chronology of ocean deposits; oceanic sediments; the composition of volcanic rocks; and useful oceanic ores and their origin.

Such research would require a whole series of preliminary measures: a general survey, profiles and a geophysical study of the world ocean with sounding lines spaced at ten-mile intervals, beginning with the Atlantic and Indian Oceans, the northern part of the Pacific Ocean, the Mediterranean, the Sulu Sea, etc.; extensive geological and geophysical surveys, with research progressively concentrated in the neighbourhood of deposits of useful minerals; a detailed study of mineral deposits and a determination of their nature; geophysical research according to established profiles; geological and geophysical research in specific polygons in fault regions; and special drilling operations at points determined by international plan.

It would thus be possible to determine the extent and quality of the ocean's mineral resources and to solve important scientific problems relating to the structure of the earth's magnetic and gravimetric fields, the pattern of faults on the ocean floor and other questions relating to terrestrial geology.

(Mr. Grabovsky, USSR)

Furthermore, to combat the pollution of the world's oceans, the IOC Programme should include a study of the following questions: the kinds of research to be undertaken on the main types of pollutants as a means of promoting international action to combat such pollution; the definition of such terms as "pollution" and "polluted zone" and the preparation of a list of the principal pollutants; the sources, characteristics and geographical distribution of pollutants; the stability of pollutants in sea water; the types of interaction between petroleum, petroleum products, pesticides, heavy metals and other pollutants, on the one hand, and marine organisms and biological and nutritional cycles, on the other; the effect on pollutants of the self-purifying action of sea water and of mechanical and chemical actions; the standardization of methods for analysing pollutants; and the determination of scientific standards for permissible pollutant concentration levels.

Those questions should be resolved as rapidly as possible so that preliminary steps to combat the pollution of the ocean could be undertaken between 1970 and 1972. Article 24 of the Convention on the High Seas already referred to such action.

The exploration and exploitation of the natural resources of the ocean floor raised the question of the protection of marine biological resources. In 1969, California had been the scene of a classic example of marine pollution. In resolution 2467 B the General Assembly had noted the necessity of protecting the biological and other resources of the sea from the consequences of the exploration and exploitation of the ocean floor. The Committee's task was to expedite the solution of that problem.

A fundamental step towards the achievement of the foregoing scientific objectives was the establishment of the Integrated Global Ocean Station System (IGOSS). That system, employing the most modern methods and technology, should provide synchronous oceanographic and meteorological information from the whole ocean. It would comprise three co-ordinated systems: a global observation system, a global system for the collection, processing and storage of data, and a global system of radio communication. The IG OSS would collect oceanographic and meteorological data for the World Weather Watch. Such data would enable all

/ s s c

(Mr. Grabovsky, USSR)

interested States to prepare forecasts and to conduct scientific research with a view to increasing the efficiency of marine industries and navigation, affording increased protection for human life at sea, furthering the development of marine construction and so forth. The IGOSS would contribute to the development of the atmospheric sciences and the refinement of the meteorological sciences. It would enable new areas of the ocean to be exploited and make it possible for agricultural productivity to be improved through more accurate meteorological forecasts. The principal scientific and technical problems in that field were the following: the determination of the degree of separation necessary between fixed and mobile meteorological and oceanographic observing stations; the standardization and unification of instruments and methods of observation; the standardization and unification of formats for the exchange of information; the standardization of radio-telecommunication channels; and the organization of an oceanographic service as part of World Weather Watch.

The IGOSS would be set up exclusively for peaceful purposes and would be based on the principles of voluntary participation of the interested States. It would be a single world system with facilities provided on a national basis, and its activities would be co-ordinated by IOC and WMO with the support of UNESCO, IMCO and other interested organizations.

It was also important for the technical methods of oceanographic research to be further developed. The majority of States wishing to participate in such research frequently lacked even the most elementary means to that end. Within the next year or two, a special working group should be set up on the unification and standardization of the means and methods for observation and data processing. Such a group would prepare recommendations on the best types of research vessels of all sizes and on the standardized equipment and instruments with which such vessels should be equipped in order to ensure the accuracy of the observations and the standardization of methods for the processing of oceanographic data.

The shortage of qualified scientific and technical staff was one of the main obstacles to oceanographic research. The IOC should organize and develop the

/...

(Mr. Grabovsky, USSR)

training of such staff by preparing a general training programme, in collaboration with the interested States in which regional factors would be taken into account; it should also prepare a special training programme for IGOSS specialists. In co-operation with States, IOC could establish specialized training institutes and could arrange for visits by specialists from developing countries to oceanographic training centres in other countries: it could also organize international expeditions. To promote international co-operation, the greatest possible number of developing countries should be enabled to participate in such activities through assistance in the training of specialists and the provision of the technical facilities necessary for conducting oceanographic observations and processing the resulting data. It was to that end that the voluntary assistance programme had been established at the same time as IGOSS with the participation of the United Nations, UNESCO and other interested organizations and States.

The Long-term and Expanded Programme of Oceanic Exploration and Research should therefore be approached from the point of view of: (1) scientific questions, and (2) the action to be taken to promote the scientific study of the ocean. Specific working programmes should be prepared in each of those fields.

Scientific research relating to the ocean would make its resources better known and thereby facilitate the definition of principles and standards governing their utilization. Those questions were closely linked. The principle of freedom of scientific research on the high seas should be upheld and strengthened in the process of formulating the principles and standards relating to the world ocean.

Mr. WOODLAND (United Kingdom) welcomed the document submitted to the Sub-Committee by IOC (A/AC.138/14). The draft outline was thoroughly comprehensive and covered all aspects of the scientific investigation of the ocean and its floor that were desirable in the light of present knowledge and feasible in terms of current instrumentation and technology. The draft Expanded Programme arose from all-embracing discussions, firstly at national level and secondly at international meetings held at Ponza, Rome and Paris where long lists of national projects had been co-ordinated into a coherent programme. The document was still in draft form and would no doubt be amended during its consideration at the sixth session of IOC. Although some confusion might have

(Mr. Woodland, United Kingdom)

arisen from the fact that two separate General Assembly resolutions (2414 (XXIII) and 2467 (XXIII)) dealt with the co-ordination and intensification of oceanographic research, the two resolutions had, in fact, the same purpose, and the proposals which the United Kingdom had put forward for the Decade were the same as those submitted for the Long-term Programme in September 1968. By the terms of General Assembly resolution 2414 (XXIII), the comprehensive outline of the Expanded Programme was to be presented to the Economic and Social Council at its forty-seventh session. Although the whole draft outline was of interest to the Sub-Committee, much of its content was more directly related to the sphere of competence of the Economic and Social Council. In his interim report to the Council at its forty-seventh session, the Secretary-General had reported that the subject was to be further considered at the September session of IOC. It therefore appeared that the Working Group's draft had been submitted to the Sub-Committee at the present stage only for information and that the Committee on the Peaceful Uses of the Sea-Bed was not called upon to take any specific action on that draft. In the economic, technical, legal and political aspects of its future deliberations, the Committee would necessarily be dependent on the advances to be made under item 4 of part I of the outline (A/AC.138/14). Furthermore, it should be noted - as the United States and USSR representatives had pointed out - that those parts of the Expanded Programme referring to the ocean water itself, its contained organic populations and its pollution, while they might not be primarily the concern of the Committee, were nevertheless directly linked to the exploration and exploitation of the resources of the ocean floor. Because of the concurrent researches of geologists, geophysicists and engineers, which all reached significant stages of development at roughly the same time, the United Kingdom had been able since 1964 quickly to harness the submarine gas fields of the North Sea. Research in all fields must be encouraged, for it was impossible to forecast the future interaction of the various kinds of research. That, in turn, made it particularly difficult and dangerous for outside and perhaps biased bodies to allocate priorities to an outline programme of scientific research of the sort now before the Committee.

/...

(Mr. Woodland, United Kingdom)

Many delegations had stressed the importance of an energetic prosecution of the Expanded Programme of Research. In that connexion, it was imperative that freedom of research should be preserved. Regret had also been expressed that the Draft Outline did not deal with such important questions as the cost of the proposed Programme and the means of obtaining the necessary equipment and personnel. However, the Expanded Programme would in essence be a programme for co-ordinating the national research projects of Member States. As such, it would be financed almost exclusively from allocations for marine research in national budgets, and the equipment would be that provided by Member States. In those circumstances, his delegation doubted whether it would be appropriate for IOC to make suggestions in that regard. The purpose of the Outline was to recommend a broad and ambitious pattern of research into which national activities could be fitted.

Several delegations had voiced fears that the developing countries were not being associated to any great degree with the Expanded Programme of Research or that their needs had not been sufficiently considered during its preparation. However, at the second session of the Committee, the Chairman of IOC had assured the members of the Committee that he would welcome their applications for membership in IOC. Furthermore, it should be remembered that the aim of the Expanded Programme of Research was to acquire and to make available to all countries the greatest possible knowledge of all the oceans of the world. As was the case with all scientific research, the scientists involved would not be working for selfish national benefit but towards increasing the sum of human knowledge. In conclusion, he expressed appreciation to Mr. McKelvey and Dr. Wang for the preliminary maps of world sub-sea mineral sources which they had circulated to the Committee members.

Mr. YANKOV (Bulgaria) said that the IOC Working Group was to be congratulated on its Draft Outline (A/AC.138/14) which contained a detailed survey of proposed scientific research projects and dealt with a wide range of problems encountered in oceanic exploration. It was gratifying to note that the Long-term and Expanded Programme would concentrate on the practical benefits to be derived from the proposed studies. That pragmatic approach was a particularly

/...

(Mr. Yankov, Bulgaria)

valuable feature of the Programme. The practical measures proposed for implementation, such as those relating to training and manpower, data collection and technological methods, were of great importance for countries whose oceanic research and exploration programmes were still in their early stages. His delegation was in general agreement with the criteria proposed for selecting co-operative projects and evaluating priorities, due attention having been given in that respect to the needs of the technologically less-developed countries. As it had pointed out on many occasions, it considered the promotion of international co-operation in the field of scientific oceanic research to be a prerequisite for the exploration and exploitation of the wealth of the world ocean for the benefit of all countries.

Of the projects proposed, his delegation was particularly interested in those relating to the study of ocean-atmosphere interaction and, more specifically, in the study of the general circulation, both vertical and horizontal, of the world ocean and the study of the dynamics of ocean currents. Those studies could help to improve forecasting systems for fisheries and would therefore be of great practical value to small countries engaged in fishing on the high seas. Nevertheless, it was his delegation's impression that greater attention should be paid to the problems relating to the ocean floor and its subsoil. Work on sediment accumulations, their distribution, location and magnitude should be increased. The IOC might consider the desirability and feasibility of drawing up more detailed projects for the study of the geological and geophysical features of the world ocean. Particular attention should also be given to the crucial problem of pollutants and pollution processes which might result from the exploration and exploitation of the resources of the sea-bed and the subsoil thereof. The proposed regional investigations were of great practical value and were indeed one of the greatest merits of the whole Programme. They could be carried out either within the context of international co-operation as a whole or as regional-scale co-operative action by the countries of a given geographical area. His delegation would particularly welcome any research activities undertaken in the Black Sea in which all coastal States would participate as a regional co-operative project.

/...

(Mr. Yankov, Bulgaria)

Part II of the Draft Outline was also commendable. It contained pertinent and stimulating suggestions regarding the need for a considerable strengthening of scientific and technical manpower. Also, any practical proposal for training such manpower was of particular importance to countries engaged in oceanic exploration. Joint expeditions by oceanographers of various countries would provide an effective means of training and of exchanging scientific knowledge.

Reference had been made during the debates to the role of IOC. In his delegation's view, the functions so far assumed by IOC were within its terms of reference and were in conformity with General Assembly resolutions 2172 (XXI), 2340 (XXII) and 2467 (XXIII). The fact that the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor was co-operating with IOC and benefiting from the assistance of other competent bodies in the scientific aspects of oceanic research in no way affected the competence or the powers of the Committee. The co-operation between the Committee and IOC was of a purely scientific nature and had proved to be both useful and effective. While his delegation generally approved of the Draft Outline submitted to the Committee, it felt that the comments and observations made during its consideration by the Economic and Technical Sub-Committee should be brought to the attention of IOC when it came to draw up the final outline of the Long-Term and Expanded Programme.

Mr. CROSBY (Canada) noted that it was only very recently that man had come to realize the potential value of the sea's resources and to appreciate the need to acquire the scientific knowledge required to make more effective use of those resources. That was a formidable task in which all States should join in a spirit of whole-hearted co-operation. Furthermore, oceanic programmes had long been effected through international co-operation, since the sea, which covered most of the world's surface, lay outside the jurisdiction of coastal States. The influence of oceanic processes was, moreover, world-wide and the sea's resources, which were affected by those processes, were a common heritage, the exploration of which concerned all nations. Efforts expended to date had provided the answers to a number of geological, ecological, meteorological and cultural enigmas. The Long-Term and Expanded Programme of Oceanic Exploration and Research

/...

(Mr. Crosby, Canada)

currently being considered by the Sub-Committee could act as a powerful stimulus to activities in that field.

His delegation welcomed the preliminary report prepared by IOC. It was true, as the representative of Nigeria had noted, that there were a number of basic questions concerning the financing, the facilities and the personnel required to carry out the proposed projects. However, the fact remained that IOC had performed a very useful task by outlining the scope of projects designed to further knowledge of the ocean and of the processes affecting the utilization of its resources.

Canada, as a coastal nation with one of the most extensive coastlines in the world and a continental margin of some 1.5 million square miles, had been carrying out oceanographic research for many years for the main purpose, originally, of developing its fishing industry. Furthermore, during the 1950s, Canada had been exploring as far as the centres of the three oceans which lay off its coasts for the purpose of collecting the data needed for meteorological prediction and for the conservation of living resources as well as for the acquisition of knowledge of resource potential in the deep sea-bed. In its desire to co-ordinate its activities with those of other maritime nations, Canada had become a member of ICNAF, IMCO and IOC. In the Pacific, Canada had participated in meteorological studies and in oceanographic environmental studies in co-operation with other nations, including extensive surveys carried out jointly with Japan and the United States in the Pacific northward of latitude 18°N. For a number of years, Canada had also been carrying out studies of the Arctic Ocean and the Arctic continental shelf, including the effects of polar ice on weather, navigation and the ways and means of exploring for and exploiting sea-bed mineral resources. The data collected had been made available to the whole world, and exchange of data with other nations engaged in Arctic research was frequent. In the Atlantic, Canadian studies of the deep ocean environment had been accelerated by the establishment in 1962 of the Bedford Institute of Oceanography at Dartmouth, Nova Scotia. The Institute's activities were part of a broad national programme co-ordinated by the Canadian Committee on Oceanography. The Institute now possessed six research ships and a large number of support craft

/...

(Mr. Crosby, Canada)

which were carrying out a very wide range of studies embracing all aspects of the marine environment and of the interaction of air, ice and sea. Since its inception, the Bedford Institute had carried out fundamental research on the North Atlantic currents and on variations in temperature and salinity, not only to solve local problems but also to contribute to the general knowledge of the world's oceans and the influence of such factors on meteorological conditions and fish populations. Studies of the Gulf Stream had been carried out jointly with the United States, and studies on the formation and spreading of deep waters in the North Atlantic had been carried out in co-operation with the United Kingdom and the United States. One experiment had involved taking samples of North Atlantic waters originating in the Mediterranean for the purpose of assisting in the interpretation of radioactivity levels of fall-out fission products. Since 1960, Canadian oceanographic research ships had carried out specialized research into sediment accumulation and other processes taking place in the deep sea-bed and research for the purpose of determining ancient climatic and oceanographic conditions. Canada had also co-ordinated its efforts with those of other nations for the purpose of preparing a series of detailed bathymetric charts. Not only were the results of such research published and made available to the world community, but Canadian scientists served on a number of international scientific and technical bodies. Foreign scientists worked on Canadian research vessels, and Canadian scientists on those of other nations.

As the first major contribution to the Expanded Programme of Oceanic Exploration and Research and to the International Decade for Ocean Exploration, Canada's largest oceanographic research vessel, the Hudson, would begin a 40,000 mile one-year voyage in November 1969 that would include the circumnavigation of the continents of North and South America. During the voyage, a series of projects would be conducted in the spheres of biological, chemical and physical oceanography, under-water acoustics, geology, geophysics and hydrography. A number of foreign scientists would be on board. In view of the importance and extent of the work to be done, there was no real hope of achieving the desired goals without international co-operation and co-ordination. All activities carried out on a strictly national basis would lead to a duplication of

/...

(Mr. Crosby, Canada)

effort and would delay the attainment of the common objective. Furthermore, all programmes should be designed so that all other States, including land-locked States, could take part, for example by sending their nationals to work on research vessels belonging to other States. Small coastal States could likewise be responsible for manning environmental survey posts or monitoring oceanographic measuring devices off their own shores. In that way it would be possible to achieve real progress for the benefit of all.

Mr. ST. JOHN (Trinidad and Tobago) said that his country had become a member of IOC in April 1969. Trinidad and Tobago, as a twin-island State, had a great interest in the sea and the ocean and was endeavouring to participate in all activities relating to their study. It had therefore taken part as a member of the IOC Special Working Group in the formulation of the draft comprehensive outline of the scope of the Long-Term and Expanded Programme of Oceanic Exploration and Research (A/AC.138/14).

His delegation had listened with interest to the remarks of the previous speakers on the draft outline and particularly to the lucid explanations given by the United States representative. The speakers who considered that the Special Working Group had been rather too restrictive in its approach should bear in mind that it had had limited time at its disposal. In any event, the document under consideration was only a preliminary draft that IOC had wished to make available to the Committee at the present stage.

The Special Working Group had of course taken account of the Ponza report and of the views of members of IOC. It had endeavoured to submit a draft which was both precise and concise, because it feared that a programme in too much detail would have to be revised at an early stage. Members of the Group had reached general agreement that the decision as to priorities should be left to the United Nations and related organizations. However, since some of the participating agencies were anxious that the Special Working Group should establish a set of priorities to help them in the preparation of their programmes, it was to be hoped that at its sixth session IOC would be able to provide a document that they could use in determining their participation in an expanded programme of oceanic research.

/...

(Mr. St. John, Trinidad and Tobago)

Furthermore, his delegation believed that even at the present stage it would be valuable to establish an order of priorities for certain projects. In particular, it considered the Integrated Global Ocean Stations system (part I, section 5) should be given adequate attention as should the international investigations in the North Atlantic, the Mediterranean, the Caribbean Sea and adjacent areas and the Antarctic Ocean (section 6.3).

With regard to part II of the document, Trinidad and Tobago had already on several occasions asked that priority should be given to the education and training of scientists and technicians from the developing countries, and it therefore felt that section I, concerning training, education and manpower, was of particular interest. Very quick results could not, of course, be expected in that regard, but, considering that the International Decade of Ocean Exploration would probably be followed by other similar decades, the success of training programmes should be viewed in the light of long-range results.

With regard to the exchange of data and information, the United States delegation was to be commended for having taken the initiative in submitting to the Committee the preliminary maps and other documents that had been circulated on 13 August. It was to be hoped that other developed countries would follow that example.

He likewise emphasized the importance of section 4.3 of the outline, regarding the need to provide assistance to developing countries through bilateral and multilateral programmes, including activities of UNESCO, FAO, WMO, United Nations and other international organizations financed by UNDP and other international sources.

His delegation fully endorsed section 9 on assistance to developing countries. Those countries needed technical and material assistance in training and education, the design and organization of their scientific programme and the establishment of oceanographic institutes and exploration centres. Although the financing of projects of that nature did not seem to be the province of the Special Working Group, he nevertheless hoped that sufficient funds would be made available to meet the needs arising from the Expanded Programme in the developing countries.

/...

Miss MARTIN-SANE (France) said she hoped that the Sub-Committee would wait until the report of the Special Working Group of IOC had been translated into all the languages before concluding the debate on that item.

She, too, had noted certain inaccuracies in the press release concerning the meeting of 12 August. At that meeting, the representative of France had requested that the document of the Special Working Group should be circulated in all the languages; furthermore, he had not expressed surprise at the remarks of the Indian representative but had merely asked him a question.

The CHAIRMAN, summarizing the discussions that had taken place so far regarding item 1 of the programme of work, recalled in the first place that the report on a long-term programme requested by the General Assembly in its resolutions 2414 (XXIII) and 2467 D (XXIII) would not be available until the present draft report had been considered by IOC at its sixth session. The observations made in the Sub-Committee could be brought to the attention of IOC when it considered that draft outline.

During the discussion, several questions had been raised and details had been requested concerning the content of the draft outline. It was to be hoped that the Chairman of IOC could provide the appropriate answers when the Sub-Committee resumed discussion on that item.

In general, the draft had been well received, but several suggestions for improvement had been made. In the first place, it had been asked that, within the framework of the long-term programme, research concerning the sea-bed and the ocean floor should be further developed. Even though certain questions concerning the superjacent waters were not strictly within the purview of the Sub-Committee or the Committee as a whole, the interdependence of all the processes and phenomena concerning the ocean had been stressed. The importance of having adequate scientific bases for locating mineral deposits and preventing pollution, as well as the interest of all countries in the use of those data, had also been pointed out.

Regret had also been expressed at the absence of certain operational elements in the draft outline, in which neither priorities nor financial provisions had been given. It had, however, been pointed out that that information could be provided at a later date during the programming stage. Regret had also been

/...

(The Chairman)

expressed that developing countries had not been sufficiently associated with the preparation of the long-term programme and that their needs and interests had not been adequately taken into account. In that respect, stress had been laid on the importance of international co-operation.

Finally, the importance of training of personnel and experts and other kinds of technical assistance had been emphasized. In particular, it had been suggested that IOC should expand its programme concerning the organization of training for technicians from developing countries in the field of oceanography.

In conclusion, he recalled that debate on the item would be resumed when the Draft Comprehensive Outline of the Special Working Group of IOC was available in the various working languages.

The meeting rose at 1 p.m.

/...

SUMMARY RECORD OF THE EIGHTEENTH MEETING

Held on Friday, 15 August 1969, at 10.50 a.m.

Chairman:

Mr. DENORME

Belgium

/...

STUDY ON THE QUESTION OF ESTABLISHING IN DUE TIME APPROPRIATE 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 THESE RESOURCES IN THE INTERESTS OF MANKIND

Mr. KHANACHET (Kuwait) noted that his country was conducting operations relating to the exploitation of marine resources on the continental shelf; for that reason, it not only took a close interest in the question under consideration but already had some idea of the opportunities afforded by exploitation of those resources beyond the limits of national jurisdiction, especially for the developing countries.

After recalling the objectives of the study now before the Sub-Committee, as defined in operative paragraph 1 of General Assembly resolution 2467 C (XXIII), he said that the Secretariat had discharged its task in an effective and objective manner. However, when it had reviewed the possible functions of international machinery (A/AC.138/12, part II), the need to take account of the views expressed in the Committee, of the trends which had developed and of the play of international economic forces had subjected the Secretariat to certain constraints which were apparent in the text of the study and which, while they were to be welcomed in some cases, called for comment in others.

First of all, despite the very real importance of the legal aspect of the question, the study appeared to give excessive attention to it in comparison with the economic and technical aspects, which would have benefited from more detailed treatment. A similar lack of balance was evident in the presentation of the three functions which had been considered: registration, licensing and establishment of an international agency to conduct operations. The first two were studied in detail, but the third had been given much briefer treatment than it deserved.

Of the three principal functions, the first - registration - appeared to be based on too loose a conception of international control. If it was retained, would there be any authority capable of safeguarding "the interests of mankind... taking into special consideration the interests and needs of the developing countries", as was requested in the General Assembly resolution? There was a danger that registration - which, according to paragraph 41, would be made after the event - might in practice amount to nothing more than notification, leaving the registering body in the passive role of recognizing the fait accompli.

/...

(Mr. Khanachet, Kuwait)

In the same paragraph, it was stated that "the value of registration would lie in its evidentiary force which would form the basis for recognition by the international community of the validity of the recorded activities". But what authority would the international community have to pass judgement on the validity of those activities? Might the registering body even refuse to register certain activities? The study was not explicit on that point. One might well wonder what safeguards such a system could provide.

Moreover, the explanation of the methods of operation outlined in paragraph 46 gave the impression that, if the proposed criteria for registration were applied, priority would be given to countries which had the greatest technical and financial potential.

In paragraph 50, it was stated that, "in principle... registration would provide a means for recognition of an exclusive entitlement...". The concept of an exclusive entitlement was unacceptable, since it was contrary to the letter and spirit of the General Assembly resolution. Such a system would be contrary to the interests of small countries.

With regard to the second function, licensing, he was pleased to find that it reflected certain ideas put forward by his delegation at the previous session of the Committee (A/AC.138/SR.1-6, pp. 50-52). His delegation had expressed the hope that the projected international machinery would have a special legal status as an autonomous body co-operating closely with Governments, international organizations and national institutions. It had voiced the further hope that the composition of the executive body and the secretariat of the international machinery would be based on the principle of universality and equitable geographical distribution representing all political, economic and social systems - without discrimination of any kind. His delegation held to that view although it was prepared to accept any suggestions that might improve the status and structure of the machinery.

He also noted that the principle of the "rational and complementary exploitation of sea-bed resources", which his delegation had mentioned as being among the fundamental principles of any international machinery (A/AC.138/SR.1-6, p. 51), was retained in paragraph 59 of the Secretary-General's report. It was especially pleasing to read in the last sentence of that paragraph that "an

/...

(Mr. Khanachet, Kuwait)

international licensing authority could influence... the over-all volume of production so as to maintain stability of prices and market conditions...". That extremely valuable function would help to prevent any fluctuations that might affect the developing countries, whose economies often depended on a limited number of raw materials.

He was also gratified to note that certain ideas put forward by his delegation had been included in the discussion of the third proposal, which called for the establishment of an agency with operational functions. With regard to the status of such an agency, for example, paragraph 74 referred to "pouvoirs juridiques étendus" (broad legal powers), a term which, since it was more appropriate to the type of body envisaged, he preferred to the wording in the English text ("full range of legal capacities"), which suggested a commercial enterprise. It would also be well to specify the meaning of the words "participating States" in paragraph 73. He wondered which States would participate and on what basis.

Finally, any examination of the proposal should take account of a number of other principles which had been included in the list submitted by his delegation at the previous session of the Committee (A/AC.138/SR.1-6, pp. 50-51). The first principle provided for "exploitation for the benefit of mankind as a whole, taking into account the special interests and needs of the developing countries, including land-locked countries"; the fourth and fifth called for the "active participation of developing countries" and the "organization of a long-term training programme". The last two principles were particularly important, because some machinery had to be set up to enable the developing countries to play an effective role in oceanographic exploration and exploitation activities. He hoped that delegations would make their views known with regard to the sixth principle, which concerned remuneration. The seventh principle provided for the "allocation of a certain percentage of income to the United Nations" and had a twofold purpose: first, to increase the resources of the United Nations so as to strengthen its financial - and thus political - independence and, second, to enable the Organization to expand its international development activities both within and outside the framework of UNDP.

/...

(Mr. Khanachet, Kuwait)

Those were his preliminary comments on the three proposals examined by the Secretariat; he reserved the right to consider them in greater detail at a later stage.

