

UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
LIMITED

A/AC.138/SC.I/L.18/Add.2
11 August 1972

Original: ENGLISH



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

SUB-COMMITTEE I

Draft Report
(3rd part)

B. Working Group on the International Régime

1. During the spring session of the Committee, the Working Group held two meetings, on 28 and 29 March 1972, at the first of which it elected Mr. C.W. Pinto (Ceylon) as Chairman. It held a further 20 meetings in July/August, in pursuance of the mandate conferred upon it by the Sub-Committee.
2. At the start of its meetings during the July/August session, the Working Group had before it an informal working paper which had been prepared as a preliminary attempt to reflect within a single paper, through the use of square brackets and alternative texts, areas of agreement and disagreement on matters relating to the status, scope and basic provisions of the régime, as these had been indicated in the debates in the Committee and in Sub-Committee I. The paper contained twenty-one texts on the following aspects of the status, scope and basic provisions of the régime based on the Declaration of Principles: limits of the Area; common heritage of mankind; activities regarding exploration and exploitation of the resources of the Area; non-appropriation and no claim or exercise of sovereignty or sovereign rights; no claim or acquisition of rights incompatible with the régime; non-recognition of claims inconsistent with the Convention; use of the Area by all States without discrimination; applicability of principles and rules of international law; benefit of mankind as a whole; preservation of the Area exclusively for peaceful purposes; who may exploit the Area; general norms regarding exploitation; scientific research; transfer of technology; protection of the marine environment; due regard to the rights and interests of coastal States; the legal status of superjacent waters; non-interference with other activities in the Area; responsibility to ensure observance of the régime; and settlement of disputes.

GE.72-18248

3. The Working Group completed on 28 July 1972