Mr. ARORA (India) associated his delegation with that of Kuwait in supporting the establishment of an international agency to administer the sea-bed and the ocean floor in the interests of mankind as a whole and of the developing countries in particular. The idea of setting up such machinery was not new; it was referred to in many documents, including General Assembly resolution 2467 A and C (XXIII), paragraphs 57 and 58 of the report of the Economic and Technical Working Group, which were quoted in the report of the Ad Hoc Committee to study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/7230), paragraph 38 of the interim report of the Economic and Technical Sub-Committee (A/AC.138/SC.2/6) and paragraph 4 of the draft resolution submitted by India at the second session of the Ad Hoc Committee (A/AC.135/21). The preamble of the United Nations Charter itself expressed determination "to employ international machinery for the promotion of the economic and social advancement of all peoples". In 1961, the International Law Commission had suggested the establishment of an international council for the protection of the resources of the sea. Also noteworthy were the report of the Committee on the Conservation and Development of the Natural Resources of the United States and that of the Commission on Marine Sciences, Engineering and Resources.

The establishment of international machinery was important in order to ensure that the resources of the sea were used economically and efficiently and that the developing countries took part in their exploitation and management and in the resulting benefits. That would be one way of putting into practice the concept of the common heritage of mankind. Furthermore, international machinery would permit the equitable distribution of the benefits resulting from exploitation and would make it possible to maintain stability in world commodity prices. In the absence of such machinery, exploitation of the new source of wealth represented by the sea-bed would take the form of a frantic scramble in which the lack of clear-cut legal regulation would work to the advantage of the developed countries.

/...

(Mr. Arora, India)

If the desired results were to be achieved, the necessary powers should be vested in an international agency whose functions were not confined to the issue of licences for exploitation but extended to the regulation, supervision and control of all activities affecting the sea-bed. In particular, it should be empowered to set safety standards, propose development plans, establish its own budget, settle disputes between States, provide technical assistance to developing countries, distribute the income resulting from the activities in question and take appropriate measures to protect the developing countries against fluctuations in commodity prices.

He was pleased with the Secretary-General's report, which presented the available data in a readily assimilable form, was in conformity with the terms of reference set out in resolution 2467 C (XXIII) and provided a sound basis for further consideration of the question. As to registration, paragraph 56 of the report itself contained certain reservations with regard to the possibilities offered by such a system. While it was assumed in the report that registration would be definitive in character, that position could obviously be made more flexible.

The system of licensing afforded certain advantages, some of which were mentioned in paragraph 59.

In paragraph 70, the Secretary-General's report also mentioned a third possibility, namely that of establishing an international body with powers to conduct operations relating to exploration and exploitation. That possibility should not be dismissed in spite of the obstacles to it which were mentioned in the report.

His delegation reserved the right to return to the question at a later stage.

Mr. PHILLIPS (United States of America) pointed out the importance of the subject under consideration. He observed that it was clear that some kind of international machinery would have to constitute a part of any international régime governing the exploration and exploitation of the mineral resources of the sea-bed. He asked Mr. McKelvey to present the views of the United States delegation on this subject to the Sub-Committee.

/...

Mr. McKELVEY (United States of America) said that the question before the Sub-Committee - namely, appropriate international machinery - was highly complex and much time and effort would be required in order to work out a solution. The Sub-Committee's efforts would, however, be greatly assisted by the splendid study prepared by the Secretary-General and submitted as documents A/AC.138/12 and A/AC.138/12/Add.1. In his delegation's judgement, that analysis was by far the most thorough and the best yet available. He thanked the Secretary-General for the report and for having had distributed the 2 June revision of the report on mineral resources (E/4680), which would be most useful for the study of sea-bed resources exploration and development.

During its previous discussions, the Sub-Committee had identified the characteristics which the international machinery must possess, particularly from an economic and technical standpoint. First, there was general agreement that the machinery should be of such a nature as to encourage and promote sea-bed exploration and development. Of importance in achieving that objective would be arrangements that provided protection for investments, confidence in the stability of the rules, and an opportunity for a reasonable return, for no investor - governmental or private - would otherwise want to risk the large sums of capital that would be required. It was also necessary to guarantee all nations free access to sea-bed resources without discrimination and to provide satisfactory means of establishing claims to those resources, recognizing that the requirements might differ depending on the minerals involved. It was also essential to provide procedures for avoiding conflicts and settling disputes as well as for determining the size of claims, the period of time they could be held, the terms for renewal, and so on. It was important to ensure that exploration and exploitation were undertaken in accordance with adequate safety standards and to prevent or reduce wastage or damage which might result from exploitation. Furthermore, it was desirable to establish a royalty system which would enable the international community to share in the benefits. It was also necessary to encourage the development of services such as aids to navigation, maps, weather information and rescue facilities, all of which were necessary to support sea-bed operations. In addition, action must be taken to guarantee freedom of scientific research, encourage international co-operation and help the developing countries to acquire

/...

(Mr. McKelvey, United States)

the means of participating directly in the development of the resources of the sea-bed. Finally, arrangements were required that would be accepted by all nations of the world.

The challenge was to develop machinery which was appropriate to the task it had to perform, not simply machinery for its own sake. As other representatives had emphasized, it was important to pay attention to the cost of its operation, since otherwise it was possible that the proceeds from the exploitation of sea-bed resources would be entirely consumed by such machinery. As the Secretary-General had pointed out, the functions of the international machinery ultimately set up might range almost continuously from mere registry of claims, with no agreed-upon criteria or provisions governing exploration, exploitation, payment of royalties and the protection of other resources, all the way to extremely complex and cumbersome machinery at the other extreme. The three terms used in the Secretary-General's report - namely, registration, licensing and operations by an international agency - were useful but, taken categorically, there was the danger that they might conceal other alternatives.

If the international machinery was concerned solely with registration, there would be a scramble to establish claims and general confusion. At the present stage, his Government believed that the desired objectives could be accomplished by means of machinery, forming part of an international régime, that would include an international registry of claims governed by agreed criteria. Governments would be responsible for ensuring that their nationals adhered to those criteria, and the system would include adequate procedures for verifying compliance. The existence of an international registry would meet the need for controlled registration and would do much to promote the orderly development of sea-bed resources. It would not be costly, so that maximum proceeds would be available for the international community.

The extensive data assembled by the Committee made it plain that not many minerals were likely to be mined from the ocean floor. In view of the rapid advances of technology, it would obviously soon be technically possible to extract minerals and later, most likely, petroleum from great depths, and processes for recovering metals from manganese-oxide nodules were also expected

/...

(Mr. McKelvey, United States)

to be developed shortly. However, the exploitability of the deposits would depend on the comparative costs of production with that from other sources. The minerals that had some potential in areas beyond the limits of national jurisdiction were also found in deposits elsewhere that could be exploited at low cost, and land deposits might become even cheaper to exploit, even in the case of lower-grade ores, thanks to the anticipated technological advances in the exploitation of sea-bed deposits. The development of sea-bed resources beyond the limits of national jurisdiction would therefore probably be slow. Nevertheless, there was reason to hope that production would begin on a very limited scale within a few years and expand gradually thereafter. Machinery should therefore be designed to serve anticipated needs - not more than was necessary and not less. Included in the criteria and procedures of such machinery should be: (a) acceptable procedures for verifying compliance with the established operational standards; (b) effective procedures for the settlement of disputes; (c) provision for liability for damage resulting from the exploitation of sea-bed resources; (d) provisions designed to prevent interference with the exercise of the freedom of the high seas by other States or of the freedom of fundamental scientific research carried out with the intention of open publication; (e) acceptable criteria for commercial exploration and exploitation, covering such matters as the types of resources to be exploited under a claim, the size of the claim, the duration and termination of the claim, the accommodation of multiple uses of the sea-bed and the superjacent waters, and the relation between exploration and exploitation rights; (f) acceptable criteria governing operations designed to promote conservation and reduce pollution to an acceptable minimum, and (g) criteria establishing the eligibility and capability of the claimant and criteria governing minimum performance requirements.

His delegation did not yet have clear-cut views regarding the details of those provisions or the institutional arrangements that the machinery would require. At least at the outset, a system along the lines recommended by his delegation would appear to be by far the simplest and most effective, and it could be modified subsequently in the light of requirements. His comments had been of a purely preliminary nature, and the experience acquired by certain countries which had sought to develop sea-bed resources, as well as the discussions to follow, would unquestionably help his delegation to formulate more specific ideas. His delegation therefore looked forward to hearing about the experience and learning the views of other countries with regard to the subject under consideration.

The meeting rose at 12.45 p.m.

/...

SUMMARY RECORD OF THE NINETEENTH MEETING

Held on Monday, 18 August 1969, at 3.30 p.m.

Chairman:

Mr. DENORME

Belgium

/...

EXAMINATION OF THE ECONOMIC AND TECHNICAL ASPECTS OF THE REPORT SUBMITTED BY THE SECRETARY-GENERAL PURSUANT TO RESOLUTION 2467 C (XXIII); STUDY OF THE POSSIBLE REGIMES FOR THE EXPLOITATION OF THE RESOURCES OF THE SEA-BED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION (A/AC.138/12 and Add.1)

The CHAIRMAN proposed that the list of speakers should be closed at 5 p.m.

It was so decided.

Mr. LIVERMORE (Australia) congratulated the Secretariat on the high quality and conciseness of documents A/AC.138/12 and Add.1, which was particularly praiseworthy since the subject was a singularly complex one.

His delegation had not, at the present stage, taken a firm position with regard to the machinery or régime which should be adopted, and it felt that the discussions in the Committee would help to clarify the question. Its view was that ultimately the nature of the régime to be applied in the area lying beyond national jurisdiction might well be affected by the limits of the area concerned, and particularly the extent of the area over which coastal States would exercise exclusive national jurisdiction. Although it would not be advisable to wait until the boundaries of the areas had been determined before discussing the régime or machinery to be applied, it was important not to take final decisions until all aspects of the problem could be viewed in broad perspective. Any régime or machinery which might eventually be agreed upon should be effective, credible and impartial. In other words, the arrangements agreed upon must command the support of all the Governments concerned, the operators must feel confident that their titles were valid and would be protected where necessary, and, lastly, decisions must be impartial and expeditious.

The Secretariat paper identified and studied three major possible types of international régime: an international registry, a licensing system and an international agency which would itself explore and exploit the resources of the sea-bed beyond national jurisdiction. It was, of course, possible to devise intermediate solutions involving various combinations and permutations, so that a reasonably elaborate registry system could be very close to a modest licensing system. Rather than defining a particular system, it would therefore be preferable to consider the basic criteria of an effective system.

/...

(Mr. Livermore, Australia)

A mere registry system would be inadequate. Any international system or machinery must be as economical as was compatible with the requirements of efficiency and impartiality. There were certain fundamental conditions and standards which were vital whatever type of régime was adopted. Those related to such matters as the areas of title which could be registered or granted under licence; the periods of tenure of those titles; minimum exploitation requirements; the method of transition from an exploration title to a production title; the minerals to be covered by a title; the amount of the "take" to be levied by the international body; the conditions of renewal and procedures for cancellation, etc. For example, the simplest form of registry entailed an arrangement whereby an individual or a Government registered the fact that they were carrying out operations in a certain area. It would be quite unreasonable for one nation to register the whole of the sea-bed of an ocean. The area to be registered or granted would have to be large enough to be economically explored or exploited but not so large that it could not be effectively worked over a reasonable period of time.

It was also important to ensure effective operational supervision of off-shore work in the interests of proper resource management and in order to avoid unjustifiable interference with other uses of the marine environment. To some extent that supervision could possibly be undertaken by Governments under their national legislation. However, if such were the case, there would have to be prior agreement as to the minimum standards in terms of legislation and in supervisory expertise before a Government was recognized by the international registry or other regulatory authority as being competent to accept responsibility for supervising operations in the international area.

The arrangements would also have to safeguard the other activities of the sea and sea-bed and prevent pollution and interference with the natural ecology of the area.

The development of an internationally acceptable code of standards and procedures in that connexion would necessarily be time-consuming.

It had taken very nearly three years to draft a code for the Australian Federal system which comprised seven Governments. In his delegation's view, it was neither necessary nor desirable to determine immediately the nature of the authority, system or régime which would administer the code. However, the code

/...

(Mr. Livermore, Australia)

itself was essential, and the Sub-Committee should regard it as a priority task for the next session to devise one. Indeed, judging from Australia's experience, an agreement on a code of standards and procedures would help considerably in determining the nature and scope of the régime or machinery which would meet the needs of the present situation.

Mr. de ARAUJO CASTRO (Brazil) said that, owing to the delay in the circulation of documents A/AC.138/12 and Add.1, his delegation, like many others, could only make a few preliminary observations at the present stage. He would therefore refrain from commenting on the substantive issues mentioned in the Secretary-General's report and would not express any preference for one of the types of machinery outlined in the second part of the document; he would merely single out some points contained in the report which, in his Government's view, should be taken into consideration in setting up international machinery.

Despite some doubts felt by certain delegations, Brazil had always held that the rational and equitable development of the resources of the sea-bed would require the establishment of some kind of international machinery, without necessarily implying the exercise of exclusive rights by an international agency. The report of the Secretary-General indicated that even the very modest functions involved in registry would require some kind of institutional arrangements.

When the matter had been considered by the First Committee at the twenty-third session of the General Assembly, it had been requested that certain priorities should be granted to coastal States in the exploration and exploitation of the sea-bed resources, as was indicated in paragraph 18 of the Secretary-General's report (A/AC.138/12). Some attention had already been given to that question; for example, the Stratton report had suggested the establishment of an intermediate zone where the coastal States would enjoy exclusive rights of exploration and exploitation of the mineral resources, on the understanding that in all other respects that zone would be governed by the general régime for the sea-bed.

At its March session, the Sub-Committee had considered the question of mineral deposits located partly within the area of national jurisdiction and partly outside it. The Sub-Committee had envisaged two methods of solving the problem: the first would consist in establishing a buffer zone contiguous to the outer limits of national jurisdiction in which the coastal State would enjoy either a priority

/...

(Mr. de Araujo Castro, Brazil)

right or exclusive rights of exploitation; the second would consist in the joint exploitation of the deposits by the coastal State and the entrepreneur operating on the basis of the legal régime to be applied to the sea-bed. His delegation felt that preferential rights should be granted to the coastal State for the exploitation of deposits located partly beyond its national jurisdiction. In that connexion, the International Court of Justice, in its judgement of 20 February 1969 concerning the North Sea Continental Shelf, had indicated that the unity of mineral deposits should be one of the elements to be taken into account by the parties. However, the granting of preferential rights of that kind should in no way prejudice the delimitation of the area of national jurisdiction or be used to reduce the area of the sea-bed where the coastal State exercised the sovereign rights recognized by the pertinent Geneva Convention.

Moreover, at the last session of the Sub-Committee several delegations had urged that care should be taken, in setting up international machinery, to avoid creating a bureaucracy which would absorb the financial revenue benefits of ocean floor production (paragraph 85 of the interim report); his delegation fully subscribed to that view.

Paragraphs 37, 38 and 39 of the Secretary-General's report (A/AC.138/12) raised the issue of the provision of information by States or private operators on their activities on the sea-bed and ocean floor. His delegation felt that any future regulation should include an obligation on the part of the operator to provide the most detailed possible scientific and technical information; he recalled in that connexion the precedents established in article XI of the Outer Space Treaty and article III of the Antarctica Treaty. Paragraph 45 of the report referred to the possibility of registration of claims by international agencies; that was especially important for developing countries which could pool their resources in regional ventures.

With regard to the powers envisaged in paragraphs 52 and 53 of the report, international machinery for the sea-bed could perhaps devise a system of quotas for registration or a ceiling on the number of registrations a State could make. It might also be advisable to adopt an indirect method by which fees would be increased for additional registrations. His delegation thought

/...

(Mr. de Araujo Castro, Brazil)

it essential to endow the future machinery with powers of cancellation as well as inspection; with regard to the latter power, the report should be supplemented so as to make provision for the participation of officials of the coastal State in the case of activities in areas adjacent to the limits of national jurisdiction. In general, existing international law regarding the rights exercised by States over their continental shelf should be strictly adhered to in working out an international régime.

With regard to the vital issue of earmarking a substantial part of the benefits obtained from the exploitation of the sea-bed for the economic, social, scientific and technological progress of the developing countries, various methods should be considered before any decision was taken, including the possibility of transferring benefits directly to the State concerned without any intermediary organ. In view of the fact that the benefits should accrue to developing countries as a natural consequence of the concept of the common heritage of mankind, benefits should not be distributed as a form of economic assistance - not even through a United Nations organ.

Finally, with regard to the possible economic effects of the exploitation of the mineral resources of the sea-bed on the prices of raw materials, he wished to stress that the international machinery should ensure that production of sea-bed minerals did not unduly affect the price level of minerals obtained on dry land. In that connexion, there should be some form of control for the benefit not only of the developing countries but also of the private operators. Operators would probably be tempted to carry out operations on a very large scale, possibly causing great quantities of minerals to become available on the market with catastrophic consequences for all producers, on land or sea. An expert had pointed out that, in the short run, prices might be depressed to the point where all operations would become uneconomical. The international machinery should apply measures which were imaginative and bold enough to prevent the common heritage from becoming a common curse.

Mr. HASAN (Pakistan) said that his country had always attached great importance to the establishment of appropriate international machinery for the exploration and exploitation of the resources of the ocean floor in the interests of mankind and had reaffirmed that position by voting for General Assembly

/...

(Mr. Hasan, Pakistan)

resolution 2467 C (XXIII). He congratulated the Secretary-General on the clarity of his report on the question (A/AC.138/12 and Add.1). As his country's representative had said at the 1601st meeting of the First Committee, mankind was confronted with a choice between international order and anarchy. The international community must prevent all national appropriation. Pakistan therefore supported the establishment of an appropriate international régime governing the evaluation, exploration and exploitation of the resources of the sea-bed and the subsoil thereof in accordance with the purposes and principles of the Charter and in the interests of mankind.

If it was agreed that the high seas were the common heritage of mankind, membership in the international machinery to be established should be open to all States belonging to the United Nations and its specialized agencies and to all those which were not at present represented in the United Nations. It would be contrary to the principles of the Charter to exclude any nation from participating in an activity undertaken for the benefit of all.

By way of a preliminary comment, he wished to point out an apparent contradiction in paragraph 37 of the report: if the evaluation and exploration of the resources of the sea-bed were to be undertaken under the auspices of some sort of international machinery for the benefit of all peoples, it was difficult to understand how the provision of information gained by a State in that regard could be left to its discretion.

The question of registration and licensing posed certain problems. His views on the subject were close to those expressed by the representative of Kuwait, but he would not be able to take a definite position until he held certain consultations. He agreed that the act of registration should not entitle the State concerned to make a claim of sovereignty over the area in question. However, his delegation reserved its position regarding the view that registration would provide a means of recognizing an entitlement since sole exploitation of a given area was regarded as an essential condition for the effective conduct of exploitation operations.

His delegation would like the proposed international machinery to be a subsidiary organ of the United Nations with a secretariat and regulatory functions,

/...

(Mr. Hasan, Pakistan)

some of which might be exercised through regional international agencies. That was an important question. Machinery of that kind would be best able to protect the interests of the developing countries and, his delegation hoped, ensure their full participation in its activities.

Mr. DEBERGH (Belgium) said that there seemed to be agreement on the idea that the régime to be established for the exploration and exploitation of the resources of the sea-bed should be designed to serve the interests of mankind as a whole but that there were differences of opinion regarding the ways and means of ensuring that mankind benefited from that exploitation. Noting the three possible régimes mentioned in the report, he expressed the view that a system of international operation might prove to be a disastrous venture for the very people who hoped to profit most from it. If exploitation was not entrusted to an international organization, it would be necessary to attract possible investors by granting them favourable conditions and sound guarantees, without losing sight of the fact that the sea-bed was of common interest to mankind, and that its resources should be used for the benefit of mankind as a whole. The Sub-Committee had already gone beyond those two fundamental requirements. It had pointed out that all countries, coastal or not, should benefit from the development of the sea-bed; that consideration should be given to the special interests and needs of the developing countries; that the system should be effective, fair, impartial and stable and technically competent enough to inspire confidence; that it should be designed to encourage investment; and, lastly, that it was important to avoid creating an international bureaucracy which would absorb the financial benefits obtained. Since any régime called for the establishment of an administrative body, General Assembly resolution 2467 C (XXIII) envisaged the establishment of appropriate international machinery.

It was now essential to define at least some of the requirements which a profit-making international régime should meet before consideration was given to the distribution of the profits.

If it was agreed that the resources of the sea-bed were the common property of mankind, their management should be entrusted to a body which was representative of the international community. Nevertheless, he was reluctant to accept the idea that an authority was essential for the application of any régime of whatever

/...

(Mr. Debergh, Belgium)

kind. The establishment of a representative body could be justified only if it was agreed that the resources of the sea-bed were the common property of the international community.

In earlier statements, his delegation had already pointed out that concessions should not be granted only to one State or one company but to groups of States, thus enabling the land-locked countries and the developing countries to participate (A/AC.135/SR.5). Expert working groups could be entrusted with the task of defining the procedures for applying the legal regulations and the relevant sanctions. Study of the establishment of an international body responsible for granting exploitation concessions could be entrusted to a special working group (A/AC.135/WG.1/SR.10).

The functions suggested for such a body in a report prepared by the "New England Assembly on Uses of the Sea" would include registration, the granting of concessions, the arbitration of disputes, the promulgation of regulations governing conservation, pollution and utilization, the inspection of operations and the collection of royalties.

His delegation's position was flexible. There must be adequate conditions and guarantees to attract investors, who should be allowed to make some profit but should also be required to pay royalties that would be used for the benefit of mankind. An international authority would obviously be required for the purpose of granting concessions, and the functions to be entrusted to it should be clearly defined in duly negotiated international instruments.

In short, there must be adequate conditions and guarantees to attract investors, who would pay royalties that would bring benefit to mankind.

The meeting rose at 4.35 p.m.

/...

SUMMARY RECORD OF THE TWENTIETH MEETING

Held on Tuesday, 19 August 1969, at 3.15 p.m.

Chairman:

Mr. DENORME

Belgium

later,

Mr. ARORA

India

EXAMINATION OF THE ECONOMIC AND TECHNICAL ASPECTS OF THE REPORT SUBMITTED BY THE SECRETARY-GENERAL PURSUANT TO RESOLUTION 2467 C (XXIII); STUDY OF THE POSSIBLE REGIMES FOR THE EXPLOITATION OF THE RESOURCES OF THE SEA-BED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION (A/AC.138/12 and Add.1) (continued)

Mr. MIGLIUOLO (Italy) said that the report prepared by the Secretariat (A/AC.138/12 and Add.1) was very well done and complete. In particular, the study of the actual scope of the machinery was preceded by a very useful summary of the basic facts and of the results of the discussions which had taken place on various occasions on the whole question of the peaceful uses of the sea-bed.

His delegation considered that in order to make a definite choice in the matter of machinery it was necessary to take into account the existence of certain special situations requiring special solutions. For that reason, his delegation was grateful to the Secretariat for mentioning the needs of the regions which lay close to zones of exploitation and the special problems which arose in connexion with internal and marginal seas - questions which had been raised in the General Assembly and in the Ad Hoc Committee. Another important point which would have to be taken into account concerned the definition of the limits of the zone in question and the legal principles which were to form the basis of the international régime.

His delegation had already emphasized on several occasions that in order to take final decisions on the question of international machinery, it would be necessary first of all to undertake a detailed assessment of the economic, social and political interests of States. It therefore did not wish to take a firm position except within the over-all framework of solutions to the various problems which arose. For the time being it wished only to draw attention to a number of general conditions which, in its view, the machinery should fulfil:

First, its prime characteristics should be simplicity and effectiveness;

Secondly, it was essential to avoid making the structure too ponderous and bureaucratic;

Thirdly, the machinery should legally guarantee the rights of exploration and exploitation; it should guarantee the stability of the relevant regulations; it should provide the means of establishing equitable fees for the benefit of

/...

(Mr. Migliuolo, Italy)

the international community (calculated so as always to ensure a profit for the entrepreneur); and it should establish reasonable standards of conduct such that all damage and danger to other maritime activities and interests could be avoided.

Mr. Arora (India), Vice-Chairman, took the Chair.

Miss MARTIN-SANE (France) said that, owing to lack of time, her Government had not yet been able to reach a definite decision on its position in relation to the complex question under consideration. Her delegation had, however, a number of comments to make concerning the main problems which seemed to emerge from the document prepared by the Secretariat.

First of all, her delegation took the concept of "international machinery" in a broad sense. In its view, that term could be understood to mean a collection of agreed rules dividing the various functions among several agencies, organizations or corporate bodies which already existed or were yet to be established - or else laying down certain procedures.

The first question which arose concerned the general preliminary conditions relating to the "admissibility" and "viability" of such a régime. The "admissibility" of the régime meant that it should fulfil certain conditions and above all should be acceptable to the great majority of States. To achieve that aim, it would have to be equitable and would have to offer advantages to all States, with or without access to the sea, which would be in a position to benefit from it either directly or indirectly. That presupposed a consensus on a number of fundamental rules, which would form the subject-matter of a declaration of principles on which the foundations of the régime might be laid. In speaking of the "viability" of the régime, her delegation meant that it must ensure the rational exploitation and optimum economic utilization of the resources of the sea. In other words, it must offer all appropriate guarantees of its own efficiency and impartiality. There must also be the assurance that those called upon to apply it were technically and administratively competent while certain safeguards and incentives must be provided for the prospectors and exploiters. "Viability" also implied that measures would be taken to protect the environment.

(Miss Martin-Sane, France)

and the other resources of the sea by limiting as far as possible the damage which might be done to them, preventing interference with traditional maritime activities, facilitating scientific research and minimizing the risks of conflict between nations.

In discussing the possible functions and powers of the international machinery, the Secretariat envisaged three possibilities, namely, registration, licensing and operations by an international agency. The third formula, which would entrust operational activities to a newly established international agency, would involve a very elaborate and complex structure and would require an organization of vast dimensions. Its establishment would present various problems, for example, the raising of initial capital, the grant of juridical personality, the conduct of operations, the question of responsibility and the legislation applicable to its work. Those tasks would no doubt be entrusted to third parties by means of a system of service contracts - which would in effect be equivalent to the second possibility envisaged by the Secretariat (licensing). The operational activities could also be carried out directly, but that solution was difficult to imagine. The complex structure which would have to be established in both cases would absorb, at the very least, all the income from the exploitation of the sea-bed and therefore did not seem to meet the legitimate aspirations of the developing countries.

Finally, there were the respective merits of the other two solutions to be considered: registration and licensing. The differences between those two systems mainly concerned the scope of the powers of the organization which would be set up. In the case of registration pure and simple, the role of the organization was essentially passive and its functions were limited. That gave rise to a number of questions. First, how were the powers of the registering body to be defined? Must it limit itself to registering the claims submitted to it and publishing a list of those claims? Should it determine the technical and financial capacities of the claimant and require proof of those capacities? Could it make registration conditional on compliance with basic specifications designed to safeguard the freedom of the sea and the marine environment? Could it be induced to issue a particular set of regulations, rules relating to the demarcation of zones, the limitation of the size of areas, royalties, etc.?

/...

(Miss Martin-Sane, France)

Secondly, what would be the criteria and the effect of registration? If the powers of the organization were limited as far as possible, would the chronological order of the submission of claims relating to a particular zone be the deciding factor (just as the order of registration was the deciding factor in the case of mortgages)? On the basis of what criteria would preference be given? Would guarantees be offered to those who registered activities? Would the act of registration confer exclusive exploration and exploitation rights, or would it be merely a necessary entitlement to carry out activities, or again would it give a preferential position for obtaining exclusive rights later?

In the case of licensing or the granting of concessions, the organization would be called upon to confer specific rights within the boundaries of a given area, and to exercise a choice. That solution allowed the organization to treat a deposit as a single unit and to exercise an over-all control which might even extend to regulating the volume of production, if the need arose. It could also give the licensees greater security, but it would require an infinitely more complex system. Indeed, the more powers were given to the registering agency envisaged in the first system, the more similar that system became to the second system. There was, in fact, only a difference of degree rather than a difference in kind between the two systems.

In the view of her delegation, there were six categories of problems which were common to both systems.

First category: Who could effect a registration or hold a licence? In the present state of international law only States or groups of States could be empowered to effect registrations on behalf of their nationals (individuals or corporate bodies) or to receive licences. As a rule it was Governments that dealt with international organizations, for the latter did not usually have jurisdiction over individuals. In all the proposals formulated so far, the State was generally regarded as being the appropriate entity to deal with the international organization. Certain questions - for example how the permits were to be granted - should remain within the competence of the State and belonged to its internal jurisdiction, for the international organization should not, in principle, have the right to scrutinize the ways in which the State carried out its obligations. It might simply be pointed out that most countries used a system of concessions in granting mining rights.

(Miss Martin-Sane, France)

Second category: What kind of rights were to be granted? They could be made exclusive at the prospecting or exploitation stage and be made applicable to specific zones and to one or more particular categories of resources. Should the acquisition of exploitation rights be made dependent on the previous existence of a research licence? Should the automatic conversion of exploration rights into exploitation rights be permitted, when a deposit was discovered? Under what conditions would the rights be converted? There were various possibilities, for example: reduction of the size of the zone, an increase in the scale of the royalties, dissemination of the information which had been acquired, and compensation for the dissemination of the information in the case of non-conversion.

Third category: the dissemination of scientific and technical data. To what extent, at what stage of the operation, and after what period of time would it be compulsory? How and by what procedure would it be carried out? It had been suggested that it should take place after the granting of exploitation rights or after a period of two years from the time of the discovery. That, however, raised the problem of industrial secrets, which could not be underestimated without discouraging potential exploiters.

Fourth category: the possible limitation of the cases in which titles would be granted and of criteria for selection. The result of such provisions should be to maintain a certain equilibrium between States and to prevent unproductive monopolization. They might relate to the extent of areas likely to be covered by registration or licensing, to the period of validity of the title, to the type of exploitation covered by the title and to the conditions governing the granting of titles. It was also necessary to establish the criteria to be used in granting a title - whether it involved registration, if claims were submitted simultaneously, or licensing.

Fifth category: regulations which might be established by the international body. In principle, the legislation governing operations would be that of the State which held exploration or exploitation rights, but it was necessary to establish a minimum number of rules such as specifications, international regulations for the conduct of operations, or technical standards. Such regulations should cover the following points in particular: Protection of the

(Miss Martin-Sane, France)

freedom of the sea and traditional activities, conservation of the resources of the sea and protection of the marine environment, prevention and limitation of pollution, protection of installations (safety margin, navigation corridors), protection of workers, assistance system, responsibility system (principles relating to the extent of damages for which compensation might be paid, methods of settlement, insurance requirements) and need to consult riparian States and other users of the sea. Such regulations might either be submitted for approval by States members of the international body or be enacted by conventional means. As it had already indicated previously, her delegation was convinced of the need to make maximum use of existing international structures and to consider amending existing conventions so as to include a number of subjects related to exploitation of the sea-bed. It would be particularly useful if the Secretariat were to extract relevant material from existing texts, which, if they were adapted or amended, would make new international instruments unnecessary.

Sixth category: inspection or control. How could such inspection or control be exercised? Should arrangements be made for regular progress reports, periodic or special inspections? Should there be a police force to supervise operations? Possible sanctions (withdrawal or non-renewal of licenses)? What would be the extent of such control and by whom would it be exercised?

In stressing the problems which were common to the registration system and the licensing system, her delegation had considered that the members of the Sub-Committee should agree on a number of questions and that they should be guided by such replies as might be made by delegations. It was, of course, possible to envisage a solution combining the two systems even at the present stage, since they were not contradictory, and to imagine at the outset a registering body whose structure would be so constituted as to be sufficiently flexible for it to be given additional functions such as the issuing and control of licences. Those observations by her delegation were merely of a preliminary nature and the study of the questions posed by international machinery might profitably be continued in the Legal Sub-Committee. In any case, if such machinery was to come into existence, it would naturally entail the development of a royalty system which might help to defray the cost of its operation and which

(Miss Martin-Sane, France)

would enable it to achieve one of the objectives of resolution 2467 (XXIII), namely to take into special consideration the needs of the developing countries. That was a further reason for not establishing too complex a body whose operating cost would be so prohibitive that it would defeat its purpose.

Mr. Denorme (Belgium) resumed the Chair.

Mr. WOODLAND (United Kingdom) said he intended only to make some preliminary observations on the economic and technical factors which should be taken into consideration when studying the question of an international régime and the question of the international machinery which might be instituted within the framework of such a régime.

The report submitted by the Secretary-General (A/AC.138/12 and Add.1) would greatly assist the Committee in its work.

The Main Committee would also find several useful observations on the economic and technical questions relating to the establishment of an international system in the interim report of the first session of the Economic and Technical Sub-Committee (A/AC.138/SC.2/6).

It was only natural that the Secretary-General's report should not develop the idea of international machinery as fully as one would have wished. The report had had to be produced in six months despite the tragic death of Mr. John MacMahon, who had prepared the first outline, whereas an exhaustive treatise would have required several volumes and would have taken much longer.

One of the proposed systems - that of an international body to conduct operations relating to exploration and exploitation - raised some extremely complex economic and technical considerations. The United Kingdom considered that it was premature to consider the establishment of such a body, since, other factors apart, there was no means of forecasting at the present time whether it would be economically viable.

The two other systems - registration and licensing - were not entirely separate options. Many of the attributes listed under registration might also be applicable to a licensing system. A choice might have to be made between an infinity of options, ranging from recording as performed by the Secretary-General in connexion with activities by States in outer space, to the full list of functions envisaged for a licensing system. The point in this range to be chosen would depend on a number of technical, economic and legal factors.

/...

(Mr. Woodland, United Kingdom)

Turning to the second part of the report, his delegation considered that, with regard to the collection and dissemination of information, a distinction should be drawn between pure scientific research and exploration for commercial purposes. The former was carried out with the sole intention of enlarging man's knowledge and granted no right of exploitation. It should also be realized that much scientific information would be obtained in the course of exploitation activities.

Paragraphs 43, 44 and 61 posed the question whether operators, whether private bodies or States would derive their rights directly from an international authority. It had been recognized that, if such an international authority were set up, it would be necessary to establish minimum standards to avoid pollution, ensure operational safety, and so on. Many States already had legislation to control activities on their continental shelves. Paragraph 61 referred to the possibility of making use of existing national legislation, and instituting a two-tiered system, under which the States concerned would make full use of their existing national arrangement while entering into direct relationships with the international machinery. That would enable substantial savings to be made and would prevent duplication. Exploration and exploitation would be regulated by States, subject to the internationally agreed minimum standards.

What was the best means of deciding between the potential operators? Paragraph 46 suggested that registration should be on a "first come, first registered" basis. Paragraph 62, on the other hand, suggested that licenses might be granted on the basis of competitive bidding, the drawing of lots or assessment of the financial and technical capability of the various candidates. The last requirement was important and paragraph 48 implied that the State concerned might be in the best position to make such an assessment. However, prior assessment would not obviate the need for a permanent system to ensure enforcement of the minimum standards which had been established; indeed, such a system would seem necessary even if evidence of capability had been furnished prior to commencement of operations.

How were abuses to be prevented? Paragraph 46 referred to the possibility of States registering unreasonably large claims without proof of economic potential and paragraph 47 referred to the maximum areas a State would be entitled to register. It was of prime importance that any régime should be equitable and should take into consideration the interest of all States, especially the

(Mr. Woodland, United Kingdom)

developing countries. One means of ensuring equitable division of resources, while at the same time preventing undue difficulties from being placed in the way of potential operators in obtaining licences, might be to set limits on the areas which might be exploited, as was suggested in paragraph 52.

Paragraph 48 pointed out the need to safeguard the interests of other users of the sea. That was very important.

Paragraph 51 (i) drew a distinction between preliminary investigations and exploration with a view to exploitation. It was not always easy to distinguish those two aspects, but any regulations which might be established should not interfere with a State's freedom to conduct scientific research. With regard to exclusive rights, the points made in sub-paragraphs (iii), (iv) and (v) were interrelated. Operators would naturally require an exclusive lease within their area of exploration, although leases might well be limited to single minerals or groups of associated minerals. It might be possible to have overlapping lease areas, each for different minerals, and, in the event of simultaneous discoveries, there should be machinery for determining priority. It was usual on the continental shelf for operators to expect an exploration lease to be converted automatically into an exploitation lease and such a practice might be applied to the sea-bed.

In the interests of the orderly development of sea-bed resources, some system of establishing priorities was necessary. For example, it was practically impossible to dredge manganese nodules in areas where oil- or gas-producing installations were already located; exploration methods for hydrocarbons and minerals were different and the desirable information regarding all minerals might not always be to hand at the required time. It would be essential to decide which activity should be given priority; that in turn underlined the urgent need for complete scientific exploration of the sea-bed.

The United Kingdom regarded paragraph 56, dealing with regulatory functions, as particularly important. The size of areas covered by any lease would depend on the minerals involved, their mode of occurrence and their location, but there would have to be an equitable distribution of lease areas. The duration of leases was often such as to encourage operators to proceed with exploration as quickly as possible and to proceed with exploitation as expeditiously as the needs of the international community required.

/...

(Mr. Woodland, United Kingdom)

There was an overriding need to codify existing rules dealing with the prevention of pollution, and to set up machinery for international co-operation and for the speedy exchange of information in that connexion. As an example, the States bordering the North Sea and Western Baltic had recently signed an Agreement for co-operation in reporting and surveillance of oil slicks, assistance in clearing-up operations and the exchanging of research information.

In view of the complexity of the international machinery envisaged, it would be well to consider the cost of such arrangements. Operations at sea were far more expansive than on land; they entailed greater risk, and it would be many years before they were profitable. At the present stage, operators must not be burdened with discouragingly heavy payments. The benefits derived by the international community from fees, rents or royalties would necessarily be fixed and limited in quantity, and the cost of any international arrangements would have to be met from this sum. It was essential, therefore, that any machinery should be no more complex than absolutely necessary.

Mr. KALINKIN (Union of Soviet Socialist Republics) noted that two years had elapsed since the United Nations had broached the question of reserving exclusively for peaceful purposes the resources of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, and of using them in the interests of mankind. The matter had been taken up at two sessions of the General Assembly and had been considered in detail by an Ad Hoc Committee. That had provided the opportunity to accumulate knowledge, to specify methods which would enable certain problems to be solved, and to determine the order in which the various issues should be dealt with. It seemed to be generally agreed that States should not be allowed to appropriate particular areas of the world-wide ocean and that its exploitation should be undertaken for the benefit of all countries, in the interest of all mankind. The problems of the sea-bed were of concern to all countries. The USSR, while recognizing the importance and urgency of those problems, was aware of how new the field was and how little was known about it and had, therefore, always felt that no hasty decisions should be taken.

Many documents had been issued on the question, including the report of the Ad Hoc Committee, which had given an objective picture of the current state and future possibilities of exploitation of the resources of the sea-bed. Mention

/...

(Mr. Kalinkin, USSR)

should also be made of the report of the Secretary-General on the resources of the sea beyond the continental shelf, the report on mineral resources of the sea submitted at the forty-seventh session of the Economic and Social Council (E/4680) and the report on Marine Science and Technology.

The document now before the Committee (A/AC.138/12) contained much useful information and set out various opinions on the establishment of international machinery of the kind referred to in General Assembly resolution 2467 C (XXIII), thus providing the elements of the future legal régime which would make it possible to regulate the exploitation of the natural resources of the world-wide ocean.

A preliminary examination of that report brought out the complexity of the problem and the need to study it thoroughly before coming to a final opinion.

The USSR agreed with the Chairman's statement that economic considerations would have a decisive influence on the choice of the appropriate international machinery. It therefore regretted that the study submitted by the Secretary-General did not go into detail on economic and technical questions. That was a serious omission. The abundance of data which it did contain could serve as a basis for discussion, but it was difficult to consider the economic and technical aspects if that aspect of the problem had not been examined in the report as fully as it should have been.

The task could not be tackled without taking into account the work of the Ad Hoc Committee, since that work had clarified the economic and technical aspects of the exploitation of the natural resources of the sea-bed. A reading of the report of the Ad Hoc Committee disclosed how little was known about marine mineral resources; the knowledge that did exist was limited to a small part of the continental shelf; beyond that, it was very incomplete. Moreover, the technical means that would be needed for the industrial exploitation of those resources did not yet exist and, even if technology made rapid progress, it would be a long time before such exploitation became profitable. It appeared that at present the costs involved in marine mineral development were much higher than the cost of operations conducted on land, so that marginal resources on land would often be given preference over marine mineral deposits.

The various documents which had been issued on the mineral resources of the sea-bed contained information on the prospects and possibilities of exploiting those resources. That information should be used as a basis for establishing in due time international machinery, after the economic and technical factors had been considered, so as to provide an over-all view of the problem.

(Mr. Kalinkin, USSR)

In that connexion, it was impossible to ignore the problem of determining the precise limits of the ocean floor beyond the limits of national jurisdiction. That had important economic aspects, since mineral resources were not uniformly distributed on the ocean floor, but were more accessible and more valuable on the continental shelf. The present uncertainty on that point might be a serious obstacle to the formulation of legal standards to be applied to the exploitation of the resources of the sea-bed or to the detailed preparation of the structure and organization of international machinery.

The Soviet Union would confine itself for the moment to those general considerations and might wish to speak again on the question.

Mr. PINTO (Ceylon) said that the international machinery should be based on a principle which his Government considered to be basic and which it would have liked to see included in the declaration of principles now being prepared by the Legal Sub-Committee through the addition of a paragraph, reading as follows:

"States shall co-operate with a view to ensuring that the proceeds derived from activities with respect to the sea-bed shall be applied in an equitable manner, taking into account the paramount need to accelerate as far as possible thereby the economic growth of the developing countries."

His delegation considered that the highest expression of such co-operation would be the establishment of appropriate international machinery. The Secretary-General, in his excellent report, had provided a very comprehensive survey, not only of the powers and functions of such machinery, but also of the possible forms that machinery might take and the various organizational problems that would have to be considered. His own delegation's view was that the main function of the machinery should be to ensure that the proceeds derived from activities with respect to the sea-bed would be applied in an equitable manner, in accordance with the principle he had just stated. In order to perform that function, the machinery should be equipped with sufficient powers. It should, in fact, have the four separate types of powers and functions which the Secretary-General had described in his report - registration, licensing, conduct of operations, and settlement of disputes. The constituent instruments of the new machinery should at least confer all those functions in explicit terms.

/...

(Mr. Pinto, Ceylon)

It was possible that at the outset the machinery would only be able to deal with registration and licensing. It would probably not have the expertise, the equipment or the financial backing to conduct its own exploration and exploitation of the sea-bed, but that was no argument against giving it the powers necessary to do so. On the contrary, there was a need for the machinery to evolve within a legal framework which would ultimately enable it fully to perform its function as administrator of the sea-bed and the ocean floor, the common heritage of mankind.

His delegation was not in favour of constituting machinery for the registry function alone, even on the understanding that other functions would be added later. It often happened in international affairs that what started as something temporary became permanent. It would therefore be desirable for the machinery to be constituted at the outset to cover all the functions mentioned in the Secretariat report, including the adoption and implementation of appropriate standards and practices in the areas of health, safety and pollution control, the prevention of wasteful extractive practices, the adoption of rational marketing arrangements and so forth.

The machinery should have a right to grant or refuse a licence, depending on the extent to which the applicant conformed to the criteria laid down. But beyond that there should be bargaining to ensure that the maximum possible was obtained by way of royalties for channelling to the developing countries. His Government was not opposed to an operator's earning a reasonable profit, but every effort should be made to favour, as among competitors for concession, the one who offered the largest part of the proceeds to the Organization.

With regard to the disposition of the proceeds, consideration might be given to channelling them to developing countries as project assistance, through international or regional financial agencies which already had developed expertise in the field of project evaluation, implementation and supervision.

In conclusion, he did not think that consideration of even so important a topic as the international machinery should divert the Committee from its work on what was the immediate goal for the current session, namely, the adoption of a draft declaration of principles applicable to the sea-bed. His delegation felt

/...

(Mr. Pinto, Ceylon)

that such a declaration might simply refer to the need for international machinery in general terms which would not prejudice the position that any State might take when the details of the machinery's functions were worked out; the Committee would be called upon later to intensify its study of the machinery, in order to be able to work out the details regarding its powers and functions. It would be necessary then to determine in what way the machinery was to be brought into the United Nations system - whether it should be a daughter body, such as a commission, or whether it should occupy a more autonomous status, like that of a specialized agency. While his delegation would favour a close and continuing relationship with the United Nations, it also would wish the institution to be open to the widest possible membership.

Mr. ARORA (India) felt that the representative of France, in her able and interesting statement, had considered the scope of the activities which the international machinery might undertake from a quantitative rather than a qualitative point of view. From that point of view, her conclusions might appear to be irrefutable. Nevertheless, there were also qualitative differences among the kinds of machinery referred to in the Secretary-General's report that should not be disregarded. He noted the pertinence of the observations made by the representative of Ceylon in that regard, and the same inferences could be made from document A/AC.138/12, paragraphs 58 and 71, which he quoted.

The representative of France had stated that the structures of certain existing bodies should be used as a model. That was true, but it must be borne in mind that new situations were involved and the new structures must be tailored to them. In that regard, he agreed with the representative of Ceylon that it would be wrong to establish temporary machinery with limited functions; such temporary machinery might become permanent.

Some delegations had expressed the fear that the establishment of international machinery would give rise to a bureaucracy that would absorb all the profits from the exploitation of the sea-bed; his delegation did not, of course, wish that to happen, but it felt that if any machinery was to be established some costs would have to be accepted.

(Mr. Arora, India)

The urgency of the Special Committee's task was clear from the statement made to the Sub-Committee by the United States representative on 15 August, in which he had said that it would soon be possible to extract petroleum from the sea-bed. The Sea-bed Committee would therefore soon have to take a decision regarding the establishment of machinery. The plenary Committee itself was perhaps in a better position than the Sub-Committee to study the question, but the Sub-Committee should also give it active consideration.

The meeting rose at 4.50 p.m.

SUMMARY RECORD OF THE TWENTY-FIRST MEETING

Held on Wednesday, 20 August 1969, at 3.15 p.m.

Chairman:

Mr. DENORME

Belgium

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 THESE RESOURCES IN THE INTERESTS OF MANKIND (A/AC.138/12 and Add.1)
(concluded)

Mr. McKELVEY (United States of America) said he was pleased to note the general recognition of the need for machinery that would exercise agreed controls and procedures going far beyond the mere registry of claims. The discussion had also drawn attention to special problems such as the interest of the coastal States in certain activities which went beyond the limit of their jurisdiction over sea-bed resources.

However, some of the suggestions concerning the forms and functions of international machinery would not, in his delegation's opinion, serve the fundamental objective. He was referring in particular to the suggestions that sea-bed exploration and exploitation ought to be undertaken by an international organization, that the production of sub-sea resources should be controlled in order to stabilize prices for land producers, and that the number of claims or the total acreage to be held by a given country should be limited in some way. Such procedures might discourage sea-bed exploitation and narrow the benefits to the international community.

The concept of an international agency empowered not only to govern completely exploration and production of sea-bed resources but also to explore, exploit, refine and market them itself or through sub-contractors, gave rise to a number of problems at the very outset. As the Secretary-General had pointed out in paragraphs 73 and 74 of his report, such an operational agency would require a large initial capitalization. Individual projects in the marine environment might require the expenditure of between \$50 million and \$100 million before any commercial production was attained. Problems would arise in the distribution of profits to investors and to the international community and in the use of patents. The Secretary-General had also raised the problem of how contracts would be awarded in such a way as to give due weight to economic considerations and to the need for equitable sharing among participating States.

(Mr. McKelvey, United States)

Besides those formidable obstacles, there were four other serious weaknesses in the proposal. Firstly, there was the difficulty not only of raising large capital sums but also of incurring risks that might place a heavy burden on the international community. Mineral exploitation and mining was an extremely risky business. Large sums might be spent without finding a deposit suitable for commercial exploitation. Once the deposit had been discovered, the technical problems of mining itself might prove insurmountable and the conduct of operations in hostile environments might lead to costly disasters. Adverse market fluctuations might reduce entrepreneurs to bankruptcy and force them to close down operations being conducted at a loss. Instead of forcing the international community to assume such risks, it was far better to put it in a position where the risks were taken by others and where it could nevertheless participate in the successes when they were achieved.

Secondly - and conversely - an international operating organization might not be prepared to take enough risks to be successful. In such a new field, many failures were likely to precede a successful venture. Under the system of private enterprise, investors who took over from those who had failed brought in their own capital, learned from the experience acquired, and sometimes succeeded, by using new ideas or new techniques, in finding petroleum in ground unsuccessfully explored by others. Would the supporters of an international operating organization have the staying power to keep going when project after project had met with defeat? It was far better to allow individual operators, whether they were private persons or were acting for one or more States, to undertake the necessary efforts and, encouraged by the chance of profit, to incur the risks involved in prospecting and exploring. If the development of sea-bed resources was to be for the benefit of all mankind, it was important to encourage as many entrepreneurs as possible to take the initiative. Many would probably fail, but there would at least be the certainty of finding some minable deposits and bringing them into early production.

The third disadvantage would be the conflicts which an international operational organization would meet and perhaps even generate in the marketing of its mineral products. If its production were to become large enough to be

/...

(Mr. McKelvey, United States)

a major factor in world production, where would it find its markets? It would be acting only as an exporter for, unlike most countries which used a share of their own raw materials for manufacturing purposes, the international organization would not be composed of any users. Its main aim would be to make a profit on the production of raw materials. Under pressure from the international community to make a profit on its production, it would inevitably try to push prices upward, to the detriment of world consumers, or to cut prices in order to widen its markets and dispose of its products, to the detriment of land producers. Neither result would be beneficial, and either might result from the actions of a world organization having as its primary objective the attainment of profits.

The fourth and one of the most serious disadvantages would be the effect on the developing countries. If such a body were instructed to explore resources in the most efficient way possible, the developing countries would probably be denied the opportunity to participate in the activities and to profit from them. As the United States delegation had previously stressed, the main benefits from mineral development did not come from royalties or profits on production but from the uses and industries that minerals made possible. The multiplier effect of the service and supply industries surrounding the mining and refining activity might be two to four times larger than the gross value of the mineral produced. There was also the technological spillover, as new techniques acquired in the primary industry found applications in other industries. There were also the social benefits derived from developing skills and knowledge. Finally, there was the far greater value of the manufacturing industries which the use of minerals, in contrast to its mere production, made possible. Although the developing countries were unable to participate in sea-bed exploration now, every effort must be made to help them prepare to participate. The establishment of an organization to do the job for everyone would not merely delay their participation but would also restrict it considerably.

His delegation also opposed the idea that machinery should be developed to control production of sea-bed resources so as to protect the markets of land producers and maintain prices for minerals on which some developing countries depended heavily for their national income. The problem of stabilizing raw

/...

(Mr. McKelvey, United States)

material prices was very real, but it must be solved as a whole, regardless of the origin of the minerals. Control machinery dealing only with sea-bed resources could hardly be expected to solve such problems and we would hardly encourage sea-bed exploration and exploitation if we were to tell the successful prospector that we might arbitrarily limit the amount he could produce. In that case, he would be well advised to conduct his operations in areas where such limitations did not exist.

His delegation also opposed the idea of limiting the number of claims or the acreage that an organization or a nation might hold because such a direct limitation might act to discourage exploration and development. It was true that only a few countries now possessed the financial and technological capability to work in the marine environment but no country had thus far developed the capabilities necessary to produce minerals from great depths in the sea in competition with land production. Nevertheless, it was a safe assumption that they would attain that capability; but if they were discouraged from trying, no income would accrue to the international community and no technological capability that could eventually be shared by all countries of the world would be developed. Rather than limit access to marine resources, it would be far better to discourage a producer from holding more ground than he needed and require him to achieve production to hold his claims after a reasonable period. The benefits from such a system would accrue to the developing countries as well as to the developed ones.

To sum up, the establishment of international machinery endowed with excessive powers of control would, in his delegation's view, run counter to the objectives which all countries shared.

Mr. PAVICEVIC (Yugoslavia) said that as the Secretary-General's report (A/AC.138/12 and Add.1) had been circulated too late to make it possible for his country's authorities to give it the attention it deserved, he would confine himself at present to making a few general remarks.

It could be assumed that the principle of establishing appropriate machinery was accepted by all and the present task was to find ways and means of doing so in the best possible way in order to satisfy the primary goal: the exploration,

/...

(Mr. Pavicevic, Yugoslavia)

exploitation and use of the sea-bed and its resources for the benefit of mankind as a whole, with particular attention to the needs and interests of developing countries. He stressed that the question of establishing appropriate machinery was by its very nature closely related to that of an international régime for the sea-bed beyond the limits of national jurisdiction, as well as the two problems being interrelated in the process of their solution. He said that the starting point for a solution of the problem of international machinery lay in the concept that the sea-bed and its subsoil beyond the limits of national jurisdiction were the common heritage of mankind and that consequently all States had the right to participate in the exploration and exploitation of the resources of the sea-bed. What was more important, they had the right to participate in equitable sharing of the benefits derived therefrom. It followed from that concept that States also had the right to participate in the administration and regulation of the exploration and exploitation of the sea-bed. The Legal Sub-Committee was now endeavouring to give those rights legal form, while the Economic and Technical Sub-Committee was discussing the establishment of appropriate machinery to ensure their exercise.

The entire problem of creating such machinery could be viewed from several different angles and there were also many questions to be examined and answered.

First, there were the problems relating to the régime of exploration, exploitation and uses of the sea-bed and specially those related to the rights and obligations of those who would be directly engaged in the exploration, exploitation and use of the sea-bed and its resources. Some of those problems were referred to in paragraphs 33 to 86 of the interim report of the Economic and Technical Sub-Committee (A/AC.138/SC.2/6). In that connexion he would emphasize that the international régime to be established and the instrument that would give it form should be stable and reflect the interests of the operators as well as the interests of the international community. In that regard, a number of questions had to be considered: conditions to be fulfilled by the operator, the area in which he would operate, the scope and duration of his rights, etc. It was necessary to determine the operators' rights and obligations towards the international community and to ensure respect for the provisions of

/...

(Mr. Pavicevic, Yugoslavia)

the international régime under which they would be operating, as well as their obligations towards the protection of other uses of the sea and the protection of the marine environment. Among the obligations of operators towards the international community was the obligation to furnish information on their activities before, during and after their performance. He recognized the necessity of providing answers to those as well as to other questions, such as the problem of industrial secrets which had been raised by potential operators in developed countries.

There should be a special instrumentarium (set of instruments and means for their implementation) which would regulate those problems.

The Sub-Committee must also consider to what extent and in virtue of what instruments the operators would share their benefits with the international community.

The second series of problems concerned the relations between the interests of the operator and those of the international community. Those problems also required adequate and appropriate instruments for practical implementation of the principle that exploration, exploitation and use of the sea-bed and its resources beyond the limits of national jurisdiction would be for the benefit of mankind as a whole, with particular attention focused on the special needs and interests of developing countries. While that principle was accepted by all, the ways and means of applying it in practice had still to be determined. At the previous session of the Sub-Committee, his delegation had asked that at its next session the Sub-Committee should undertake the elaboration of instruments for that purpose. Those instruments were very important as they would provide for the possible redistribution of the value of benefits from the exploration, exploitation and use of the said part of the sea-bed and its resources. Furthermore, those instruments should be stable and effective but, at the same time, sufficiently flexible to cope with the variety of circumstances in which the exploration, exploitation and use of the sea-bed would be carried on. For example, operations in greater depth would probably exercise a different effect on the part by which the international community would participate in the benefit. The same was true for different criteria concerning the exploitation

(Mr. Pavicevic, Yugoslavia)

of various minerals, such as oil, manganese nodules, uranium, etc., as well as for other criteria: investments involved in the operation, readiness by the operator to give a larger portion of the value of benefits to the common purpose, etc. Those instruments should be stimulative to entrepreneurs as well as more profitable for international community purposes. The balanced interests of developed and developing countries should be met there. It would be best if those instruments were to act automatically so that they would not require great expenditure for their successful functioning. There should also be clearly formulated instruments for the performance of that type of instrumentarium. Some of them had been already mentioned: various taxes, royalties and forms of profit sharing.

Finally, through the direct participation in the benefits derived from the exploration, exploitation and use of the sea and ocean resources on the basis of an elaborated instrumentarium, a portion of those benefits, financially expressed in certain gross value, would be given to the international community. The Committee was faced with another necessity: creating another instrumentarium (set of instruments and means for their implementation) which would serve as the basis for the further redistribution of that part of the benefits derived from the exploration, exploitation and use of the sea-bed. It had been broadly stressed and in his opinion accepted that one of the most important goals should be the use of that portion of benefits for meeting the special needs and interests of the developing countries.

That was a very general goal and at the same time a general idea requiring further elaboration, taking into account other elements and priorities connected with them such as per capita income, differentiation between coastal and land-locked countries or whether exploitation took place near the area of the coastal developing State or far off in the ocean, equitable regional distribution among developing countries, factors of density of population, etc. Furthermore, it was also necessary to consider whether developing countries would participate in the redistribution of the portion of the value allocated to them through direct sharing in financial reflection of that value, through long-term loans without interest or with low interest, through special projects for development,

(Mr. Pavicevic, Yugoslavia)

through financing projects for training or through appropriations for specific purposes (development of resources in their own continental shelf, etc.). All those questions should be discussed before creating an over-all régime for the exploration and exploitation of the sea-bed and its subsoil, including appropriate machinery.

There were also important questions to be answered about whether and how the portion given to the international community would be further expended for some other common purposes, to mention only programmes of exploration, eventually undertaken through international machinery, or through other means; also some part of the value could be set aside to meet the financial aspect of the functioning of the eventual international machinery.

Additional series of problems related to the type or nature of the international machinery. It was not possible to choose between the systems proposed in the Secretary-General's report - registration, licensing and direct operation. The problems he had mentioned and many others raised by other delegations must first be clarified. One aspect to be taken into consideration was the possibility of the multiple use of a given area, envisaged in paragraph 5 of document A/AC.138/12. The Sub-Committee must examine possible functions for the machinery relating to regulation, administration and control of exploration, exploitation and use of the sea-bed and its resources. His delegation indicated the necessity of considering other possible functions of the international machinery concerning the regulation and administration of the sea-bed and its subsoil beyond the limits of national jurisdiction. The international machinery, as representative of the international community, might also have political functions, whereby it might initiate and lay down guidelines for the use of the resources of the sea-bed and for other uses of the area in question, acting as a basis, framework and guarantee for the uses of the sea-bed and its resources as a common heritage of mankind in the interest of all countries and particularly of the developing countries. It should also represent a factor of the unity of interests of developed and developing countries, maritime and land-locked countries, big countries and small countries, and countries having different social and economic systems; in general, it should act as a factor for democratic economic and political integration in the world.

Mr. CROSBY (Canada) said that the fact that the Sub-Committee was now discussing the question of establishing appropriate international machinery was evidence in itself that a good deal had been accomplished in a relatively short time. That question was, in fact, the fundamental issue. It was now recognized that there was an area of the ocean floor which lay beyond the limits of national jurisdiction; that was a further major step forward. That area extended over most of the area covered by the sea, and thus over most of the world's surface. It followed that there should be some form of international machinery with adequate functions and powers to deal with matters related to the exploration and exploitation of the resources of the sea-bed, in order to ensure their orderly development.

The Secretary-General's report (A/AC.138/12 and Add.1) were excellent reference documents for those concerned with establishing the concepts on which such machinery should be based. They required detailed study before any decision could be taken on the nature of that machinery.

One basic requirement was to encourage the development of the resources in a difficult and hostile environment. The Sub-Committee's work would have little point if it failed to encourage and maintain a flow of investment capital in that area. But that capital would not be forthcoming without assurances of a favourable regulatory and administrative climate within which to operate.

The machinery could not be effective unless it was accepted by countries having widely differing political and economic régimes. There should accordingly be no political or other discrimination and, while investors should be able to realize a profit, the interests of the international community should be protected and the resources should be exploited for the benefit of mankind. The machinery should be stable but sufficiently flexible to take into account new scientific and technological advances. It should be able to respond to new and complex situations.

The question had two important aspects: the arrangements under which rights would be granted to operators and the manner in which exploration and exploitation operations would be controlled. The former involved registration of applications for concessions, issuance of licences, scale of fees, conditions of work, and so forth. The rights of operators should be effectively guaranteed but without

(Mr. Crosby, Canada)

favouritism. The second aspect, which was equally important, involved the need to take measures to ensure work safety and the conservation of resources, to avoid pollution, and so forth.

Coastal States in the vicinity of whose limits of national jurisdiction exploration and exploitation operations were carried out should have special rights with regard to control of the conduct of such activities. Certain offshore areas, such as fishing grounds, required special protection.

The international machinery should be neither too simple nor so complex and inflexible as to discourage development. It should be neither a loose registration system under which operations would be controlled solely by a particular country nor an all-powerful centralized United Nations bureaucracy governing all aspects of exploration and exploitation. The ideal intermediate solution could be reached only after lengthy study.

At the conclusion of its earlier session the Sub-Committee had been able to submit definitive reports, since its work had been concerned with factual aspects. The problem which it now had before it called for important general policy decisions on the part of the Governments concerned, which could be taken only after a thorough study of the question. It should therefore not be cause for concern if the Sub-Committee was unable to submit as conclusive a report as it might have wished.

The current session had provided an opportunity for an important exchange of views and information and had done much to clarify various aspects of a complicated situation. His delegation would be able to submit to its Government material which would enable the latter to come closer to a solution of the complex problem involved.

Mr. OWADA (Japan) expressed the view that the establishment of appropriate international machinery to promote the exploration and exploitation of the sea-bed was a highly complex problem which must be studied with great care. His delegation could therefore do no more than make preliminary observations on the text which the Sub-Committee had before it.

His delegation considered that it would take as a point of departure the principle that the sea-bed and the ocean floor beyond the limits of national

/...

(Mr. Owada, Japan)

jurisdiction should be exploited for the benefit of mankind as a whole, account being taken in particular of the interests and needs of the developing countries. It followed that exploitation should be carried out under internationally agreed rules which would ensure the orderly development of existing resources.

At the present stage of the discussion, his delegation felt that it was immaterial whether one conceived of it as some form of international machinery, an international agency, or arrangements of an international character, provided that the following basic requirements were respected: it should be effective in bringing about international order in freely undertaken exploitation; it should be adopted with the general participation and support of the international community; it should not discourage initiative in the exploitation of resources or should not conflict with the relevant domestic legal framework; it should permit the participation of any country or enterprise with technical capability and desire on a basis of equality and without discrimination of any kind; they should be sufficiently flexible to keep pace with new developments.

The Secretary-General's report (A/AC.138/12 and Add.1) was an important document which highlighted a number of legal and technical problems. His Government had undertaken a study of those problems but had not yet been able to examine them fully. At the present stage, therefore, his delegation could only touch briefly on certain points.

The possibility of exploiting the resources of the sea-bed should be viewed realistically. At the present stage of technological development there was little likelihood that their commercial exploitation would be viable within a few years' time. Knowledge of the sea-bed was very limited and would have to be considerably extended before exploitation would become feasible. The establishment of international machinery was a complex problem and for the present should be approached with caution. There was a basic difference between the formulation of legal principles which needs to be established urgently and the establishment of machinery for the exploitation of those resources.

On the other hand, this was no more than a word of caution, and his delegation could accept in principle the basic ideas that some organizational arrangements will be necessary in order to bring about an orderly exploitation

/...

(Mr. Wada, Japan)

of the resources of this area and that a portion of the value of the resources recovered from this area be dedicated as feasible and practicable to international community purposes.

Certain points should be taken into consideration when the question of establishing international machinery was examined. For example, it must be determined whether the future régime would apply only to States or also to public or private bodies and individuals. That was a legal question of a technical nature which was important because it related to the regulation and control of activities in consequence of which an operator might be declared liable for any damages sustained.

The classification of systems indicated in the report should be regarded as simply as an outline of various possible solutions. What was important was the matter of the functions which might be exercised by the machinery established. In the case of registration, for example, would the machinery constitute a mere registration centre or would it have the functions of granting authorization for exploitation, determining priorities where competing applicants were involved, and guaranteeing exclusivity? No machinery could function effectively if exclusivity was not guaranteed.

The choice of the criteria under which the exploitation of a given area would be assigned to one applicant or another was a very important factor. The problem was a highly complex one, although the legal principles to be formulated by the Committee might provide some guidance. In any event, it was essential to guard against any arbitrary action in that connexion.

Finally, it must be borne in mind that the exploitation and exploration of the resources of the sea-bed would require enormous investments in capital, labour, material, construction, etc. As those activities involved considerable risks, it would perhaps be appropriate to provide for some sort of guarantee for investors.

His delegation hoped to be able to submit more extensive comments after fuller consideration of the problem.

/...

Mr. St. JOHN (Trinidad and Tobago) said that the exploration, exploitation and utilization of the sea-bed should be carried out in the interests of all mankind. That area was the common heritage of mankind, and the benefits which it offered must be accessible to all. The system to be established should permit participation by all countries, without discrimination of any kind and should ensure that the strong countries did not take advantage of the weak ones. The developed countries had referred to the difficulties and the costs of exploiting the sea-bed. He thought that it was reasonable for them to expect to profit from such activities if they were willing to undertake them and invest the necessary capital. The developing countries had the right, although they were less developed from the technical and financial standpoints, to expect to share in the common heritage of mankind. An equitable share should be guaranteed them, for there was no question of economic aid or technical assistance involved.

Referring to the exploitation of resources at the national level, he observed that while the operators profited from such exploitation, it also benefited the national economies as a whole. The same criteria would not necessarily apply in the area situated beyond the limits of national jurisdiction but the machinery to be established should, above all, ensure effective exploitation. It would be necessary to determine what entities were eligible to participate in exploitation, the size of concessions, and the number of concessions to be granted to each operator, and to decide whether exploration necessarily included the right of exploitation.

His delegation felt that if adequate international machinery was established the need to allocate areas to States or individuals would not arise.

The machinery which was set up should not be so expensive that the administrative costs would absorb the profits to be derived from the exploitation of the resources. The aim was to serve the interests of mankind, especially the developing countries, and not to build an empire for the sole benefit of a few participants.

The guiding principles for the establishment of appropriate machinery should be: the exploitation of the sea-bed for the benefit of mankind; a

/...

(Mr. St. John, Trinidad and Tobago)

rational exploitation of resources and an equitable distribution of income; the organization of a long-term training programme with a view to enabling the developing countries to contribute more effectively to the functioning of the machinery and to participate in all other activities. It was equally important to prevent pollution of the marine environment, to establish acceptable safety standards, to control exploitation, to settle disputes and to guarantee the freedoms to be enjoyed in the area. Among the forms which the international machinery might take, and which were enumerated in the Secretary-General's report, his delegation would prefer, to begin with, that of a subsidiary body of the United Nations. Machinery should be endowed with extensive powers, should be flexible enough to meet whatever needs arose and should not be restricted to performing the functions of a mere registry or licensing bureau.

Mr. EVERSEN (Norway) observed first of all that the kind of machinery that should be established would necessarily depend on the nature of the international régime previously agreed upon. Thus, a licensing system, and even more an international exploration and exploitation agency, would need a considerably more elaborate international administrative machinery than a registration system.

Whatever régime was adopted, it must provide solutions to certain problems.

In the first place, it must be able to prevent a race to occupy areas of the ocean. Even a registration system must set limits to the size and number of areas that could be registered by one State or its nationals, in order to prevent one State from seizing enormous areas to keep in reserve.

By the same token, the period of validity of exploitation rights should be limited because rights of unlimited duration could become a kind of appropriation in disguise.

Similarly, there must be an obligation to carry out exploration and exploitation in order to prevent States from reserving areas for themselves with no intention of using them immediately.

Procedures for the relinquishment, renewal and transfer of exploitation rights should be determined in the light of the three problems already mentioned.

/...

(Mr. Eversen, Norway)

A fifth question to be dealt with concerned the kinds of resources or activities that should be covered by exploitation rights. In that connexion, it should not be forgotten that other possible uses for the sea-bed apart from mining would probably come to light in the future.

It was also important to know who would collect the royalties, and on what scale and for what purposes they would be used.

A further question in that regard was with whom the contract should be negotiated and concluded, since it could hardly be expected that a country would be allowed to decide those issues unilaterally.

The problem of conservation measures, safety measures and measures to prevent pollution should likewise be dealt with in a much more stringent fashion than was possible under the various national codes currently in force relating to oil-drilling.

Over and above all those questions, were of course, the questions of international control of the activities subject to registrations or licensing, the penalties to be prescribed for violations of international agreements, and the settlement of disputes.

Other questions concerned conflicts of interest between users of the same zone and the need to regard as a single unit a deposit which extended across the borders of a licensed area.

Of the three possibilities envisaged in the Secretary-General's report (A/AC.138/12), the first - registration - was generally considered to be unacceptable in its simplest form. It would do little more than establish priorities among exploitation rights - to the advantage of the claims first registered - and define the areas claimed. It would not protect the international community against an exploitation race or an occupation race, nor would it help to guarantee world peace or to ensure the exploitation of sea-bed resources for the benefit of all mankind. It would only pay lip service to the idea of internationalizing the areas in question, and if that was the case, it would be better to keep to the traditional procedures whereby notification was given by the various States through an official channel, either legal or diplomatic.

(Mr. Eversen, Norway)

The establishment of an international body which would itself conduct exploration and exploitation activities was, in his delegation's view, a somewhat premature solution and one which did not take sufficient account either of technical and economic factors or of political realities.

While the problems were so complex and so numerous that an arrangement involving a licensing authority with very extensive powers of inspection and control would probably be called for sooner or later, there might perhaps be some advantage in not hastening the course of history and trying something less ambitious to begin with. The solution advocated by the representative of the United States - which would consist in a registration system with agreed criteria and suitable control procedures - had at least the merit of being sufficiently flexible to keep the door open for future solutions. The idea suggested by the Australian delegation - namely, a compromise solution midway between registration and licensing and one which also might be elaborated and improved as need arose - was perhaps the most realistic approach of all in the light of the present situation.

Mr. HOLDER (Liberia) expressed the view that there were three main questions to be dealt with in connexion with the establishment of appropriate machinery for promoting 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 those resources in the interests of mankind.

The first concerned the objectives to be assigned to the international machinery. It seemed that there was still some uncertainty on that point, which perhaps explained the over-cautious attitude of certain delegations to the whole problem. It seemed to his delegation that at the present juncture it was necessary to accept certain assumptions, for example: that there was an area of the sea-bed and ocean floor and of their subsoil which was beyond the limits of national jurisdiction; that the existence of mineral resources in that area was at least probable; that the present system of international law was inadequate to determine the rules which should apply to that situation; that there was a general desire to establish a system whereby all nations would

(Mr. Holder, Liberia)

benefit from the exploitation of the resources of that area; and that no State could exercise sovereignty or claim sovereign rights in respect of any part of that area.

The other two questions, which were in fact closely related to the first, concerned the functions to be performed by the international machinery and the status to be given to it. Several delegations apparently wanted to wait until the extent of the machinery's functions had been determined before taking a decision on its status. In his delegation's view, since the discussion was concerned, not with an existing organization, but with a body which was still to be established, it would be more logical to begin by defining a general concept the precise details of which could be worked out later. The first task, therefore, was to define the status of the proposed international machinery. That status would in turn depend upon the nature of the particular area of the sea-bed in question. Clearly, if that area was unanimously declared not subject to appropriation by a State because it constituted part of the common heritage of mankind, no nation or national thereof could hold exploitation rights in that area except by acquiring them indirectly. Those rights would be granted for expressed and agreed purposes by the whole body of nations through their trustee - namely, the international machinery - and in accordance with a legal instrument drawn up in such a way as to preserve the interests of all mankind and thus be acceptable, if not to all concerned, at least to the great majority.

With respect to the functions of the international machinery, his delegation was particularly interested in the question of the settlement of disputes. The explanation of the different possible procedures contained in paragraphs 75 to 77 of the report of the Secretary-General was clear and fairly complete. He wished, however, to raise a hypothetical case in which, once the international status of the zone in question had been established and an international administrative apparatus had been created, that apparatus was abolished or dissolved, and a dispute arose because a State claimed sovereign rights over some part of the ocean floor. Under those conditions, there was the possibility that such manifestly unlawful activities might be sanctioned by default if the

(Mr. Holder, Liberia)

International Court were to declare itself incompetent. In view of that eventuality, his delegation wished to reserve its position with respect to the possibility of settlement of disputes by reference to the International Court of Justice.

Without wishing to enter into all the questions raised by the Secretary-General's report, which his delegation had not been able to study in detail owing to lack of time and personnel, his delegation wished nevertheless to express the anxiety it felt at the idea of creating an intermediate buffer zone contiguous to the outer limits of national jurisdiction, where the coastal State would enjoy priority or exclusive rights. It saw that as opening innumerable loopholes of the same sort as those which had resulted from the second definition of the continental shelf embodied in the Geneva Convention.

Mr. PINERA (Chile) said that he would be able to make only preliminary comments on the question of international machinery. Since the report of the Secretary-General had been distributed in Spanish only a few days before, the specialized bodies of his country had been unable to examine it at length. Furthermore, the question was still to be considered by the Legal Sub-Committee and the Plenary Committee at the current session.

In his delegation's view, the question of machinery was an integral part of the general question of an international régime. Of necessity, the latter embodied two elements: an international legal régime to draw up norms governing activities on the sea-bed, and machinery to ensure that those norms would be applied. Those two elements were quite apparent in resolution 2467 A (XXIII), in which the Assembly had entrusted to the Committee, along with the elaboration of principles and norms, the study of "economic and other" conditions of which the régime would have to take account. In that study, which was the essential part of the Sub-Committee's task, the international machinery dealt with in document A/AC.138/12 should be given a predominant place. The Sub-Committee had, moreover, recognized the necessary connexion between the régime and the machinery in paragraph 38 of its interim report on its last session. The Sub-Committee had considered it necessary to await the completion of the Secretary-General's study on the machinery before taking definitive decisions on the régime.

/...

(Mr. Piñera, Chile)

His delegation had already emphasized the need for the creation within a reasonable time of some form of international machinery. He was pleased that a consensus on that point seemed to be emerging and, particularly, that the United States had taken a clear stand in the Sub-Committee in favour of the creation of such machinery. The Chilean delegation, however, thought it too early for a choice to be made among the three options proposed in the Secretary-General's report, namely, registration, licensing and operations by an international agency. It believed, as did the Brazilian representative, that the fundamental concept of a common heritage of mankind was compatible with various types of machinery. There were several ways of achieving what should be the objectives of the régime.

In his opinion, those objectives were essentially the following:

Firstly, the régime must provide means of ensuring that the exploitation of the resources of the sea-bed beyond the limits of national jurisdiction would be carried out in the interests of all mankind, and particularly of the less developed countries, as requested in the relevant Assembly resolutions. All States must be given the opportunity to participate, in so far as administration and profits were concerned, in the exploitation of those resources.

Secondly, the régime must regulate activities undertaken in the area in question so that they would not be prejudicial to other States or to the international community. That was a point of particular importance to Chile, which was a poor country and which would do anything to protect its vital resources, such as its copper production which constituted an important part of its national income. In particular, such regulations should have the effect of ensuring that activities undertaken on the sea-bed would not create obstacles to fishing, navigation or the use of submarine cables (all of which were very important to Chile, which had 6,000 kilometres of coastline), would not affect the living resources of the sea, would not pollute the marine environment, would cause no damage to coastal States, would be accompanied by adequate safety measures and would be covered by an appropriate régime of international liability.

It was still too early, however, to determine which of those functions would depend merely on the application of international legal norms, which would depend on the application of norms relating to the marine environment

/...

(Mr. Pinera, Chile)

and on the competent bodies in that field, and which would fall within the competence of the machinery to be established.

Regardless of the form and functions of the international machinery, due account would have to be taken of the economic and geographical characteristics of the various regions of the world; for instance, the exploitation of sea-bed resources in the Mediterranean would not be carried out in the same way as in the Atlantic. As a result, it would be desirable for the international machinery to have other institutions of a regional nature under its authority.

He requested that the international machinery should be mentioned in connexion with the international régime, whether in the report of the Economic and Technical Sub-Committee, that of the Legal Sub-Committee or that of the full Committee, or in a draft statement of principles.

Among the interesting points which had been mentioned during the meetings of the Legal Sub-Committee, he wished to recall the comments made by the French representative with respect to the concept of freedom of exploration and exploitation of the sea-bed. In that connexion, he reverted to the distinction he had already drawn between Freedom as a concept and freedoms in practice, the latter of which included the economic freedom to exploit, to sell and to make profits. While Freedom as a concept was to be defended unreservedly, it should not be forgotten that freedoms in the practical sense had often served the strong and caused suffering for the weak; it was necessary to limit, to specify and to supervise them.

The question before the Sub-Committee was not confined to the establishment of a body with a staff of officials. It was really a matter of taking political decisions, and, for that, the support of certain countries was essential. In referring to freedom of research and exploration, the French representative had emphasized the need for avoiding all discrimination among countries, and in particular for transmitting the information obtained to the developing countries. He, too, wished to stress that the data collected by researchers must not remain secret, but must, on the contrary, be accessible to the smaller countries.

/...

(Mr. Piñera, Chile)

That raised a difficult problem, for very little was known for the moment of the resources of the sea-bed, and it was therefore to be feared that certain countries might prefer to keep those resources a secret in order to strengthen their power. That was something which must be avoided, and action must be taken so that the sea-bed, which represented three quarters of the earth's surface, would be utilized according to a philosophy worthy of the times. In that respect, the principle of what, in the United States, was known as "equal opportunity" must be applied.

Mr. OULD HACHEME (Mauritania) said he would first comment on the draft comprehensive outline of the scope of the long-term and expanded programme of oceanic research. He thanked the IOC for the report it had presented to the Sub-Committee, but regretted that that long-awaited document was so schematic. It was in fact merely a list of titles, some of which were hardly appropriate to the expanded programme under consideration. In order to get a true idea of the different categories of work that were contemplated, it was necessary to refer to the main document, "Global Ocean Research".

Paragraph 6.4 of the first part, dealing with international regional research, attached great importance to the fishing industry of the developing countries, but research to be done on a regional scale should cover studies on all the resources of the sea, including mineral resources.

His delegation fully appreciated the suggestions made in the second part of the report, concerning the practical problems of implementation of the programme. As it had said at the Sub-Committee's last session, the developing countries unfortunately did not have either the equipment or the qualified personnel necessary to develop and exploit the resources of the sea. The Sub-Committee should therefore stress the vital need for continued international co-operation in that field. In order to enable the developing countries to play an active role, it was necessary, in the first place, to train qualified personnel. Since the report would certainly be revised, it was to be hoped that the IOC would take into account the observations made during the debate.

/...

(Mr. Ould Hacheme, Mauritania)

Another crucial matter was the need to furnish assistance to the developing countries. Some of them did not have enough qualified personnel to explore their coastal zones. One possibility, for instance, was to help them develop their mineral resources through bilateral assistance from specialized agencies such as the UNDP or UNESCO. Again, any programme aimed at developing the resources of the sea should include measures to avoid pollution and to protect the biological resources of the sea. The construction of giant tankers with a capacity of over 2 million barrels highlighted the need to adopt such measures without delay. It was equally important to prevent the utilization of the ocean floor for military purposes.

Turning to the question of the possible régimes for the exploitation of the resources of the sea-bed, his delegation was particularly pleased with the report submitted by the Secretariat (A/AC.138/12/Add.1). It provided an especially useful basis for discussion, since it had been directly inspired by resolution 2467 C (XXIII). The question of registration had been particularly well covered and the reservations formulated in paragraph 56 were appropriate. The conditions for granting licences for prospecting should vary according to the jurisdiction of each State.

Mr. GRANELLI (Argentina) said that the question of establishing international machinery for the promotion and regulation of the exploration and exploitation of the resources of the sea-bed should be approached with determination, but also with caution in order to ensure the choice of a system that would really make it possible to undertake the exploration of the last frontier of the globe for the benefit of mankind, while taking into account the interests of the developing countries. In a spirit of justice, the machinery should protect both the interests of the States or the entrepreneurs working in the marine environment, and other equally important interests, especially those of the developing countries and of the coastal countries. It should pay particular attention to the protection and conservation of the natural resources under the jurisdiction of coastal countries. His Government, together with other Latin American and Asian and African countries, had already submitted proposals in that regard in the form of a working document distributed during the session of the Special Committee in Rio de Janeiro in August 1968.

/...

(Mr. Granelli, Argentina)

His delegation found that the Secretary-General's report suggested a series of interesting alternatives for an international machinery, but, for the aforementioned reasons, it wished to study such possibilities more thoroughly before making a statement on them.

Mr. YANKOV (Bulgaria) said he would confine himself to certain preliminary remarks, in view of the complex nature of the question. Despite all the merits of the Secretary-General's report, there were many important economic, technical, legal and institutional problems that it would be well to study and elaborate further.

Many useful suggestions had been made during the debate with regard to the features that the international machinery to be established should have. The Sub-Committee's primary task would be to set down and adopt basic rules that would encourage broad international co-operation in the scientific investigation, exploration and exploitation of the sea-bed beyond the limits of national jurisdiction. Such a régime should ensure free access to the resources of the sea-bed for all countries and make it possible for them all to enjoy equal advantages, taking duly into consideration the interests of the developing countries. The régime should foster international co-operation in the conservation of the resources of the sea and the protection of the marine environment. It should also ensure respect for freedom of the high seas. From the economic, financial and technical standpoint, the régime to be established should be efficient and profitable, with minimum operating costs. When the matter of the institutional structure of the régime was studied, priority should be given to economic and technical considerations. His delegation felt that no final decision could be reached on the institutional aspects of the international régime until the relevant principles that would provide the legal framework of the régime were drawn up. It would therefore be necessary to study the two aspects of the problem simultaneously.

As the delegation of Australia among others had pointed out, delimitation of the area beyond the limits of national jurisdiction would inevitably affect the type of legal régime applicable to it. That did not mean that there should be no discussion of the international régime before the exact boundaries of the area had been determined, but that the final decision should only be taken

/...

(Mr. Yankov, Bulgaria)

when all the factors were known. During the debate, reference had often been made to the need for a speedy decision on the question of the international régime and its institutional aspects in order to stop or prevent the occupation race and the extension of national jurisdiction over the sea-bed. In his view, there were other ways of establishing a legal rule against the occupation and appropriation race. The establishment of a particular organ, when it did not meet certain basic requirements and did not correspond to the realities of the international situation might prove to be only an illusion. Unfortunately, there had often been a tendency within the United Nations to have recourse to hastily elaborated institutional arrangements that had proved to be ineffective and inadequate. Any régime, if it was to be effective, required the support of the entire international community; so would the institutional arrangements relating to the sea-bed. Unfortunately, the principles of universality and sovereign equality of all nations had not been fully applied in some international institutions within the United Nations system and it was necessary to ensure that the international machinery established in the future did not become an instrument in the hands of some powerful interests.

The very concept of international machinery needed to be clarified in the light of existing institutions and of feasible new machinery. In that connexion, he shared the opinion expressed by the representative of France at the twentieth meeting of the Sub-Committee.

In conclusion, his delegation considered that the whole range of possible solutions should be considered in detail and further information should be obtained regarding the points mentioned in paragraphs 46-48 of the Secretary-General's report before taking any decision, even one of principle.

Mr. OMBERE (Kenya) said that as a littoral State, his country attached singular importance to the question of the establishment of international machinery that would exercise control over the exploration, use and exploitation of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction.

/...

(Mr. Ombere, Kenya)

First and foremost his delegation endorsed the principle that the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction were the common heritage of mankind and that there should be no discrimination in the availability of the area for exploration and use by all States and their nationals in accordance with international law.

The international machinery which would be created would perform, inter alia, the functions of registering exploitation claims made by States, individuals and other entities, licencing, settling disputes between competing claimants and licencees, and collecting fees.

There was a need for international machinery which would ensure the protection, security and continuity of the rights granted. It should not be limited to merely administrative functions, but should embrace all aspects of the development of marine resources from exploration to exploitation and should serve as the medium for effecting an equitable distribution of the profits from such activities. It would prevent discrimination and would protect the interests of all States, particularly the developing States, by ensuring that they were given every opportunity to participate at every stage in the development of the marine environment.

The complexity of the problems as yet unsolved should be no excuse for discouragement. A genuine effort should be made to establish the machinery in question. His delegation considered that the Economic and Technical Sub-Committee should recommend to the main Committee that the international machinery which might eventually be agreed upon must meet the demands of equity, efficiency, competence and international acceptance.

Mr. KROYER (Iceland) said he wished to make some preliminary remarks pending study by his Government of the Secretary-General's report.

From the early stages of the work of the Ad Hoc Committee his delegation had favoured the establishment of some international machinery for the promotion of the exploration and exploitation of the sea-bed and its resources. It had, however, doubted the advisability of including it in the agenda of the Committee on the Peaceful Uses of the Sea-Bed in view of the controversies which had arisen in that respect during the debates in the Ad Hoc Committee. Later, during the twenty-third session of the General Assembly, his delegation had been convinced

/...

(Mr. Krøyer, Iceland)

by the sponsors of General Assembly resolution 2467 C (XXIII) that a study on the question could usefully be undertaken by the Secretary-General and subsequently transmitted to the Committee on the Peaceful Uses of the Sea-Bed.

As the representative of Australia, Bulgaria and other delegations had pointed out, the question of the establishment of machinery should be considered simultaneously with that of the legal régime which should govern activities on the sea-bed beyond the limits of national jurisdiction. The type of machinery to be established would unquestionably depend upon the type of legal régime agreed on and that in its turn might be affected by the delimitation of the area to which it applied.

Nevertheless, the present discussion appeared to be useful and constructive and the progress which had been made gave reason for a measure of optimism.

Regarding the three types of international machinery identified in the report of the Secretary-General (A/AC.138/12 and Add.1), his delegation felt that a mere international registry would be insufficient. The second alternative - a licensing system - would be more likely to protect the licencees, whether States or individual investors. Furthermore, a variety of intermediate solutions could be found through the various combinations of the constituent elements of the two types of arrangement.

The third type of machinery - an international agency conducting the exploration of the sea-bed and the exploitation of its resources itself appeared to be somewhat Utopian, at least for the time being.

It seemed premature to go into detail regarding the many complex problems which the creation of an international machinery would entail. He did however wish to endorse the statement made by the French delegation that any future régime would have to be acceptable to an overwhelming majority of States, would have to be impartial and effective and offer advantages for all States, and must have the necessary guarantees for the preservation of the marine environment. The concept of utilizing the resources of the sea-bed and the ocean floor for the benefit of all mankind, taking into account the particular needs and interests of the developing countries was particularly important and from the outset had had the support of his delegation. Similarly, it favoured the idea of reserving a

/...

(Mr. Kroyer, Iceland)

certain portion of the revenue from the exploitation of the resources of the sea-bed for international community purposes; an equitable share should accrue to the developing countries. At the same time, the interests of coastal States or States adjacent to a sea-bed zone which was being exploited should be safeguarded. A certain portion of the revenue or profit should go directly to the coastal States in question. Particular attention should be paid to the suggestion made by the representative of Brazil that an international régime should allow for the possibility of granting a group of States licences to explore and exploit the sea-bed and its resources. The participation of those coastal or adjacent States, particularly those among the developing countries, in the exploitation of the riches of the sea-bed would seem to be conducive to furthering international co-operation in that field.

Mr. RAZAKANAIVO (Madagascar) said that the Secretary-General's report was extremely useful and clearly outlined various views and proposals calculated concerning the promotion of international co-operation, in accordance with the provisions of General Assembly resolution 2467 C. Participation by the developing countries in international co-operation should be on the basis of equality between developing and developed countries. In the foreseeable future, only a few developed countries would be in a position to engage in exploitation of the sea-bed. It would therefore be necessary, without prejudice to the establishment of international machinery, to ensure that the developing countries played an effective part in the various operations carried out on the sea-bed. The Secretary-General's report dealt only briefly with measures for promoting international co-operation. A prior agreement on new and detailed measures to promote such co-operation would dispel any misgivings occasioned by the reticence of the report.

His delegation would favour the establishment of international machinery under the auspices of the United Nations. Apart from the functions of registration, licensing, operations and settlement of disputes, it would be called upon to exercise functions of organization, administration, management and co-ordination of operations relating to exploration and exploitation of resources, of supervision and inspection to ensure continuity of the traditional activities in superjacent waters, and of ensuring conservation of living resources and pollution

/...

(Mr. Razakanaivo, Madagascar)

control. The future machinery should therefore have extensive powers to enable it to perform all its functions. However, the machinery should be limited in size, so that administrative expenses did not outweigh all the advantages.

In the view of his delegation, the registration and licensing systems should not be separated. The issue of an exploitation licence was the outcome of assessments which had already been made and only exploitation would be subject to registration. Registration should not be a passive function but should entail evaluation of the applications submitted, on the basis of a certain amount of information on the projects, estimated investments, areas and the like in the case of proposed operations and those already in progress. It would also be necessary, within the context of the establishment of international machinery, to define norms governing exploration and exploitation and the conditions which must be met by applications for registration. Before issuing an exploitation licence, the machinery would have to examine applications and to evaluate the results of prospection operations, the size and delimitation of the deposits discovered and the proposed methods of exploitation.

The licence, which list the conditions for exploitation, might serve as a contract between the international machinery and the applicant. Account could thus be taken of the special features of each operation and, for example, of questions of delimitation, duration, obligations of the parties, royalty rates and, possibly, procedures for settling disputes. In all cases, account should be taken of the cost of the operation and the product's price on the world market. In the case of registration, acceptance conferred an exclusive prospection right and a priority exploitation right. In the case of licensing, issue of a licence entailed exclusive right of exploitation. However, the applicant would not normally be able to refuse any partner that might be designated by the machinery as might be the case with developing coastal States.

His delegation regarded as unacceptable the system of "two-tiered" licences as outlined. In practice, only those countries which possessed substantial technical and financial resources would be in a position to apply for a concession. If such a system was to find favour, there would have to be some precise method of ensuring that the developing countries could participate in operations of the sea-bed. Finally, his delegation naturally supported the establishment of an intermediate buffer zone, whose boundaries remained to be determined. If deposits

/...

(Mr. Razakanaivo, Madagascar)

extending from those on the continental shelf were discovered beyond the limits of national jurisdiction, the continuity of the deposits would necessarily imply continuity of the modalities for exploration and exploitation. His delegation considered that coastal States, at least within the limits of the intermediate buffer zone, should have the right of supervision and general policing of the sea-bed, in order to safeguard their legitimate interests.

Mr. ABDEL-HAMID (United Arab Republic) wished, first of all, to point out that his Government had not finished studying the problem. The views expressed by his delegation were consequently of a preliminary nature. First, his delegation considered that agreement had been reached on recognizing the need to strengthen international co-operation in the exploration and exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction. The United Nations Charter did not exclude any possibility for a new approach to co-operation. However, before a decision was reached, careful study should be given to all aspects and implications of the solution to be adopted.

Secondly, agreement seemed to have been reached on the need to establish, in due time, effective and impartial international machinery to promote international co-operation. Such machinery or arrangements would be organized within an international régime which would give then a sense of direction.

Thirdly, it appeared to be agreed that the establishment of international machinery was not an end in itself. The real objective was exploration and exploitation of the sea-bed and the ocean floor, which constituted two-thirds of the surface of the planet. The functions to be assigned to the new machinery should clearly be capable of serving the economic and political interests of mankind, of redressing the inequalities which had to be faced by the developing countries, of assisting the United Nations in maintaining world peace, and of promoting friendly relations among States.

Fourthly, agreement seemed to have been reached on the need for equitable utilization of the resources of the sea-bed and the ocean floor as a means of achieving economic, social, scientific and technological progress in the developing countries. As the General Assembly had noted at its previous session,

/...

(Mr. Abdel-Hamid, United Arab Republic)

the needs and interests of the developing countries should be considered of paramount importance, and that was also true as regards the new area of the sea-bed.

Fifthly, there seemed to be agreement on the need for international control to avert any conflicts which might arise from a new type of colonial exploitation.

The Secretary-General's report raised several issues which needed more thorough study. It would be possible to find a solution to them provided there was a spirit of true co-operation. There were two categories of problem: problems which might take some time to solve effectively and those which could not wait. The latter included the establishment of safety zones and sea lanes, the protection of fishing activities and submarine cables, the prevention of pollution of the marine environment, assistance in the event of disaster, the establishment of the system of international liability in respect of damage and, as the French delegation had observed, the study of working conditions in a difficult sphere. On the latter point, his delegation also considered that the International Labour Organisation should undertake the necessary studies to devise suitable standards.

The meeting rose at 6.50 p.m.

/...

SUMMARY RECORD OF THE TWENTY-SECOND MEETING

Held on Thursday, 21 August 1969, at 3.20 p.m.

Chairman:

Mr. DENORMÉ

Belgium

EXAMINATION OF THE ECONOMIC AND TECHNICAL ASPECTS OF THE REPORT SUBMITTED BY THE SECRETARY-GENERAL PURSUANT TO RESOLUTION 2467 C (XXIII); STUDY OF THE POSSIBLE REGIMES FOR THE EXPLOITATION OF THE RESOURCES OF THE SEA-BED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION (A/AC.138/12 and Add.1) (concluded)

Mr. MAURTUA (Peru) said that one of the most important questions raised by the problem under discussion was that of protecting the interests of the under-developed countries. Those interests must not be automatically subordinated to the convenience of the capitalist exploitation of certain resources, even if those resources lay outside the present bounds of national jurisdiction. The very fact that those resources were situated where they were entailed dangers to the economies of certain States and could even threaten their economic survival. It was a novel situation, and one which made it necessary to put individual and collective interests into perspective, create new and stronger forms of international collective interest and incorporate into the existing legal system rules to govern the categories of activity for which no provision had been made. Those tasks should be carried out without undue haste and only after a careful evaluation of present-day legal and technical realities.

One provision to be included in any future international régime would be the recognition of preferential exploitation rights for coastal States, without prejudice to their sovereign rights. It would be necessary also to try to ensure that exploitation did not give rise to excessive competition, which might weaken national economies by causing a drop in the prices of minerals worked by States in their own territory.

Even if it was too early to reach definite conclusions, it might be possible to accept, on a provisional basis and subject to later modifications, the idea of an international agency, with carefully determined structure and powers, which such a body would, by appropriate means, ensure the rational exploitation of the sea-bed beyond the limits of national jurisdiction, prevent the excesses which could result from a conflict between unequal rights and orient exploitation, taking into account the special rights of the developing countries. It would also ensure that the unity of national economies was not disrupted and that the sea was not polluted to the extent that the existence of the living resources of the sea, which were absolutely essential to the coastal States, was jeopardized by the effects of and in

/...

(Mr. Maurtua, Peru)

the sole interests of exploitation. The idea of having international machinery of that kind, responsible for ensuring the rational exploitation of resources for the benefit of all mankind, logically and inevitably entailed the idea of an administrative authority and a common administration. The idea might appear bold, but a régime which was undisguisedly an innovation was preferable to a régime which was no more than a reflection of the present economic relations between States. It was important to prevent a repetition, in the exploitation of the sea-bed, of the depredations committed in other areas by those who exploited natural resources in the name of a curiously conceived capitalist system which saw those resources as an end in themselves, having no thought for a balanced system of legal, economic or political rights and duties. Unfortunately it appeared from the discussions that the States which now possessed the financial and technical means of developing the resources in question were exclusively concerned with defending the interests of entrepreneurs and investors, who were hardly likely to come from developing countries. It was, however, precisely the interests of those countries which did not yet possess the necessary management and investment capacity, that the international community should try to protect by means of international machinery. Care should certainly be taken to attract entrepreneurs and investors by giving them the right economic incentives, but that consideration should be subordinate to the main function of the machinery and not govern it.

For all those reasons it was impossible to envisage an international régime - the development of which would necessarily have an impact on the economic and social conditions of all States - without affirming the all-important idea that anyone who contravened the international regulations must take responsibility for his actions. The exploitation of the sea-bed could, in fact, give rise to an endless series of lawsuits. The future régime could, of course, include the necessary machinery for settling international disputes. Such a system would not necessarily have to be limited to the application of the Optional Protocol of Signature of 1958 because the law of the sea in the classic sense of the term had never fully foreseen the consequences of such phenomena as large-scale pollution of the marine environment, which could not only cause direct damage but also profoundly affect biological processes. That was therefore an area of law which

/...

(Mr. Maurtua, Peru)

was still at the formative stage and in which the settlement of disputes must presuppose the greatest possible latitude in the exercise of States' rights and the complete freedom of the parties. Each State should thus have a whole series of possible legal remedies at its disposal including regional machinery. Moreover, no order of preference should be established among those remedies; on the contrary, the choice should depend upon the nature of the dispute and should be left to the decision of the parties.

Mr. KHANACHET (Kuwait) said that at the close of the Sub-Committee's debate two ideas seemed to be accepted: the inescapable need to establish an international legal régime relating to the sea-bed and the ocean floor, their exploration and the exploitation of their resources, and the need to set up, within the framework of that international régime and to make it effective, international machinery which would ensure that the principles of the régime were put into practice. Those two concepts were based on the notion that the sea-bed beyond the limits of national jurisdiction constituted the common heritage of all mankind and that its exploitation should be carried out in the interests of mankind, taking into account the interests of the developing countries.

The task, however, called for a courageous and realistic assessment of the world political situation. Fundamentally there were two different points of view: that of a small number of highly developed countries, which had the means to exploit the resources for their own benefit, and that of the developing countries, which needed the resources but lacked the technical or financial means to take part in activities of that kind. In practice, therefore, there was discrimination resulting from the economic and technical potential possessed by a limited number of countries when most countries of the world were unable to use the resources, even though they needed them to promote their economic and social development and raise their standard of living to a level compatible with human dignity.

It was possible, however, to reconcile those national interests at the international level by acting on the principle that the resources of the sea-bed were the common heritage of all mankind.

/...

(Mr. Khanachet, Kuwait)

The statements made by various delegations had, in a very constructive way, yielded the over-all impression that it really was necessary to share the resources of the sea-bed equitably among all countries without discrimination on geographical or other grounds, and that it was necessary to establish guarantees, in the legal sense, not just to protect the interests of those who exploited the resources of the sea-bed, but above all to ensure that the principle of the common heritage of mankind was put into practice.

Mention had been made of the need to establish regulations for the protection of workers and to secure the co-operation of the ILO. That concern was commendable, but it was important to know in what context the measures would be implemented and in what authority the powers of legislation, supervision, inspection and administration would be vested.

The resources of the sea-bed could be explored and exploited only under the aegis of international machinery working in collaboration with the United Nations and other competent international organizations. It was therefore necessary to begin to define the nature of that machinery, its scope and its legal status within the United Nations system. It would not be able to fulfil its obligations effectively unless it was given broad powers enabling it to supervise, inspect and organize operational activities.

But in the present situation a sort of legal vacuum prevailed. The international régime had not been established, machinery had not yet been created, and it was said that international law did not apply. The Powers which were able to exploit those resources were acquiring de facto priority. It was highly dangerous to allow that state of affairs to continue. There was an urgent need to take appropriate measures, either within the framework of the United Nations or through international agreements, to protect the area, which was the heritage of all mankind. All operational activities should be blocked until the boundaries of the area had been defined, until an international legal régime had been established and until international machinery had been set up for the control, administration and organization of all such operations.

A distinction should be made between the legal régime and the international machinery. The first was the body of rules which would govern the future of the area under consideration and the status to be accorded to it. The international machinery would be the executive body to ensure the application of the principles of the régime within the framework of the latter. Once the régime had been

(Mr. Khanachet, Kuwait)

decided upon and the machinery set up, there would be no further need to speak of registration, licensing or operations by an international agency, as the functions of the system would have been defined.

There was clearly no question of setting up international machinery so large and clumsy that it would swallow up most of the income and serve only to provide lucrative posts for a number of experts and technicians who would automatically come from developed countries. The future machinery must serve mankind as a whole.

The machinery should be empowered to undertake certain operational activities directly, if the need arose. It could carry out its functions by means of service contracts with private firms, with organizations acting as intermediaries between the public and private sectors, or in co-operation with one or more Governments. The task of inspecting activities in the area could be entrusted to certain Governments, on condition that they carried it out under the authority and supervision of the international machinery.

Kuwait saw no difficulty in giving the new international machinery the right to issue licences, to determine their period of validity and to delimit areas of exploration or exploitation. The machinery should also have the right to cancel or refuse to renew licences if a concern violated the established rules, which should be stable, clearly defined and internationally recognized.

Kuwait considered that mere international arrangements would not be sufficient to take the place of the international régime and the machinery in question and at the same time to ensure the exploitation of resources in the interests of all mankind and of the developing countries in particular.

Kuwait viewed the future with optimism. It hoped that the Sub-Committee would include in its report a request to the Secretariat to intensify and supplement its studies on the question under consideration, and that, in addition, countries and Governments would undertake negotiations and consultations on the subject-matter with a view to progressing towards tangible results at a future session of the General Assembly or of the Sea-Bed Committee.

/...

Mr. GAUCI (Malta) recalled that, from the time discussions had begun on the question of international machinery, his delegation had stated that an effective international régime over the sea-bed and the ocean floor would be the only means of avoiding tension, while ensuring orderly and equitable exploitation of the resources of the area. It had added that the final objective should be the creation of a special agency with adequate powers to administer, in the interests of mankind, the area declared beyond national jurisdiction, and to regulate and control all activities undertaken in that area. The agency would grant rights and leases for the exploitation of mineral, petroleum and other resources in the area under its jurisdiction, and would regulate all commercial activities in that area.

The Maltese delegation maintained that point of view. It was pleased to note that, since that time, some of the important elements of a possible international régime had been widely accepted in the Sub-Committee: recognition of the existence of the area in question, the desirability of its use for peaceful purposes, the use of its resources in the interests of mankind, taking into account the special needs of the developing countries, access to scientific knowledge, and the like. However, although the elements of the régime had been under discussion for two years, no general formula acceptable to all had yet been found; it was essential, none the less, to sum up those elements on which agreement had been reached.

With respect to the machinery itself, some progress had already been made in its elaboration during the Sub-Committee's discussions. It was encouraging that most of the significant maritime nations, including the United States, had recognized the need for international arrangements for the exploitation of marine mineral resources. It was to be hoped that all the members of the Sub-Committee would soon recognize the need for establishing appropriate international machinery, and that a unanimous recommendation to that effect could be addressed to the Main Committee.

A large number of suggestions had already been made regarding the technical, economic and financial criteria to be incorporated in international arrangements; those suggestions were often based on previous experience. It seemed that it would not be very difficult after all to reach broad agreement on the criteria in question. Moreover, it seemed to be generally recognized that rigid distinctions

(Mr. Gauci, Malta)

should not be drawn between the types of functions the machinery could exercise; for instance, certain elements of a registry system could also be incorporated into a licensing system. On the other hand, the notion of an agency which would itself undertake the exploitation of marine mineral resources had not found favour. Thus, a clear picture of what was possible was beginning to take shape, since certain concepts which would go either too far or not far enough had been eliminated.

But, before considering the nature of the machinery in detail, certain problems of an essentially political nature had to be solved. For instance, should a régime for the sea-bed consist merely of a series of multilateral treaties on the pattern of existing conventions on the sea and the continental shelf? If the creation of some type of organization was considered preferable, should the competence of such an organization extend over hydro-space as a whole? Should that organization merely be a focus of scientific and technical activities, somewhat like an enlarged IOC, or should it also have an advisory role, or even deal with regulatory and management questions? If an organization was to be established with regulatory and management functions, it would be necessary carefully to clarify the political and other criteria on which it should be based, since an international organization of that type would constitute a departure from existing international bodies; moreover, it must represent the interests of all sections of the international community and, in particular, have the support of the great Powers.

Those problems could not all be examined in detail at the present stage. They were all the more complex since activities undertaken on the sea-bed continued to develop, and some could not yet be foreseen. There was therefore a need for some flexibility in considering the question of machinery. In any case, discussions on that question would remain fairly vague until a decision had been taken on an international régime.

The CHAIRMAN said that the Sub-Committee had now completed its discussion of item 2 of its work programme, concerning a study of the possible régimes for the exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction.

Outlining the debate which had just been completed, he noted first that, despite minor reservations, the Secretary-General's report (A/AC.138/12 and Add.1)

(The Chairman)

had been found to be excellent; it had been suggested that the Secretariat be recommended to complete that study.

The need to establish international machinery had been unanimously recognized; it had been suggested that a recommendation should be submitted to the plenary Committee in that regard. It had been emphasized that the arrangements to be adopted should be acceptable to the international community as a whole, and that the machinery should be prevented from becoming a bureaucracy which would swallow up the income to be derived from the exploitation of the sea-bed.

Of the three formulae listed in the Secretary-General's report, the third - the establishment of an operational agency - had been felt by some delegations to be impracticable; others, on the other hand, felt that it should not be excluded.

A number of delegations had found the other two formulae - registration and licensing - inadequate in themselves and had felt that they should be included within a wider range of functions. It had also been emphasized that there was a qualitative difference between registration and licensing.

The registration formula had been found acceptable by some delegations on condition that it was linked to international criteria and to appropriate verification procedures; others, on the other hand, had felt that it would not give the machinery the authority which it needed.

Some delegations had pointed out that licensing should be subject to an appropriate control system.

It had been requested that the economic and technical requirements of the exploration and exploitation of the resources of the sea-bed should be taken into account in establishing the criteria on which international arrangements would be based; it had also been suggested that the Committee should draw up a code which would lay down the conditions for issuing titles and establish a system for controlling operations.

A number of delegations had stated that their comments were only of a preliminary nature; in their view, a decision should not be taken on international machinery until the international régime and the limits of the zone situated beyond national jurisdiction had been defined.

/...

(The Chairman)

It had been stressed that the machinery should have a certain flexibility at the beginning, and subsequently might become more complex; however, some delegations had emphasized that the institutional arrangements which were adopted should confer on it immediately all the necessary powers.

Mr. GRABOVSKY (Union of Soviet Socialist Republics), speaking on a point of order, requested that the Chairman's remarks should be reproduced in writing and circulated to the members of the Sub-Committee as soon as possible.

Mr. ABDEL-HAMID (United Arab Republic) supported the request of the representative of the Soviet Union; he would also like the Rapporteur to indicate when the draft report would be ready.

Mr. PROHASKA (Austria), Rapporteur of the Sub-Committee, said that the Sub-Committee's draft report would be ready during the morning of 25 August; the Sub-Committee could discuss it on the afternoon of the same day. The layout of the draft would be the same as in the past; the various chapters would be accompanied by comments which the Sub-Committee could modify.

Mr. ABDEL-HAMID (United Arab Republic) said he thought the members of the Sub-Committee would need more than half a day to acquaint themselves with the draft report. It was also to be feared that the translations into all the working languages would not be ready by the morning of 25 August.

The CHAIRMAN assured the Sub-Committee that everything would be done to have the draft report ready in all the working languages during the morning of 25 August, but confirmed that it would be impossible to prepare it before that date.

EXAMINATION OF THE ECONOMIC AND TECHNICAL ASPECTS OF THE REPORT SUBMITTED BY THE SECRETARY-GENERAL PURSUANT TO RESOLUTIONS 2414 AND 2467 D (XXIII): COMPREHENSIVE OUTLINE OF THE SCOPE OF THE LONG-TERM PROGRAMME OF OCEANOGRAPHIC RESEARCH OF WHICH THE INTERNATIONAL DECADE OF OCEAN EXPLORATION WILL BE AN IMPORTANT ELEMENT (A/AC.138/14) (concluded)

The CHAIRMAN welcomed the Chairman of the Intergovernmental Oceanographic Commission, Admiral Langeraar, who would make a statement on the Long-Term and Expanded Programme of Oceanic Exploration and Research.

Mr. LANGERAAR (Chairman, Intergovernmental Oceanographic Commission) thanked the Chairman and the members of the Sub-Committee for their welcome.

/...

(Mr. Langeraar, Chairman, IOC)

He was gratified to see how much importance the United Nations, and more specifically the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, attached to oceanographic research. That interest stimulated and accelerated the IOC's work, and he was convinced that the results of the debates which took place in New York and of the IOC's work in Paris would be beneficial to the whole of mankind. The IOC could make a useful contribution to the Committee's political discussions by providing the scientific advice which it needed, while the programme of accelerated co-operative marine investigations could benefit to a considerable extent from the political and the economic guidance of the Committee.

A long-term programme of oceanographic research could not be conceived overnight. It required much scientific thought and decisions from Governments. Document A/AC.138/14 constituted an interim report on the progress of the IOC's work aimed at preparing such a programme. The programme was not a final one, but a draft which must be discussed and approved, after eventual amendments by the IOC's full session in 1969. The advantages of the interim report were twofold. First of all, it informed the Committee of the action accomplished by the IOC. Secondly, the remarks made and the questions asked in the Committee would aid the IOC considerably in adopting the final text.

It has been noted in the Sub-Committee that there were a number of similarities and differences between the report entitled "Global Ocean Research" prepared at Ponza and 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 (A/AC.138/14). The first of those reports had been drawn up by a joint group of scientists, i.e. by private individuals with no government ties, who looked upon research from a purely scientific standpoint. The Draft Comprehensive Outline, on the other hand, had been drawn up by the representatives of various Governments, and, although based on the Ponza report, had been conceived from a different point of view. The Ponza report identified the scientific problems to be studied under the long-term and expanded programme; the Draft Comprehensive Outline formulated the programmes to be carried out. It was based on the Ponza report and on more than thirty national proposals for programmes of research on a national, regional or global scale. The projects submitted in the outline had been designed to answer the questions

(Mr. Langeraar, Chairman, IOC)

contained in the scientific identification. The Ponza report had been sent to the IOC for information, and the Draft Comprehensive Outline for amendments and adoption, since the IOC's task was to carry out international co-operative marine research programmes. It should be borne in mind that such a comprehensive outline required continuous updating. The implementation of even the first programme would give rise to others, and the IOC would be called upon to carry out constant reviews and adaptations.

With regard to the question of priorities in the selection of co-operative projects, the IOC's Special Working Group had proposed a number of criteria in paragraph 8 of the introduction to the Draft Comprehensive Outline. Those criteria were not in themselves priorities. It was not necessary for each project to meet all the criteria, but some were essential. Others might also be applied in certain special cases.

With regard to the financing of projects, the IOC practice was that, if a Member State decided to participate actively in a project - for example, by sending a research vessel or providing laboratory space - the Government of that State bore the expenses for IOC had only limited resources. The Working Group had considered it premature to give a detailed financial assessment, because the question of financing would depend largely on the attitude of participating States. Nevertheless, judging by the past and present activities of IOC, the long-term programme would not remain dormant until the question of financing was settled. IOC, whose budget was scarcely more than \$100,000 a year, had arranged for the implementation of oceanographic programmes which, from the point of view of ship-time alone, had involved an annual expenditure of tens of millions of dollars, provided by the participating countries.

The questions raised with respect to the developing countries were closely related to national programmes. It had been the developing countries which had suggested the majority of the national programmes, partly because they rightly expected to benefit from them and partly because they did not generally have the means to participate in the programme on a global scale. Moreover, the Special Working Group had not ignored that question in its report as could be seen from the list of criteria for selection of co-operative oceanographic studies, which he had already mentioned, particularly the fifth criterion. It would in any case

/...

(Mr. Langeraar, Chairman, IOC)

be necessary to incorporate the national programmes in a regional or global programme which would take due account of the needs of the developing countries, especially since in the last six months five developing countries had become members of IOC and were thus exerting an influence on its work.

The work of IOC at its next session would be facilitated if the Committee could state which areas of scientific research it would like to see promoted for economic reasons.

Mr. HASAN (Pakistan), referring to the comments already made on the report of the Special Working Group of IOC (A/AC.138/14), said that he was confident that a set of principles governing the evaluation, exploration and exploitation of the sea-bed for the benefit of mankind could be unanimously agreed upon. However, lengthy discussions and consultations were necessary before that aim could be achieved. He would have wished that the IOC draft outline had been a little fuller. However, he understood that it was merely an outline, and very useful as such. The Ponza report was certainly more exhaustive, but the two documents were not strictly comparable, and in fact supplemented each other.

His delegation was not in a position, at the present stage, to comment on Part I of the IOC report, which was of a scientific and technical nature. With regard to Part II, it thought that the attainment of the goals relating to training, education and manpower requirements (section 1) should preferably be entrusted to international machinery. Pending the establishment of such machinery, recourse to bilateral assistance, as proposed in the report, should not be ruled out. He welcomed the suggestion that UNESCO, FAO, WMO and other competent organizations should develop plans, with the support of UNDP, to meet the urgent needs of the developing countries in that field.

With regard to Part II, section 2, he would like to know whether the suggested exchange of plans would be undertaken on a bilateral basis or through an international agency. He also wondered whether the countries engaged in massive exploration of the coast of the developing countries would make available to the developing countries the information they obtained.

With regard to section 8, in particular the penultimate paragraph thereof, his delegation recognized that the United Nations should continue to use the IOC's technical competence, but it thought that the relationship between the

/...

(Mr. Hasan, Pakistan)

United Nations and IOC should be reviewed when international machinery was established for the promotion of the exploration and exploitation of the resources of the sea-bed.

In recent years, Pakistan had participated in Indian Ocean expeditions which made it possible to build up a nucleus of oceanographic and hydrographic expertise. An Oceanographic Institute had also been established in Pakistan. Nevertheless, the marine sciences were still in their infancy in that country. Pakistan therefore welcomed IOC's recommendation that the States most advanced in that field should provide technical assistance and facilities for the benefit of all countries.

In conclusion, he thanked the United States representative for distributing maps which would undoubtedly be of inestimable value for Pakistani researchers. He expressed the hope that it would not be the last time that the United States delegation furnished information of such great value to the Sub-Committee so generously.

Mr. GLAZER (Romania) said that the document distributed by the International Oceanographic Commission was only a preliminary draft and that it would be possible, where appropriate, to take into account the comments made in the Committee when the final version was drawn up.

Firstly, IOC had placed relatively little emphasis on the problems of the exploration and exploitation of the sea-bed and the ocean floor and the subsoil thereof by comparison with other oceanographic questions. Greater attention should be given to those problems.

Secondly, the exploration and exploitation of the sea-bed and the ocean floor and the subsoil thereof presupposed inter-State collaboration which would lead to the development of international co-operation. The emergence of a new ethical and legal principle, according to which, those States which had so far been considered as having, in international law, only obligations in non faciendo or in patiando might now have, and indeed did have, obligations in faciendo, in particular the obligation to co-operate in the maintenance and consolidation of international peace and security. International peace and security depended not on force but on normal relations between States, relations of good neighbourliness and co-operation. In the field of the exploration and

/...

(Mr. Glazer, Romania)

exploitation of the sea-bed and the ocean floor, the principle of international co-operation must be respected and applied, both during the study of the problems involved and the elaboration of a régime and during the exploration and exploitation stage proper.

His delegation felt that a more detailed study should be made of the problems of how to prevent pollution of the sea-bed and the ocean floor and the sub-soil thereof. Industrial activities, particularly nuclear industry, constituted sources of pollution which might endanger the biosphere. The problems of preventing and fighting pollution of the marine environment must be studied urgently at all levels, and it would be desirable for IOC to give them special attention. In particular, a study should be made of techniques for limiting the dangers of pollution, the legal aspects and the question of responsibility. Today the systematic communication by each State to all other States of its undertakings and their results no longer seemed a moral obligation but an absolute necessity.

It was because of the increasing importance of information problems that the Romanian delegation had submitted the draft which had become General Assembly resolution 2458 (XXIII). Progress in the use of computers and computation techniques for development must be accelerated. Co-operation in the field of information would, moreover, prove useful to those who provided the information, as well as to those receiving it. Firstly, such co-operation would enable the inventive and creative resources of all countries to be put to better use. Secondly, in view of the rate at which science was developing, the human resources of those States which were at present the most advanced would soon seem too limited. In order to prevent such intellectual erosion and the resultant lack of specialized staff, the training of the necessary technical and scientific personnel must be encouraged in all countries, particularly the developing countries, on as large a scale as possible. Freedom of research would remain a dead letter unless the right conditions for research were ensured, especially in those countries which did not have experience in that field.

Finally, it should be recalled that the sea-bed and the ocean floor should be used exclusively for peaceful purposes.

/...

Miss MARTIN-SANE (France) said that her delegation was satisfied with the constructive and accurate document prepared by the IOC Working Group, under the chairmanship of Admiral Langeraar. The Group had carried out a considerable task of analysis and synthesis on the basis of the so-called "Ponza" report. She stressed the great importance that her delegation attached to the outline drawn up by the Working Group. Generally speaking, it covered those questions that were of primary concern to her delegation, both at the national level and at the level of international co-operation. She wished to comment on those points to which her delegation attached special importance.

The first point concerned problems of ocean-atmosphere interaction and, in general, the study of ocean phenomena (ocean circulation - variability - tsunamis) which were dealt with at the beginning of the outline report, because they constituted an essential factor in understanding the marine environment and the sea-bed. They included, for instance, the effect of ocean circulation on the formation of living resources (upwellings rich in mineralized substances), the understanding of the machinery of ocean-atmosphere exchange and the prediction of the state of the sea and the weather, which were to be achieved through the plans of the WMO World Weather Watch and the Integrated Global Ocean Station System of IOC. Eventually, man might be able to intervene in ocean and weather phenomena; indeed, as the Soviet delegation had pointed out, the problem was already being studied under the Global Atmospheric Research Programme (GARP) being carried out by WMO.

The second point concerned living resources and their relations with the marine environment. In that connexion there should be a systematic exploration and inventory of the potential living resources in the oceans and methodical measures should be taken to increase the quantity and quality of biological resources (fisheries, agriculture). In using the adjectives "systematic" and "methodical", her delegation had in mind the evaluation of energy production and transfer at the different stages of the food chain, the evaluation of stocks of species of economic value, the determination of the most valuable species from the point of view of protein content, improvement in the methods and techniques of fishing and the possibilities of transplanation or culture of certain marine animals. Obviously there would have to be close co-operation between IOC and FAO.

/...

(Miss Martin-Sane, France)

The third point concerned pollution; it was hardly necessary to stress the importance of that matter, as had been shown by the unanimous adoption of the draft resolution submitted by Iceland the previous year. As the Icelandic delegation had eloquently recalled in the Legal Sub-Committee, there should be close co-operation in that connexion with IMCO, which was already actively concerned with the problem.

The fourth point concerned the section entitled "Geology, geophysics and mineral resources beneath the sea" which was of particular concern to the Committee and on which the whole programme hinged. Some delegations had made the point that that part could have been expanded; it was indeed an essential aspect of the programme, because if the exploration of mineral and fossil resources (which had already begun on the continental shelf) were not extended towards the high seas, the international régime contemplated for their exploitation would be pointless. Her delegation acknowledged the soundness of the projects included in the programme and, within its own national programme, it was trying to make a contribution to the geological knowledge of the globe, for example in the study of continental drift. Thus, the major French oceanographic vessel, the "Jean Charcot" was at present on a three-month assignment in the North Atlantic, where it was engaged in studies of under-water geology and geophysics and was comparing the continental margins on both sides of the Atlantic.

There was also a need to lay stress on certain operations essential for developing the sea-bed, such as the establishment of a satisfactory topographical, geological and geophysical cartography by means of an inventory of existing work and extension of prospecting through borings, dredgings and core-drillings, after having studied the mechanical properties of the sea-bed; the development of tools and techniques needed for exploration and exploitation, and in particular the study of the manufacture of standardized equipment; the development of human adaptation to the marine environment through theoretical studies and experiments in that environment; the launching of pilot operations in selected geographical areas (for example, geotraverses) and experimental studies of procedures for nodule collection and the enrichment of the minerals contained in the nodules. France was particularly interested in the problem of human exploration of the

/...

(Miss Martin-Sane, France)

ocean depths and was devoting many studies to it. If time permitted, her delegation would like to show the Committee a documentary film the following week on the various objectives of those studies. The whole of section 4 of the report, and particularly point C, should be broken down into greater detail and she hoped that the IOC would undertake that work at its sixth session.

Regional co-operation, which was dealt with in section 6 of part I of the report, should be intensified with respect to the study of certain parts of the ocean which had common characteristics. It should be noted that the Joint Mediterranean Study Group, in which the IOC, the General Fisheries Council for the Mediterranean and the International Commission for the Scientific Study of the Mediterranean participated, had already started work along those lines.

In general, as the United States delegation had already pointed out, the long-term and expanded programme, which represented the acceleration phase of the International Decade of Ocean Exploration was aimed at increasing the total sum of human knowledge, not only of the sea-bed, but also of the whole marine environment, in order to make possible the optimum utilization of the ocean, the ocean floor and the subsoil thereof. Although some of the projects were rather theoretical in nature, they could help to provide a better understanding of the various phenomena and thereby facilitate the development of the resources of the sea-bed.

In part II of the outline report, concerning practical problems of implementation, there were two points which seemed fundamental: section 1 entitled "Training, Education and Manpower Requirements", which had been placed at the head of that chapter at the request of the French delegation to the IOC group, and section 9, "Assistance to Developing Countries" which she would like to see expanded. Concerning section 1, she recalled that a working group of IOC which had met in December 1968 had made a comprehensive survey of the situation and had made some interesting recommendations in its report, stressing particularly the need to enable the developing countries to train experts locally and to provide adequate instruction. In that connexion, the activities mentioned in paragraph 1 of part I ought to be especially supported. The French Government had included actual assistance to developing countries in the proposal it had submitted to IOC. Emphasis should be given to the preparation of morphological and

/...

(Miss Martin-Sane, France)

zoological maps, the training of research workers and experts and the establishment of local scientific teams and institutes and the installation of efficient equipment. In that connexion, France had established specialized institutes such as the Office of Overseas Scientific and Technical Research (Office de la recherche scientifique et technique d'outre-mer).

With regard to part II of the report as a whole, her delegation stressed the role which the specialized agencies - particularly FAO, WMO and IMCO - would be called upon to play: their continuing co-operation had proved fruitful through the Inter-Secretariat Committee, for example, which comprised representatives of the various organizations concerned.

Some delegations had expressed regret that no priorities were indicated for the different projects. But, as the delegation of Trinidad and Tobago had pointed out, the IOC Working Group could not settle that delicate question in the short time at its disposal and under its terms of reference, and had preferred to leave it to other organs. It was to be hoped that general priority guidelines could be provided by the sixth session of IOC. But the problem was all the more difficult to solve as the means of financing the programme had not yet been precisely defined. However, the five criteria proposed for the implementation of new projects in paragraph 8 of the Introduction to the report should provide a useful basis for discussion of the priorities to be established.

In conclusion, she stated that it was not the French delegation which had asked that all matters relating to the study of the oceans and their resources should only be considered by the United Nations General Assembly after it had received IOC's views on them. But France did agree with the opinion expressed by the great majority of the IOC expert group that the United Nations should continue to use IOC's competence in all the scientific aspects and certain technical aspects of the problems of the ocean.

Mr. DEBERGH (Belgium) recalled Belgium's great interest in the long-term programme of oceanographic research. The report prepared by a group of experts at the request of the Secretary-General (E/4487) while stressing the reforms needed to broaden the field of competence, the role and the financial resources of IOC and give it greater autonomy, confined itself, with regard to the long-term programme, to stating that it "should synthesize national plans", but did not attempt to

/...

(Mr. Debergh, Belgium)

further define the scope of that programme. It would therefore seem necessary to define the exact scope of the long-term programme more precisely before the General Assembly decided that it should be drawn up and entrusted its co ordination to an organ such as IOC.

In view of the fact that the long-term programme, as conceived within the plan of resolution 2172 (XXI), was concerned with the marine environment in general and was not confined to the particular problem of the sea-bed and the ocean floor, it was interesting to note the answer given by the Joint Working Party, called the Ponza Group, to the following question put by IOC: "How can results of the... exploration and research programmes best contribute to various peaceful uses of the ocean, its floor and its resources?"

The answer pointed out that economic benefits from the long-term programme should not be expected immediately: "The utilization of the ocean and its resources would be improved by scientific research but the latter would only indirectly contribute to the development of new resources.... The programmes proposed would provide scientific data for the assessment of potential resources and the discovery of new resources...." The Ponza report considered that research would most rapidly produce economically profitable results on the continental shelf and the continental slope. On the other hand, in the deep sea it would first be necessary to confirm a certain number of hypotheses in order to arrive at conclusions concerning the presence and value of potential deposits. At its previous session, the Sub-Committee had reached a preliminary conclusion regarding the advisability of concentrating efforts on systematically building up knowledge exclusively in the zones where there was evidence of mineral deposits. The proper procedure would seem to be to start from the continental shelf and then proceed progressively into deeper waters.

The projects relating to geology, geophysics and the mineral resources of the sea-bed that were presented in the report were mainly concerned with "Dynamics of the Ocean Floor" (see p. 26 of the report). Certain theories would seem to indicate that the structure and the materials of the deep ocean basins and ocean trenches contained considerable wealth. However, such hypotheses had yet to be confirmed.

/...

(Mr. Debergh, Belgium)

His delegation hoped that the final report would fill out the draft comprehensive outline prepared by the Special Working Group and suggested that the report of the Ponza Joint Working Party be attached as an annex to the final report on the scope of the long-term programme.

Finally, he pointed out that the European Economic Communities' Committee on Medium-Term Economic Policy had prepared a report on certain prospects of scientific and technical co-operation among European countries in the field of oceanography. That report made certain suggestions concerning protection against pollution of the seas, basic knowledge of marine phenomena and the development of new technical equipment. It suggested, for instance, that consideration be given to establishing for European waters, a system of measurements that would be of value both for oceanographic and meteorological studies, and above all, the installation of an automatic measurement station in the sea.

Mr. GRANELLI (Argentina) thanked the Secretary-General for his report on the mineral resources of the sea (E/4680) and praised the Intergovernmental Oceanographic Commission for the quality of its report (A/AC.138/14) which, despite some shortcomings, constituted an excellent point of departure for identifying all the questions to be studied in that field.

His Government contributed to the work of the IOC through a series of national programmes and had also taken part in regional programmes such as the Equalant programme, to which it attached great importance. His country was firmly of the view that the freedom of scientific exploration of the sea-bed and the ocean floor should be guaranteed, provided that such exploration did not provide grounds for claiming preferential rights to further exploitation.

It was hardly fair to regret that IOC had not attached a detailed explanation of the financial means it would require to its draft programme. On the other hand, it should be pointed out that for its 1969-1970 programme, IOC had a budget of only \$1.25 million, which was less than 1 per cent of the total budget of UNESCO. That was indeed a modest figure for a programme that provided for the implementation of the objectives of six different resolutions, especially in view of the fact that an oceanographic exploration vessel cost around \$350,000 per year and that a drilling barge cost \$800 per hour. It was therefore evident

/...

(Mr. Granelli, Argentina)

that IOC not only needed to be re-organized with a view to further promoting the oceanographic sciences, but that it also needed substantial financing to enable it successfully to carry out its programmes and to comply with the provisions of General Assembly resolution 2467 (XXIII).

With regard to part II of the Draft Comprehensive Outline, and more specifically paragraph 2 of section 1, his delegation felt that the ILO should co-operate with UNESCO, FAO and the other organizations concerned in strengthening and co-ordinating methods of training, education and the utilization of human resources in general at both the national and the regional level. In that way, it could carry on in a new sphere its work of improving working conditions, hygiene, safety and productivity and thus contribute to the social and economic stability that was so essential to the advancement of the developing countries. Extractive activities in the ocean might, for example, fall within the scope of such instruments as Convention No. 42 (Occupational diseases) or Recommendation No. 77 (Organization of training for sea services).

Argentina, for its part, was prepared to join in the task of developing the marine sciences by participating in regular exchanges of information and in the education and training of experts at both the national and the regional level.

Mr. SELLI (Italy) said that the Draft Comprehensive Outline (A/AC.138/14), while it was not, of course, in its final form, provided an excellent basis for setting up a programme of research.

He thought it unfortunate that section 4 of part I, dealing with geological and geophysical research in the sea-bed and its mineral resources, which was more important from the scientific point of view, was more schematic and less detailed. The list of scientific problems could have been improved by specifying the objectives of each research programme. For example, it would be useful to have not only morphological maps of the sea floor but also sedimentological, tectonic, gravimetric, magnetometric and other such maps. Furthermore, research should be carried out not only into manganese nodules but also into phosphorite, metalliferous brines, stream or hot-water sources, etc. A recommendation should therefore be made to IOC to carry out a more exhaustive programme of applied geological and geophysical research.

/...

(Mr. Selli, Italy)

It should also be emphasized that the ocean formed a single entity and that each area of scientific research was closely linked with the others. For example, knowledge of living resources and of the problems of pollution was vital if damage was to be avoided or held to a minimum during the exploration and, especially, the exploitation stage. Similarly, knowledge of marine dynamics and marine biology was essential in reconstructing the origin of certain kinds of mineral deposits and even in locating them, while dredging and drilling operations also called for knowledge of marine dynamics. He noted, in that connexion, that the document under consideration was designed to provide very comprehensive information about the ocean.

The IOC programme also had the merit of not being devoted exclusively to the major oceanographic problems and of taking account of the different marine areas and environments, particularly the marginal and land-locked seas, which presented numerous special problems.

With regard to the various proposals that had been made, his delegation believed that the highest priority should be given to strengthening scientific and technical personnel and establishing an efficient centre for the collection and distribution of data and information. If good results were to be obtained, those two problems would call for long-term planning and organization.

The next step, which, ideally, would be taken simultaneously, was to increase and expand geological and geophysical research programmes in accordance with a detailed and carefully prepared plan.

In any event, it was most important, in the interests of science and with a view to launching a large-scale programme of exploration and exploitation for the benefit of all mankind, to reach agreement on the boundaries of the area beyond the limits of national jurisdiction.

Mr. SALGADO (Chile) paid a tribute to the Intergovernmental Oceanographic Commission and its Chairman, Admiral Langeraar; he associated himself with the latter in urging the developing countries to join in IOC's work off the coast of Chile.

/...

(Mr. Salgado, Chile)

While he did not wish to enter into a detailed discussion of the Draft Comprehensive Outline of the Scope of the Long-Term and Expanded Programme of Oceanic Exploration and Research (A/AC.138/14), which was of a provisional nature and was to be revised at the sixth plenary meeting of IOC, he hoped that the document would retain its references to the need to grant a certain measure of preference to the developing countries and, in particular, to provide scientific and technical training for personnel in those countries.

In that connexion, his delegation felt that, as a matter of urgency, a special fund for oceanographic research should be set up under the United Nations Development Programme and, on the basis of carefully prepared terms of reference, should be administered by IOC for the purposes of the Expanded Programme and for the special benefit of the developing countries. That would be the only way to give the programme a real chance of success and open the way for genuine participation by the developing countries. The fact was that neither the Expanded Programme nor IOC had sufficient resources at present to do the work that the international community expected of them.

In conclusion, he pointed out that IOC, which was a scientific institution serving the international community, had never intended to encroach on the competence of the Sea-Bed Committee and the General Assembly. It operated in accordance with its statutes and within the framework of the United Nations system, with which it was linked through UNESCO. IOC not only deserved the confidence of the United Nations but should also have a broader base so that it would more adequately represent the interests of the developing countries.

Mr. LANCERAAR (Chairman, Intergovernmental Oceanographic Commission) said that he wished to add a few additional remarks to his previous statement.

He found it regrettable that only three developing countries had been members of the Special Working Group that had prepared the Draft Outline (A/AC.138/14). There had been a response from only nineteen of the sixty-five countries that had been invited to take part.

IOC had no intention of extending its work into the field of law. Its scientific activities had on occasion been hampered by existing international law or by the absence of any law, and it had therefore sought to collect information

/...

(Mr. Langeraar, Chairman, Intergovernmental
Oceanographic Commission)

on the subject so as to facilitate the work of the experts who would be responsible for revising international law as it applied to scientific research.

While he realized that section 4 of part I of the report was too short, it should be noted that the Working Group had had only four days to prepare the report, which was based on information from the Ponza report and from proposals submitted by more than thirty countries. The size of the various sections did not reflect the importance of the subjects being discussed. IOC would take steps to correct that defect at its next session. It had a rather difficult task to perform in view of the number of fields with which it had to deal and the number of organizations whose activities it had to co-ordinate. At present, international co-operation took place through those various organizations.

In recent years, IOC's budget had increased by 50 per cent while UNESCO's general budget had increased by only 6 per cent. Under the circumstances, it was difficult to hope for any more.

IOC would be glad to co-operate with the Sea-Bed Committee and to provide any scientific information that was requested of it. Its work would be all the more effective if the Committee's recommendations were submitted to it more rapidly and in written form.

The CHAIRMAN expressed the hope that Mr. Langeraar would convey to IOC the views expressed in the Committee.

He declared the debate on the present item closed.

The meeting rose at 7.10 p.m.

/...

SUMMARY RECORD OF THE TWENTY-THIRD MEETING

Held on Monday, 25 August 1969, at 3.20 p.m.

Chairman:

Mr. DENORME

Belgium

REPORT OF THE SUB-COMMITTEE (A/AC.138/SC.2/6/Add.1-3)

The CHAIRMAN welcomed Mr. de Seynes, Under-Secretary-General for Economic and Social Affairs, who had consented to attend the meeting. He felt that Mr. de Seynes' presence bore witness to the importance which the Secretary-General attached to the work of the Sub-Committee and was an indication that the Department of Economic and Social Affairs was prepared to give it full support.

Mr. de SEYNES (Under-Secretary-General for Economic and Social Affairs) explained that his participation in the session of the Economic and Social Council which had just taken place at Geneva had prevented him from attending the Sub-Committee's meetings. That was regrettable, since, in his opinion, the questions now being considered by the Sub-Committee were among the most important in the entire history of the United Nations and would play a vital part in the future of the Organization.

He was glad to note that the Sub-Committee had made progress in its study of a long-term programme of action for the exploration and exploitation of the sea-bed and the ocean floor; that was a programme with which the United Nations had been concerned for quite some time, having had it under study even before the establishment of the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor. At its next session the Intergovernmental Oceanographic Commission (IOC) would have the benefit of the Sub-Committee's views on the question. In that connexion, he stressed the importance of liaison between IOC and the Sub-Committee, which had now been satisfactorily established.

He was also glad that the question of appropriate international machinery had been taken up by the Sub-Committee. The elaboration of such machinery would naturally entail certain difficulties and ideas on the subject would have to be given time to mature. However, he noted with satisfaction that the matter was already being discussed with complete frankness and he expressed confidence that the Sub-Committee's deliberations would hasten the process whereby that project would be brought to maturity.

The CHAIRMAN, after thanking the Under-Secretary-General for his favourable comments on the work of the Sub-Committee, invited the Rapporteur to introduce the draft report.

/...

Mr. PROHASKA (Austria), Rapporteur of the Sub-Committee, said that the draft report to be considered was contained in documents A/AC.138/SC.2/6/Add.1-3 and was a continuation of the report in document A/AC.138/SC.2/6, adopted at the previous session. Document A/AC.138/SC.2/6/Add.1 covered item 1 of the work programme for the current session, involving an examination of the economic and technical aspects of the draft comprehensive outline of a long-term programme. Document A/AC.138/SC.2/6/Add.2, which would be taken up after addendum 1, dealt with item 2 of the work programme involving the Secretary-General's report entitled "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". Those two documents had been distributed to delegations during the morning as requested at the previous meeting. In that connexion, he wished to thank the translation and reproduction services of the Secretariat, whose efforts had made it possible to meet the request.

He had set forth in a third document, numbered A/AC.138/SC.2/6/Add.3, certain ideas and references which he had been unable, for lack of time, to include in the earlier documents but which should be inserted in them; it had not been possible to distribute that third document until just before the meeting.

In conclusion, he said that the draft report followed the traditional pattern; each of the two principal chapters contained an introduction reflecting the considerations on which the discussion had been based, a main section recording all the ideas put forward during the discussion, and, finally, the usual observations.

The CHAIRMAN invited the Sub-Committee to consider the draft report paragraph by paragraph, beginning with document A/AC.138/SC.2/6/Add.1.

Paragraph 102

Mr. MEYER PICON (Mexico) said that in the tenth line of that paragraph the word "documents" should be replaced by the word "studies" in order to show that the paragraph did not refer to official United Nations documents. Also, the country to which the academies mentioned in sub-paragraph (ii) belonged should be specified.

/...

Mr. KALINKIN (Union of Soviet Socialist Republics) pointed out that in the Russian version that part of the draft report had no title; the omission should be remedied in the final text.

Also the texts mentioned at the end of paragraph 102 had been distributed in English only and his delegation had therefore been unable to acquaint itself with their contents. Moreover, those documents were not official. In the circumstances, was there any need to mention them? In his view, it would be preferable to mention the Secretary-General's study entitled "Mineral Resources of the Sea", submitted at the most recent session of the Economic and Social Council.

Mr. STEINER (United Republic of Tanzania), supported by Miss MARTIN-SANE (France), proposed that the documents listed at the end of paragraph 102 should be mentioned in a foot-note rather than in the body of the paragraph.

Mr. MCKELVEY (United States of America) said that he thought the observations of the representatives of the USSR, Tanzania and France were well founded. The documents in question had been distributed by his delegation for purposes of information only. Perhaps they could be mentioned, but it would seem preferable not to include a reference to them in the body of the report. He also agreed with the USSR representative that the Secretary-General's study on "Mineral Resources of the Sea" should be mentioned.

The CHAIRMAN said that if there were no objections the documents distributed by the United States delegation would be mentioned in a foot-note and a reference to the Secretary-General's study would be included in the body of the paragraph.

It was so decided.

The CHAIRMAN also drew attention to the changes to be made in paragraph 102 as indicated in document A/AC.138/SC.2/6/Add.3, in particular a new sentence concerning the statement made by Admiral Langeraar, Chairman of IOC. If there were no objections, he would take it that those changes were accepted.

Paragraph 102, as amended, was adopted.

/...

Paragraph 103

Paragraph 103 was adopted.

Paragraph 104

Paragraph 104 was adopted.

Paragraph 105

Paragraph 105 was adopted.

Paragraph 106

Paragraph 106 was adopted.

Paragraph 107

Paragraph 107 was adopted.

Paragraphs 107 A and 107 B

The CHAIRMAN drew attention to the additional paragraphs 107 A and 107 B appearing in document A/AC.138/SC.2/6/Add.3. If they were adopted, those paragraphs would, of course, be numbered appropriately in the final text of the report.

Paragraphs 107 A and 107 B were adopted.

Paragraph 108

Paragraph 108 was adopted.

Paragraph 109

Paragraph 109 was adopted.

Paragraphs 110 and 111

Mr. MEYER PICON (Mexico) said that he thought it would be preferable to reverse the order of paragraphs 110 and 111 so as to present in more logical sequence the points in the report dealing with financing and the participation of developing countries.

Paragraphs 110 and 111 were adopted, on the understanding that their order would be reversed.

/...

Paragraph 112

Mr. MEYER PICON (Mexico) pointed out that now that paragraphs 110 and 111 had been transposed, the phrase "which as was pointed out will be the main elements of the long-term programme" in paragraph 112 should logically be deleted.

Paragraph 112, as amended, was adopted.

Paragraph 113

Paragraph 113 was adopted.

Paragraph 114

Mr. WOODLAND (United Kingdom) proposed that the beginning of the first sentence of the paragraph should be expanded to read: "The primary objective of the Expanded Programme is the enhanced scientific knowledge of the ocean and its subsoil, with the ultimate goal..." in order to give a more precise idea of the goals of the Expanded Programme.

Paragraph 114, as amended, was adopted.

Paragraph 114 A (A/AC.138/SC.2/6/Add.3)

Mr. PROHASKA (Australia) pointed out that in the first part of the paragraph the English text should read "required" instead of "régime".

Mr. GLAZER (Romania) said that he would like it to be stated in the second sentence of the paragraph that the development of the resources of the ocean for the benefit of mankind was the goal to be attained, "universality..." being a means of achieving that objective. He would leave it to the Rapporteur to amend the text so as to reflect that idea.

Mr. McKELVEY (United States of America) said that he would like the word "required" in the second line of the paragraph to be replaced by the words "called for".

The CHAIRMAN suggested that the Sub-Committee should resume consideration of paragraph 114 A later.

It was so decided.

/...

Paragraph 114 B

Paragraph 114 B was adopted.

Paragraph 114 C

Paragraph 114 C was adopted.

Paragraph 115

Paragraph 115 was adopted.

Paragraph 116

Paragraph 116 was adopted.

Paragraph 117

Mr. STEINER (United Republic of Tanzania) requested that in the English text the same tense - perhaps the present - should be used in all the sub-paragraphs of paragraph 117.

Mr. GLAZER (Romania) said that in sub-paragraph (a) account should be taken of the fact that the IOC report was merely a draft and would be completed in September. It would therefore be preferable to say that the Sub-Committee appreciated the work already done by IOC and requested it to continue that work, taking into account the views expressed during the session.

Mr. HACHEME (Mauritania) said that he shared the view expressed by the representative of Romania. He also wished to remind the Sub-Committee that the IOC draft Outline had been the subject of certain reservations.

The CHAIRMAN suggested that the Sub-Committee should revert to paragraph 117 later.

It was so decided.

The CHAIRMAN invited the Sub-Committee to proceed to consideration of the part of its report contained in document A/AC.138/SC.2/6/Add.2.

Paragraph 118

Mr. McKELVEY (United States of America) thought that in the case of that paragraph the documents distributed by the United States delegation should be mentioned in a foot-note, as was to be done in the case of paragraph 102.

Paragraph 118, as amended, was adopted.

Paragraph 119

Mr. McKELVEY (United States of America) expressed surprise that in the second sentence of the paragraph it was stated that "from the three alternatives considered... only the first had been covered in an over-all comprehensive manner". According to his recollection of the debate, it had been only the development of the third formulation that the Indian delegation - whose comments the paragraph was apparently meant to reproduce - had found inadequate.

Mr. ARORA (India) recalled that actually a number of delegations, particularly that of Kuwait, had observed that the three formulations had not been given the same treatment.

The CHAIRMAN suggested that the Sub-Committee should revert to paragraph 119 later.

It was so decided.

Paragraph 120

Paragraph 120 was adopted.

Paragraph 121

Mr. McKELVEY (United States of America) proposed that the second sentence of paragraph 121 should be deleted because it did not, in his opinion, reflect the views expressed in the Sub-Committee. He further proposed that paragraph 121 A (A/AC.138/SC.2/6/Add.3) should be incorporated in paragraph 121.

He informed the members of the Sub-Committee that his delegation had drawn up a list of its amendments to the draft report and had had the list distributed.

/...

Mr. KALINKIN (Union of Soviet Socialist Republics) thought that the conclusion stated in the first sentence of paragraph 121 was too categorical in view of the preliminary nature - already stressed in paragraph 120 - of the consideration given by the Sub-Committee to the question of international machinery. That sentence might perhaps be amended to read: "Views were expressed to the effect that it would be desirable to establish international machinery...".

For the same reason, he would be opposed to the inclusion of paragraph 121 A, which likewise dealt with the advisability of establishing international machinery.

Mr. KHANACHET (Kuwait) felt that paragraph 121 reflected accurately the views expressed in the Sub-Committee concerning the establishment of international machinery. It had been recognized that the establishment of such machinery was necessary and that such machinery should operate on behalf of the international community. In that connexion, he felt that the word "administrateur" in the second sentence of the French text should be replaced by a word that would be closer in meaning to the English "trustee".

He therefore rejected the United States and Soviet proposals concerning paragraph 121 and hoped that the paragraph would be retained in its entirety.

In the French text of paragraph 121 A he would prefer the use of a more precise term than "contribuera"; the verb "to promote" in the English text was closer to the idea the Sub-Committee was seeking to express. It would also be desirable to refer in paragraph 121 to a recommendation of the Sub-Committee to the plenary Committee concerning international machinery.

Mr. STEINER (United Republic of Tanzania) endorsed the observations made by the representative of Kuwait. The Sub-Committee had indeed reached agreement on the need to establish such machinery.

Mr. de SOTO (Peru) said that he too hoped that paragraphs 121 and 121 A would be retained. In the Spanish text of paragraph 121, a better term than "sindico" should be used.

Mr. ARORA (India) felt that the wording of paragraphs 120, 121 and 121 A was entirely acceptable, since they reflected, without unnecessary emphasis, the points of view expressed by the various delegations. His delegation would have liked certain aspects to be given greater stress, but in their present form those paragraphs could be considered to express the position of all or almost all the representatives present.

Mr. McKELVEY (United States of America) agreed with the Indian representative. The idea of establishing some form of international machinery seemed to have been accepted by all. Perhaps the insertion of the words "in due course" would make the text more acceptable to the USSR. If not, the text would have to be changed, for the Sub-Committee had always tried to avoid any wording that was not acceptable to all delegations.

His delegation had suggested deleting the second sentence of paragraph 121 because it expressed rather vaguely an idea which was covered more thoroughly in the last sentence of paragraph 135. If only the first sentence of paragraph 121 was retained it might be possible, provided that the USSR had no objection, to combine it, making certain changes, with paragraph 121 A, in order to make it more precise.

The CHAIRMAN noted that if the texts of paragraphs 121 and 121 A were retained, the French and Spanish translations of the word "trustee" would be improved, as well as the French translation of the word "promote". It was agreed that the two paragraphs would be combined. The final text would be studied later.

Paragraph 122

Mr. GAUCI (Malta) thought that no one had the intention of establishing "cumbersome" machinery and he therefore suggested the deletion of that word.

It was so decided.

Paragraph 123

Mr. HOLDER (Liberia) noted that the wording of paragraphs 119, 122 and 123 would seem to indicate that the idea of possibly combining the three types of machinery described in the report had been suggested by a delegation rather than by the Secretary-General. That was not the case. For the sake of

(Mr. Holder, Liberia)

accuracy, it might be desirable to add, in the third line of paragraph 122, after the words "operational agency", the words "or a combination of such elements,". Similarly, in paragraph 123 it should be made clear that the idea of combining those elements had been expressed in the Secretary-General's report.

Mr. McKELVEY (United States of America) proposed that paragraphs 123 and 124, which he considered superfluous, should be deleted and that the idea they expressed should be set forth more briefly in paragraph 130.

Mr. ARORA (India) said that he could agree to the deletion of paragraph 124, but that he would like to retain paragraph 123 because it reflected a point of view expressed by several delegations.

Mr. LIVERMORE (Australia) endorsed the ideas expressed by the representatives of Liberia and India. He suggested that they should be taken into account by adding after the word "possibility" in the first line of paragraph 123 the words "as mentioned in paragraph 6 of the report of the Secretary-General", and replacing the phrase "was felt necessary" in the second and third lines by the phrase "it was suggested that it would be desirable". He would not object to the deletion of paragraph 124.

Mr. HOLDER (Liberia) said that he had no objection to the proposal made by the Australian representative. He thought it could be left to the Rapporteur to draft the final wording of that paragraph.

Mr. McKELVEY (United States of America) agreed to the retention of paragraph 123 but suggested that in the English text the word "category" should be used instead of "type", and that the last three lines of the text should be changed to read: "to concentrate on specific elements that appear to be necessary for acceptable and effective international machinery".

The CHAIRMAN asked the Rapporteur to have the final text of paragraph 123 distributed in at least one working language before the Sub-Committee decided whether to adopt it.

Mr. RAZAKANAIVO (Madagascar) felt that it would be unwise to eliminate, by deleting paragraph 124, the reference to the idea that registry would neither have to be complicated nor costly.

/...

Mr. ARORA (India) suggested that if paragraph 124 was retained it might begin with the words "A view was expressed that".

Paragraph 125

Mr. McKELVEY (United States of America) recommended a number of changes. In the first line the word "mere" should be deleted. In the third line the words "since it is" should be replaced by the words "if it were"; in the fourth line the word "Furthermore" should be replaced by "It was suggested that mere"; in the fifth and sixth lines, the words "which seems clearly to be in favour of" should be replaced by "would favour"; the remainder of the seventh line and the whole of the eighth and ninth lines should be replaced by the sentence "It would lead to a confused race for claims and would also be likely to give rise to disputes". Sub-paragraphs (a), (b) and (c) should be deleted.

Mr. ARORA (India) felt that that suggestion implied a change of meaning rather than of form; he was in favour of leaving the first two sentences unchanged.

Mr. McKELVEY (United States of America) denied that his delegation had any intention of changing the meaning of the paragraph. If the original text of the first sentence was retained, he would request that in the first line the word "felt" should be changed to "suggested".

Mr. ARORA (India) said that he accepted, with that amendment, the changes suggested by the United States representative.

Mr. NJENGA (Kenya) said that he would like to see sub-paragraphs (a), (b) and (c) retained, since the ideas they expressed were important.

Mr. McKELVEY (United States of America) observed that those ideas were mentioned in paragraph 130 and could be further elaborated there if it was so decided. He proposed that the Sub-Committee should wait until it reached that paragraph before deciding what to do about sub-paragraphs (a), (b) and (c).

It was so decided.

Paragraph 125 A

Mr. McKELVEY (United States of America) suggested that the paragraph in question should be inserted after the first sentence of paragraph 135.

/...

It was decided to wait until paragraph 135 was considered before taking a decision in the matter.

Paragraph 126

Mr. de SOTO (Peru) said that he would like to see the word "promulgar" in the seventh line of the Spanish text replaced by a more suitable word, since it was not being used in a legal sense (that did not apply to the French version); in the sixth and seventh lines, it should be indicated whether the safety standards referred to were technical or legal standards; in the ninth line, the reference to "legitimate" expenses suggested that there might be "illegitimate" expenses; in the thirteenth line of the Spanish text, the word "efectivas" seemed to be incorrect. In addition, his delegation was opposed to the idea that international machinery should be given the power to settle disputes between Member States.

Mr. NJENGA (Kenya) said that he would like to know what powers the international machinery was expected to have in the settlement of disputes.

The CHAIRMAN observed that the passage in question was merely an example of the anticipated functions of the international machinery but suggested that it should be deleted if it was giving rise to objections.

Mr. KHANACHET (Kuwait) said that since the Sub-Committee's report was supposed to reflect what had been said in the debates, that function of the international machinery should be mentioned in the report if it had been mentioned in the discussion.

Mr. de SOTO (Peru), Mr. GRANELLI (Argentina) and Mr. CASTELLANOS ARRIETA (El Salvador) asked that their opposition to the idea of giving the international machinery the right to settle disputes between Member States should be noted in the summary record.

Paragraph 126 was adopted subject to that reservation.

Paragraph 127 was adopted without change.

Paragraph 128

Mr. STEINER (United Republic of Tanzania), supported by Mr. NJENGA (Kenya), proposed that the last part of the paragraph ("although the practical feasibility of such a system was very unclear at this stage") should be deleted, since the idea which it contained had already been expressed elsewhere.

Paragraph 128, with that amendment, was adopted.

Paragraph 129

Mr. McKELVEY (United States of America) proposed that the present wording of sub-paragraph (b), beginning at the third line, should be replaced by the following: "and hence might try to influence prices under the pressure of the international community to return a profit, with unfavourable consequences for either world consumers in the higher costs they would have to bear or for land producers in loss of markets"; he also proposed that the words "and exploitation" should be added after the word "exploration" at the end of sub-paragraph (f).

Mr. ARORA (India) proposed that the following sentence should be inserted after the first sentence in the paragraph: "This view did not receive general support."

Mr. McKELVEY (United States of America) said that if that was done it would be necessary to insert a similar reservation after every sub-paragraph. It would be preferable to retain the present wording, since the words "the view was furthermore expressed" at the beginning of the paragraph expressed the limitation clearly enough.

Mr. HOLDER (Liberia) said that he agreed with the United States representative and proposed, in response to the concern expressed by the Indian representative, that the first line should be given a more restrictive sense by replacing the words "the view was furthermore expressed" by the words "one of the views expressed was".

/...

Miss MARTIN-SANE (France) proposed that the following words should be inserted at the beginning of the second sentence: "In support of this view, it was noted that...".

Mr. ARORA (India) said he thought that the following additional sentence should be inserted at the beginning of the paragraph between the first and second sentences: "At the same time, the advantages of an international exploiting agency were stressed by certain delegations."

Mr. McKELVEY (United States of America) said that he found that formulation acceptable but thought it preferable to make it the last sentence in paragraph 128, since the idea which it expressed was contrary to that stated in paragraph 129.

Mr. HOLDER (Liberia) said that he agreed, since paragraphs 128 and 129 clearly expressed the opposing views of two groups.

Mr. KHANACHET (Kuwait) said that although during the discussion operational activities had been envisaged only as a possibility, it had nevertheless been clearly stated that the international body should be endowed with sufficient powers to enable it to undertake certain activities directly if necessary, while other activities would be carried out under its control by means of service contracts. However, that idea was not reflected in the text, which accordingly gave a false impression. It might be a good idea to revise paragraphs 128 and 129 together.

The CHAIRMAN said that the Rapporteur would try to work out a compromise formulation and that the Sub-Committee would come back to that point later.

Mr. McKELVEY (United States of America) observed that the point of view expressed by the representative of Kuwait was partly reflected in paragraph 135. He therefore proposed that the Rapporteur should consider paragraph 135 when he undertook the revision of paragraph 128.

Paragraph 130

Mr. PAVICEVIC (Yugoslavia) requested that paragraphs 130 to 133 should be considered jointly.

/...

The CHAIRMAN suggested that the Sub-Committee should first take up the paragraphs separately.

Mr. McKELVEY (United States of America) recalled that his delegation had proposed that the preambular part of paragraph 130 should be replaced by the following: "Avoiding reference to the categorical models described by the Secretary-General because they tend to conceal other alternatives or combinations of them, it was suggested that effective machinery for the purpose at hand could include registry of claims as one element of a system that would also include and be governed by internationally agreed:"; that the words "working obligations" in sub-paragraph (2) should be deleted; that the present wording of sub-paragraph (5) should be replaced by the following: "Provisions for the payment of royalties that would allow the international community to share in the benefits"; that the present text of sub-paragraph (8) should be replaced by the following: "Provisions for unitized operations where a deposit extends across the borders of a claim"; that sub-paragraphs (6) and (7) should be deleted; that paragraphs 133, 134 and 135 should be inserted after paragraph 130 and renumbered; and that paragraph 131 should be inserted after paragraph 147.

Mr. SALGADO (Chile) proposed that the various sub-paragraphs of paragraph 130 should be replaced by the following text:

"...

(1) Provisions concerning the participation of the international community in the administration of the resources of this area.

(2) Provisions concerning the participation of all States, coastal or land-locked, in the benefits to be derived from the exploitation of these resources. These provisions should take account, in particular, of the interests and needs of the developing countries.

(3) Provisions for the protection of other uses of the sea, such as fishing, hunting, navigation and the laying of submarine cables.

(4) Provisions governing the protection of marine resources against, in particular, pollution and possible damage resulting from the extraction of minerals, etc.

/...

(Mr. Salgado, Chile)

(5) Provisions for protecting the prices of minerals extracted on land, as explained below in this report.

(6) Provisions for protecting the interests of any coastal State that might be affected by exploitation activities.

(7) Safety provisions applicable to the above-mentioned activities.

(8) Provisions governing liability in the matter of damage and compensation."

Mr. PAVICEVIC (Yugoslavia) said that paragraph 130 was concerned with the system of operation and that any attempt to lay down guidelines should be based on criteria which took account of the interests of the developing countries, especially in so far as related to distribution of the profits of exploitation. In his opinion, those points should be included in paragraph 130. He could see no difference in substance between paragraphs 132 and 133 but felt that they should come before the list of guidelines, i.e. before paragraph 130.

Mr. WOODLAND (United Kingdom) said that there should be a reference to the question of freedom of research, which might be inserted between sub-paragraphs (10) and (11). He wondered whether the United States representative would be willing to replace the words "unitized operations", appearing in the text he had proposed for sub-paragraph (8), by the words "co-operative operations".

Mr. McKELVEY (United States of America) said that "unitized operation" was the term currently used by the oil industry in the United States to indicate the merging of several different operations as a single entity. The word "co-operative" did not mean the same thing. Perhaps the British oil industry had not yet had to deal with that problem. He would confer privately with the United Kingdom representative on that point and inform the Rapporteur of the wording that was agreed upon.

Mr. YANKOV (Bulgaria) said that although paragraph 130 was well drafted he noted that the word "include" had been used to indicate that the enumeration was not exhaustive. Mention should be made in sub-paragraph (2), for example, of the freedom of the seas and of equality of treatment for all nations. Those ideas could also be incorporated in a new sub-paragraph (12) or in paragraph 133.

/...

Mr. HOLDER (Liberia) recalled that, with the consent of the United States delegation, the Sub-Committee had agreed to state in paragraph 123 that the Secretary-General had not restricted himself to rigid categories of systems. He himself could not therefore, for the sake of consistency, accept the amendment proposed by the United States delegation to the first sentence of paragraph 130. He regarded the wording "it was suggested..." as particularly unfortunate.

Mr. McKELVEY (United States of America) said that he would be willing to use the words "one of the views expressed was" in the present instance, too, and stressed that he had not meant to imply that the Secretary-General had not been aware of the range of possible formulas for both the machinery and the régime. He would consult privately with the Liberian representative with a view to working out an acceptable text.

Mr. KHANACHET (Kuwait) welcomed the attitude taken by the United States representative and proposed that sub-paragraphs (6) and (7), which were unquestionably important, should be retained. He had hoped that paragraph 130, which gave a detailed enumeration of the steps to be taken, would follow more closely the Informal Drafting Group's report (A/AC.138/SC.1/4) and, in particular, would repeat the provisions contained in paragraph 25 of that document. Mention should be made of the principles set forth in element (i), sub-paragraphs (a), (b) and (c), and elements (iii) and (v) of paragraph 25. He hoped that the Rapporteur would take account of his comments.

Mr. PROHASKA (Austria), Rapporteur, replied that he had based his report for the most part on the statements made in the Economic and Technical Sub-Committee and recalled that most of the elements to which the Kuwaiti representative had just referred could be found in paragraphs 132 and 133 of the draft report.

Mr. McKELVEY (United States of America) said that, in the light of the Kuwaiti representative's observations, he would be prepared to see sub-paragraphs (6) and (7) retained with certain changes. However, a number of delegations, including that of Chile, apparently wished to recast the entire paragraph. Perhaps a drafting committee should be set up for that purpose.

/...

The CHAIRMAN said that the suggestion was a sound one and asked the delegations concerned to reach agreement among themselves on a new text which he could submit at the next meeting, thus facilitating the task of the Rapporteur.

The meeting rose at 6.30 p.m.

SUMMARY RECORD OF THE TWENTY-FOURTH MEETING

Held on Monday, 25 August 1969, at 8.50 p.m.

Chairman:

Mr. DENORME

Belgium

/...

REPORT OF THE SUB-COMMITTEE (A/AC.138/SC.2/6 and Add.1 to 3) (continued)Paragraph 114 A

Mr. PROHASKA (Austria), Rapporteur, read out a revised text of the paragraph which had been drafted during informal consultations in order to take account of the amendments proposed by Romania and Yugoslavia.

Paragraph 114 A, as amended, was adopted.

Paragraph 117

Mr. PROHASKA (Austria), Rapporteur, read out a revised text which had been drafted during informal consultations in order to take account of the amendments proposed by Romania and Kenya.

Paragraph 117, as amended, was adopted.

Paragraph 119

Mr. PROHASKA (Rapporteur) read out the revised text which had been drafted in informal consultations in order to take account of the amendments proposed by the United States of America and Kuwait.

Paragraph 119, as amended, was adopted.

Paragraphs 121 and 121 A

Mr. ARORA (India) suggested that, in order to eliminate the difficulties which arose in connexion with paragraph 121, the word "generally" in the first sentence might be changed to "widely". The use of the word "widely" would not commit those delegations which held different views, and would have the merit of reflecting positively the measure of agreement in the Sub-Committee.

Mr. KALINKIN (Union of Soviet Socialist Republics) said that his delegation could accept the retention of the first sentence if the phrase "It was generally accepted" were changed to "The view was expressed", or if the phrase "which might be established" were inserted after the words "international machinery" in line 1 of paragraph 121.

/...

Mr. McKELVEY (United States of America) said that he would be able to accept the second alternative suggested by the delegate of the Union of Soviet Socialist Republics if paragraph 121 A was also adopted. Then the revised paragraph 121 and paragraph 121 A would together reflect the general opinion of the Sub-Committee.

Mr. PROHASKA (Austria), Rapporteur, said that he had held consultations with the delegations of the Soviet Union and Malta regarding paragraph 121 A; they would agree to the inclusion of paragraph 121 A if the phrase "in the form of a recommendation, of the agreement reached in this Sub-Committee on the desirability of establishing" (lines 1 to 3) were replaced by "that it would be desirable to establish".

Mr. ARORA (India) said that he was unable to accept the proposed amendment. It was necessary to take a decision on paragraph 121, which contained a straightforward statement of opinion, before considering the more complex paragraph 121 A which contained a recommendation to be made by the Sub-Committee to the Main Committee.

Paragraph 122

Mr. PROHASKA (Austria), Rapporteur, said that in accordance with the Maltese proposal, it had been decided to replace the word "extremely" in the fifth line by the word "very" and to delete the words "and cumbersome" from the fifth and sixth lines.

Paragraph 122, as amended, was adopted.

Paragraph 123

Mr. PROHASKA (Austria), Rapporteur, read out a revised text, which had been drafted in consultation with the delegations of Australia, Liberia and the United States.

Paragraph 123, as amended, was adopted.

Paragraph 124

Mr. PROHASKA (Austria), Rapporteur, said that the deletion of the paragraph had originally been proposed by the United States, India and Madagascar. He had been unable to consult the delegation of Madagascar, but the other two delegations had agreed to the retention of the paragraph provided that it was prefaced by the phrase "the view was expressed that".

Paragraph 124, as amended, was adopted.

Paragraph 125

Mr. PROHASKA (Austria), Rapporteur, read out a revised text which had been drafted in order to take account of the divergent views expressed by the delegations of Kuwait and the United States.

Mr. McKELVEY (United States of America), replying to the Chilean representative's request for clarification regarding the concept of internationally agreed criteria, said that it was generally accepted in the Sub-Committee that any system adopted would include internationally agreed criteria. Examples of such criteria were given in paragraph 130.

Paragraph 125, as amended, was adopted.

Paragraph 125 A

Paragraph 125 A was adopted.

Paragraphs 128 and 129

Mr. PROHASKA (Austria), Rapporteur, read out revised texts of the paragraphs which had been drafted in co-operation with the delegations of the United States and Kuwait.

Paragraphs 128 and 129, as amended, were adopted.

Paragraphs 129 A

Mr. McKELVEY (United States of America) said that the Drafting Committee, acting on the proposal by the representative of Chile, had suggested the following wording:

/...

(Mr. McKelvey, United States)

"The view was expressed that consideration would have to be given to the question of the participation of the international community in the administration of this area and its resources. Attention was also called to the need for all States, coastal and land-locked, to participate in the benefits to be derived from the exploration and exploitation of these resources, taking into account the special interests and needs of the developing countries."

Paragraph 129 A, as amended, was adopted.

Paragraph 130

Mr. McKELVEY (United States of America), speaking on behalf of the Drafting Committee, suggested ~~that the word "should" in the third line should~~ be replaced by the word "might".

The beginning of sub-paragraph (8) should be amended to read "Solution of problems where a deposit extends...".

Mr. KALINKIN (Union of Soviet Socialist Republics) proposed that the words "A view was expressed... " should be inserted at the beginning of the paragraph.

Mr. WOODLAND (United Kingdom) reiterated his earlier suggestion concerning the inclusion of a sub-paragraph to the effect that the freedom of scientific research should be preserved.

Mr. de SOTO (Peru) proposed that the words "beyond the limits of national jurisdiction" should be inserted after the words "sea-bed resources" in sub-paragraphs (1) and (10).

Paragraph 130, as amended, was adopted.

Paragraph 131

Mr. McKELVEY (United States of America), speaking on behalf of the drafting committee, suggested the addition of the following sentences: "It was also suggested that the Sub-Committee examine further the criteria and mechanisms covering the obligations of the operator towards the international community and, especially, the sharing by the international community in benefits derived from exploration and exploitation. It was further suggested that the Sub-Committee devote more study to criteria and machinery covering the distribution of benefits, taking into account the urgent needs and interests of the developing countries." The entire paragraph should be inserted after paragraph 147.

Paragraph 131, as amended, was adopted.

Paragraph 132

Mr. McKELVEY (United States of America) said the drafting committee had proposed that the words "The view was expressed" should replace the words "It was also said" at the beginning of the paragraph.

Paragraph 132, as amended, was adopted.

Paragraph 133

Mr. McKELVEY (United States of America) said that the drafting committee had proposed the insertion of the words "A view was expressed that" at the beginning of the paragraph and of the words "inter alia" after the word "therefore" in the second line.

Mr. GAUCI (Malta) felt that the phrase "a view was expressed that" should be inserted, not at the beginning of the paragraph, but after the semicolon in the first sentence.

Mr. de SOTO (Peru) proposed the inclusion of the words "outside national jurisdiction" at the end of the first sub-paragraph.

Mr. PINERA (Chile) wished it to be made clear that the view expressed in the paragraph did not entirely reflect the position of his own delegation, which felt that the international machinery should meet other criteria besides those mentioned.

Paragraph 133, as amended, was adopted.

Paragraph 134

Mr. ARORA (India) proposed that a semicolon should be placed at the end of the first sentence and that the words "and further it was stated that" should be inserted at the beginning of the second sentence. He proposed the addition of the following sentence at the end of the paragraph: "The establishment of effective machinery at an early date was emphasized".

Mr. de SOTO (Peru) considered that there might be a more felicitous Spanish rendering of the phrase "subsequent developments" in the last sentence.

Mr. McKELVEY (United States of America) said he was unable to support the wording of the additional sentence proposed by the representative of India. Just because the proposed international machinery was flexible, that did not mean that it would be ineffective. He proposed the addition of the words "but the need for the establishment of effective machinery at an early date was emphasized." at the end of the last sentence.

Mr. ARORA (India) agreed to that proposal.

Miss MARTIN-SANE (France) suggested that in the French text the word "élaboré" might be a better translation of the word "sophisticated" than "complexe".

Mr. PINERA (Chile) thought that the word "elaborado" might be preferable to "complicado" in the Spanish text.

Paragraph 134, as amended, was adopted.

Paragraph 135

Mr. McKELVEY (United States of America) proposed that the following sentence and words should be inserted at the beginning of the paragraph: "The view was also advanced that the machinery should include all functions of the systems outlined by the Secretary-General. Thus, according to this view, ...". Paragraph 125 A (A/AC.138/SC.2/6/Add.3) should be inserted at the end of the second line and the words "in this view" should be inserted after the first words of the third and last sentences.

Mr. ARORA (India) felt that paragraph 125 A might more appropriately be included after paragraph 125.

Mr. PIÑERA (Chile) regretted the negative tone of the first two sentences in the paragraph. His delegation believed that the new authority would have expertise, equipment and financial backing.

He considered that paragraph 125 A should be included as a separate paragraph.

Mr. PAVICEVIC (Yugoslavia) agreed with the representative of Chile and suggested that the paragraph should be reformulated to eliminate any pessimistic predictions.

Mr. McKELVEY (United States of America) considered that the paragraph should be read as a whole and that undue stress should not be placed on the first two sentences.

Mr. PROHASKA (Austria), Rapporteur, said he had included paragraph 125 A in deference to the views of the representative of Madagascar and in order to indicate that the proposed machinery would be flexible enough to meet growing needs.

Mr. GLAZER (Romania) wished to emphasize the importance of including the views of every delegation.

Mr. McKELVEY (United States of America) withdrew his suggestion concerning the insertion of paragraph 125 A.

Mr. ARORA (India), supported by Mr. PINERA (Chile), said that it was important that the paragraph should reflect the more optimistic and positive ideas which had been expressed in the course of the Sub-Committee's discussions.

Mr. PROHASKA (Austria), Rapporteur, after consultations with the delegations of Chile and India, read out a revised text.

Paragraph 135, as amended, was adopted.

Paragraph 136

Miss MARTIN-SANE (France) proposed the addition of the following sub-paragraph: "It was also pointed out that reference might usefully be made to already existing conventions covering subjects related to exploitation of the seabed (prevention and limitation of pollution, protection of installations and workers) and it was suggested that the Secretariat of the United Nations, at some stage of its work, should extract relevant material from existing texts, which, if they were adapted or amended, might make new international instruments unnecessary".

Mr. SALGADO (Chile) pointed out that the question of establishing machinery was not necessarily dependent on, or even related to, the determination of the limits of the area beyond national jurisdiction - a matter which was in any case outside the Sub-Committee's terms of reference. He therefore proposed that the third sentence of the first sub-paragraph, and the entire second sub-paragraph, should be deleted.

Mr. LIVERMORE (Australia) supported the amendment proposed by the representative of France and suggested the following additional amendments. The word "regarded" in the first line should be replaced by "considered", and the second sentence should begin with the words "It was suggested that ..." in deference to the views of the Chilean delegation. He considered that the second sub-paragraph should not be deleted since it represented a consensus view.

/...

Mr. PAVICEVIC (Yugoslavia) supported the proposal to delete the second sub-paragraph.

Mr. KHANACHET (Kuwait), supported by Mr. LIVERMORE (Australia), suggested that the word "arrangements" in the third sentence should be replaced by "machinery".

Mr. CABRAL DE MELLO (Brazil) proposed the addition of the words "It was said that" at the beginning of the third sentence.

Mr. CASTELLANOS ARRIETA (El Salvador) wished it to be placed on record that he endorsed the reservations expressed by the delegation of Chile.

Mr. ARORA (India) suggested that the paragraph should begin with the words "A view was expressed that" and proposed that the second sentence should be deleted. The third sentence should include the words "A view was expressed that".

Mr. YANKOV (Bulgaria) pointed out that the first sub-paragraph dealt with the question of machinery in general, while the second related to the exact scope and functions of such machinery - a matter on which some reservations had been expressed. The deletion of the second sub-paragraph would therefore affect the balance of the report, which should take into account all the views expressed within the Sub-Committee.

Mr. GAUCI (Malta) agreed with the representative of Australia that in the first line the word "regarded" should be replaced by "considered". However, he felt that the paragraph should otherwise remain as it stood, since it reflected a trend of opinion expressed in the Sub-Committee.

Mr. de SOTO (Peru) supported the Chilean proposal and pointed out that the Sub-Committee was not obliged to record views expressed on matters which fell outside its competence. An adequate reflection of those opinions could be found in the summary records.

/...

Mr. SALGADO (Chile) said that his delegation could not withdraw its proposal. The question of the determination of the limits of the area beyond national jurisdiction was outside the Sub-Committee's terms of reference. In any case, the delimitation of national jurisdiction was not essential to the viability of the international machinery; neither the Outer Space Treaty nor the Convention on the High Seas had set precise limits for the environments which they governed, yet they had been adopted and ratified by States and were legally binding. The question of the precise limits of national jurisdiction might possibly be dealt with at a later date by a competent body, but it was certainly not a matter for discussion by the Sub-Committee at the present stage.

The CHAIRMAN suggested that the Sub-Committee should resume its consideration of paragraph 136 later on, in the hope that an accepted formula could be drafted in the meantime.

It was so decided.

Paragraph 137

Mr. GAUCI (Malta) felt that the third sentence should be deleted as it gave the misleading and unfortunate impression that the principle of the common heritage of mankind would in some way be responsible for a mushrooming international bureaucracy.

Mr. CABRAL DE MELLO (Brazil) said that he was sympathetic to that view. He thought, however, that it was important to retain the spirit of the paragraph, which sought to ensure that the principle of the common heritage of mankind was not debased.

Mr. GAUCI (Malta) observed that that sentiment was adequately expressed in the fourth sentence.

Mr. ARORA (India) suggested that the first sentence should be deleted, as it dealt with a matter covered earlier in the report. He agreed with the interpretation of the third sentence put forward by the representative of Brazil, but felt that the wording of that sentence left much to be desired. Furthermore,

/...

(Mr. Arora, India)

it was important that the Committee should say what it really meant. While some delegations had indeed expressed the fear that an international bureaucracy might become irresponsible and unresponsive to the aspirations of States, other delegations, including his own, had insisted that some sort of international bureaucracy was essential. As the representative of Malta had pointed out, the final sentence adequately reflected the feelings of the Sub-Committee, and had the merit of being less harsh and less rhetorical than the third sentence.

Mr. PINERA (Chile) agreed that the problem was mainly one of phraseology, and suggested that the Rapporteur should be asked to reword the third sentence to ensure that it did not imply disrespect for the international civil service per se. He further proposed that in the second sentence the words "... by an international body only" should be replaced by the following formula: "In this respect, it was suggested that there might be established sub-regional bodies depending on central machinery, which would take into consideration the geographical and economic peculiarities of the various regions and would take the aforementioned peculiarities into account in its practical action". That point had been raised by his delegation during the debate, and he felt it should be reflected in the report.

After a discussion in which the delegations of Brazil, India, Liberia, Malta and the United States took part, the CHAIRMAN suggested that those delegations should attempt to work out a mutually acceptable formula while the Sub-Committee proceeded with the consideration of its report.

It was so decided.

Paragraph 138

Mr. SCIOLLA (Italy) said that the use in the French text of the word "conviction" did not adequately reflect the view expressed by certain delegations that the rights of operators should be safeguarded. He therefore proposed the insertion, in the third line before the word "equally", of a sentence to the effect that the régime should safeguard such rights.

The CHAIRMAN suggested that, if that proposal was acceptable to the Sub-Committee, the Rapporteur should be left to decide on the final wording of the amendment.

It was so agreed.

Mr. PINERA (Chile) said that the distinction drawn in the paragraph between socialist and capitalist nations did not take into account certain States, such as Chile, which did not rigidly conform to either economic system. He therefore proposed that the words "socialist and capitalist" should be deleted from the third line of the paragraph. They might possibly be replaced by some reference to nations with different economic and social systems. He also proposed that the word "governmental" in the fourth line should be replaced by the word "public".

Mr. ARORA (India) supported the first Chilean amendment but thought that it would be more logical to delete the whole series of contrasts. He further proposed that the words: "It was suggested that" should be inserted at the beginning of the paragraph.

The CHAIRMAN said that, in the absence of any objections, he would assume that the Sub-Committee was prepared to accept the first Chilean amendment as further amended by the representative of India, the second Chilean amendment, and the Indian amendment.

It was so agreed.

Paragraph 138, as amended, was adopted.

Mr. GAUCI (Malta) proposed that an additional paragraph, tentatively numbered paragraph 138 A, should be inserted between paragraphs 138 and 139. The new paragraph would read:

"A suggestion was also made that, in order to ensure the viability of the proposed international machinery, within a legal régime, it will be necessary to insulate, as far as possible, the sea-bed and the ocean floor from all power rivalries."

Paragraph 138 A was adopted.

/...

Paragraph 139

Mr. McKELVEY (United States of America) drew attention to the amendment circulated by his delegation. He further proposed that in the first line of the second sentence the word "stated" should be replaced by "suggested".

Paragraph 139, as amended, was adopted.

Paragraph 140

Mr. McKELVEY (United States of America) suggested that the word "However..." should be inserted at the beginning of the second sentence.

Mr. GAUCI (Malta) proposed that the word "more" should be deleted from the fourth line.

Paragraph 140, as amended, was adopted.

Paragraph 141

Mr. CABRAL DE MELLO (Brazil) noted that the paragraph reflected a suggestion originally made by his delegation, and proposed that in order to bring it more into line with that suggestion the first sentence should read "It was pointed out that preferential rights should be granted to the coastal State with regard to mineral deposits lying in the area beyond its jurisdiction but adjacent to it."

Mr. SHERWIN (Canada) supported that amendment but proposed that the words "in the area" should be replaced by the words "within a zone".

Mr. GAUCI (Malta) thought that the text as it stood gave the misleading impression that the view expressed therein was espoused by the Sub-Committee as a whole. He therefore proposed that the words "It was pointed out..." should be replaced by the words "A view was suggested...".

The CHAIRMAN said that if there were no objections, he would assume that the Brazilian amendment, as sub-amended by the representative of Canada, and the Maltese amendment, were acceptable to the Sub-Committee.

It was so agreed.

Paragraph 141, as amended, was adopted.

/...

Paragraph 142

Mr. SHERWIN (Canada) proposed that the paragraph should be reworded to read:

"The view was expressed that an important purpose of a zone of preferential rights would be to allow for the participation of the coastal State in the supervision and regulation of activities in areas adjacent to but beyond the limits of national jurisdiction, in view of the adverse effect that these operations might have on the coastal environment."

Mr. GAUCI (Malta) pointed out that it would not be necessary to take measures to protect the coastal environment if the area under national jurisdiction were sufficiently wide. He therefore proposed that the following paragraph should be added to the text proposed by Canada:

"A view was also expressed that this would depend on the width of the area under national jurisdiction which had not yet been delimited."

Mr. PIÑERA (Chile) said that his delegation supported the Canadian proposal, but found the Maltese proposal unacceptable.

Mr. CABRAL DE MELLO (Brazil) said that his delegation would have some difficulty in accepting the Canadian proposal.

The CHAIRMAN suggested that the delegations of Brazil, Canada, Chile and Malta should endeavour to find a mutually acceptable formula while the Committee proceeded with the consideration of its report.

It was so decided.

Paragraphs 143 to 145

Paragraphs 143 to 145 were adopted.

Paragraph 146

Mr. McKELVEY (United States of America) drew attention to the amendment circulated by his delegation and explained that its purpose was to make it clear that other methods of channelling benefits had been suggested during the debate.

/...

Mr. CABRAL DE MELLO (Brazil) noted that the paragraph reflected a suggestion originally made by his delegation and suggested that it would more accurately record that proposal if the word "or" were deleted from the last line, and the words "or to a method of direct channelling of benefits to States." were added at the end of the paragraph.

Mr. McKELVEY (United States of America) said that his amendment still stood, as the Brazilian proposal, if adopted, would merely list another of the various options which had been put forward.

Mr. ARORA (India) considered that the United States amendment would be sufficient in itself.

The CHAIRMAN suggested that as, in any case, the Brazilian proposal raised some problems of style, it should be left to the Rapporteur to decide on an appropriate wording.

Paragraph 146, as amended, was adopted.

Paragraph 147

Mr. GAUCI (Malta) proposed that in the fourth line the word "argued" should be replaced by the word "stressed".

Mr. McKELVEY (United States of America) proposed the substitution of the word "considered" for the word "distributed" in the penultimate line.

Paragraph 147, as amended, was adopted.

Paragraph 148

Mr. GLAZER (Romania) said that he had reservations regarding the position in the report of sub-paragraph (i). Since the Secretary-General's report had been submitted at a late date, Governments had not had time to study it in detail or to transmit precise instructions to their delegations. It was therefore inevitable that all the remarks made were of a preliminary nature and that all delegations had the right to change their views at a later stage if necessary. The fact that the Sub-Committee's discussions represented a preliminary exchange of views was already stated in paragraph 120. Consequently, the inclusion of

/...

(Mr. Glazer, Romania)

sub-paragraph (i) in paragraph 148 was out of place. It should be inserted after paragraph 118, or at the latest after paragraph 120, in order to emphasize the preliminary and tentative nature of the Committee's consideration of the item. Furthermore, if the point was emphasized, delegations would have less difficulty in reaching a compromise regarding the controversial paragraphs on which decisions still had to be taken.

Mr. YANKOV (Bulgaria) said that he supported the view expressed by the representative of Romania. He suggested the following addition to paragraph 148 (b):

"It was also admitted that a decision on any kind of international machinery which might be established should be taken on the basis of sound examination and evaluation of all relevant economic, technical, legal, political and other factors affecting the exploration and exploitation of the sea-bed beyond the limits of national jurisdiction".

After paragraph 148 (c) he would insert the following:

"It was emphasized in this connexion that any institutional arrangements which might be discussed should be assessed from the point of view of their efficiency, impartiality and their impact on international co-operation in the exploration and exploitation of the sea-bed, in the exercise of the freedoms of the high seas and the conservation of marine resources."

Those two additions would help to give a clearer picture of the stage reached in the Sub-Committee's discussions.

Mr. PINERA (Chile) considered that both the position and contents of paragraph 148 (i) should be changed. Firstly, it was superfluous at that stage in the report to state that the views expressed were of a preliminary nature. Secondly, the latter part of the paragraph gave the erroneous impression that the majority of delegations considered that the Committee would be unable to conclude its work until a definition of the limits of the area beyond national jurisdiction had been worked out. His delegation was not of that opinion. Furthermore, it considered that the Committee's terms of reference did not cover the question of the definition of the limits of the area beyond national jurisdiction.

/...

(Mr. Piñera, Chile)

With regard to paragraph 148 (h), since the Committee had not yet taken a decision on the establishment of a licensing system, it was not appropriate to suggest that the Economic and Technical Sub-Committee should elaborate at its next session a code regarding conditions of title arrangements and a system of operating and supervisory procedures. He therefore suggested that the words "provided that it is decided to establish a system of licensing" should be inserted at the end of sub-paragraph (h).

Mr. de SOTO (Peru) agreed with the representative of Chile that it was wrong to say that the international machinery could not be established until the limits of the area beyond national jurisdiction had been defined. He therefore considered that the words following "the basic principles of the régime" should be deleted.

Mr. IMAM (Kuwait) suggested that the second half of the last sentence of sub-paragraph (d) should read as follows: "others insisted that it deserved careful consideration and that it should be discussed indepth at a later stage".

He also suggested that sub-paragraph (f) should read as follows:

"A registry had been advocated by some delegations as an acceptable system, while others agreed with the statement in the report of the Secretary-General that should additional functions be given to the registry, its character and operation would resemble very closely those of the licensing authority."

Mr. GAUCI (Malta) suggested that the Bulgarian amendment to sub-paragraph (c) should also include a reference to the equitability of the machinery.

For the sake of clarity the end of the first sentence of sub-paragraph (e), after the word "possibilities", should be amended to read "the latter being a more refined version of the former".

The second sentence of sub-paragraph (h) should be amended to read:

"... the Economic and Technical Sub-Committee should at its next session formulate criteria with regard to the international recognition of any exclusive rights with regard to the sea-bed and the exploitation of its resources".

/...

(Mr. Gauci, Malta)

In sub-paragraph (j) the last phrase should be replaced by "and which could be adapted to future needs as they arose".

Mr. ARORA (India) said that for the sake of consistency the words "institutional arrangement" in sub-paragraphs (c) and (h) should be changed to "international machinery".

The Bulgarian amendment to sub-paragraph (b) did not reflect the views expressed in the Sub-Committee during the debate. The Sub-Committee had already discussed that point in detail at its meetings and the text, qualified by the words "In general", did not commit delegations to the opinion contained in the sub-paragraph.

He supported the representative of Kuwait on the subject of sub-paragraphs (d) and (f). He also supported the Maltese amendment to sub-paragraph (e), but thought that the whole paragraph should be prefaced with "One view was that".

His delegation had difficulty in understanding the Chilean amendment to sub-paragraph (h). It did not consider that there was any need to decide upon a system before elaborating a code. The Sub-Committee might well hold exploratory discussions regarding the machinery to be establish. Furthermore, the elaboration of the code might be most useful in the discussions on the type of system to be established.

He agreed that there was a contradiction in sub-paragraph (i). Earlier in the report, for example in sub-paragraph (b), it had been recognized that some form of international machinery was needed. Hence it was not the Sub-Committee's views on the need for machinery but those on the precise nature of that machinery which were of a preliminary nature. Nor should the question of the establishment of international machinery be linked to the definition of the limits of the area beyond the national jurisdiction. Consideration should be given to the definition of the area beyond the limits of national jurisdiction, but the establishment of the machinery should not be conditional upon the elaboration of such a definition.

The meeting rose on Tuesday, 26 August at 12.45 a.m.

/...

SUMMARY RECORD OF THE TWENTY-FIFTH MEETING

Held on Thursday, 28 August 1969, at 11.10 a.m.

Chairman:

Mr. DENORME

Belgium

/...

REPORT OF THE SUB-COMMITTEE (A/AC.138/SC.2/6 and Add.1 to 3) (concluded)

The CHAIRMAN drew attention to certain amendments to the draft report, which had been circulated to members of the Sub-Committee in the form of an unofficial document. The amendments were the result of lengthy consultations and negotiations, the aim of which had been to produce not the most perfect document possible but one which was acceptable to all delegations. The amendments in the document before the Sub-Committee represented a "package deal" and its balance would be upset if even a comma were to be added or deleted. He therefore asked members of the Sub-Committee to consider the document as a whole and expressed the hope that they would find it acceptable. If some delegations found it difficult to accept certain points, he would invite them to state their views for inclusion in the summary record of the meeting.

Mr. KHANACHET (Kuwait) paid tribute to the good will, understanding and patience of those who had taken part in the negotiations. They had represented not only their own delegation's point of view but also the points of view of other delegations and in a sense, therefore, the document before the Sub-Committee was the result of general agreement. He hoped that the Sub-Committee would consider the text in the spirit in which it had been drafted and that it would be approved unanimously.

Mr. PIÑERA (Chile) paid tribute to the able leadership of the Chairman and said that great sincerity had been displayed by those who had taken part in the informal consultations. Everything possible had been done to arrive at acceptable formulations and he would appeal to all members of the Sub-Committee to agree to the revised text now before them.

Mr. ABDEL HAMID (United Arab Republic), supported by Mr. KHANACHET (Kuwait), said that, in a spirit of co-operation, he would be prepared to accept the amended text which had been circulated unofficially, provided that all the members of the Sub-Committee were unanimous in their support for it. He wished to point out, however, that his delegation had consistently maintained that, in the matter of regional co-operation, the views of the countries concerned were of paramount importance. The absence of any reflection of that view-point in paragraph 137 should not be interpreted as meaning that there had been any change in his delegation's position.

/...

Mr. GAUCI (Malta) congratulated those who had participated in the informal consultations and said that they had greatly facilitated the Sub-Committee's task. His delegation was prepared to accept the formulations, despite the fact that it viewed certain paragraphs, particularly paragraphs 121 and 142 bis, with some concern.

Mr. McKELVEY (United States of America) said that the informal discussions had at times been somewhat heated, but there had been great willingness to negotiate. While it might have been possible to produce a smoother draft, the text was nevertheless adequate. The delegations of the United Arab Republic and Malta, despite certain difficulties, were willing to approve the text and he hoped that all delegations would adopt the same approach.

Mr. ARORA (India), supported by Mr. HACHEME (Mauritania), commended those who had worked so hard to produce a draft acceptable to all. He realized that the revised text of paragraph 121 reflected the greatest degree of agreement it was possible to reach at the present stage. Nevertheless, he stressed that, ideally, his delegation would have wished to add a sentence stating that some delegations had suggested that an international régime and international machinery should, in their view, apply to both the area and its resources.

Mr. BRECKENRIDGE (Ceylon) said that his delegation had no intention of suggesting any changes to the text now before the Sub-Committee. However, in connexion with paragraph 121, he would point out that the question of the uses of the sea-bed involved more than mere exploitation of the resources of the area.

Mr. GLASER (Romania) expressed his deep appreciation of the work of the Chairman, the Rapporteur and the members of the informal drafting group. All delegations would agree that there was no paragraph of the draft report which could not be improved upon. On the other hand, in all aspects of life, it was essential at all times to strive for something better. He was sure that, with patience, good will and perseverance, the Sub-Committee would be able to make progress in the future, no matter how great the problems with which it was faced.

/...

The CHAIRMAN suggested that the Sub-Committee should approve the amendments under consideration.

The amendments to the draft report were approved.

The draft report as a whole (A/AC.138/SC.2/6 and Add.1-3) was adopted.

CLOSURE OF THE SESSION

The CHAIRMAN, reviewing the results achieved first by the Economic and Technical Working Group of the Ad Hoc Committee to Study the Peaceful Uses of the Sea-Bed and Ocean Floor Beyond the Limits of National Jurisdiction, and subsequently by the Economic and Technical Sub-Committee, said that the first task had been a technical one, namely, to evaluate the present stage and foreseeable development of technology in the exploration and exploitation of the resources of the sea-bed and ocean floor. Consideration of that question had led to two conclusions: that the exploitation of hydrocarbons would be the first successful mining operation at great depths, and that the exploitation of other mineral deposits on the sea-bed and ocean floor might also prove to be technologically possible and economic in the future.

During its third session, the Ad Hoc Committee's consideration of the prospects for international co-operation in the development and exploitation of the resources of the ocean floor had centred on the long-term oceanographic research programme to be co-ordinated by the Intergovernmental Oceanographic Commission of UNESCO. In 1968 only the scientific field had appeared to offer genuine prospects for international co-operation. At its March session, however, the Sub-Committee had recognized that new forms of international co-operation should be considered to ensure the rational and equitable exploitation of the resources of the sea-bed and had expressed the view that it would be possible to draw up, in good time, an international régime for such operations. It had recognized in a general way that all countries should participate to the extent possible in the exploration and exploitation of the resources of the ocean floor and share equitably from their exploitation.

Like the Economic and Technical Working Group of the Ad Hoc Committee, the Sub-Committee was a subsidiary body of a main committee which must make political

(The Chairman)

recommendations. The task of the Sub-Committee was not merely to gather information but to provide economic analyses and projections on which the main Committee could base its decisions - a task which must inevitably lead to controversy. The report of the Economic and Technical Working Group (A/7230, Annex I) had reflected certain doubts not only concerning the competence of the Working Group (paragraph 54), but also concerning the need for internationally agreed upon arrangements (paragraph 55), a régime (paragraph 60) or a possible international machinery (paragraph 59). The Working Group had therefore indicated the problems which the Sub-Committee was now attempting to solve.

At the current session, the Sub-Committee had been able to proceed to a preliminary consideration of the Secretary-General's report on the question of establishing in due time appropriate 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 (A/AC.138/12 and Add.1) and he paid tribute to the constructive spirit in which delegations had approached such a delicate question.

If the General Assembly, as was expected, extended the mandate of the main Committee, and the latter once again called upon the Sub-Committee, it would be for the Chairman of the Sub-Committee for 1970 to suggest a programme of work, but a few suggestions from the outgoing Chairman might be helpful.

First, the Sub-Committee should not ignore certain technical aspects of operations on the sea-bed and ocean floor and would have to consider the study on marine pollution caused by the exploitation of submarine mineral resources, a note concerning which was before the Sub-Committee in document A/AC.138/13.

Secondly, the Sub-Committee should continue to advise the main Committee on economic problems. In that respect several suggestions had been made, such as that by the delegation of India which would take advantage of the experience acquired by various countries in the regulation of the mineral and fossil resources of the continental shelf. The Sub-Committee would no doubt also be called upon to determine certain points of common agreement which would provide a useful basis for a system for the administration of the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction.

/...

(The Chairman)

Thirdly, it had been suggested by the delegation of Australia that at the next session the Sub-Committee might draft a code relating to conditions governing claims and systems of operation and supervision.

Lastly, the delegation of Kuwait had suggested that a supplement should be prepared to the study prepared by the Secretary-General on international machinery and if such a supplement was to deal in particular with economic and technical aspects it would require careful consideration by the Sub-Committee.

The Sub-Committee would be well advised to consider only economic and technical matters and to avoid a constant repetition of general statements consisting only of preliminary observations which led to no conclusion. The idea of utilizing the sea-bed and ocean floor for the benefit of mankind as a whole should not be allowed to become merely an academic or utopian ideal.

Mr. LIVERMORE (Australia), supported by Mr. GAUCI (Malta) and Mr. PIÑERA (Chile), proposed that the Chairman's statement should be circulated as an official document of the Sub-Committee.

Mr. LEVY (Secretary of the Sub-Committee) drew attention to the fact that the proposal involved financial implications.

The proposal was adopted.

After the customary exchange of courtesies, the Chairman declared the session closed.

The meeting rose at 12.55 p.m.
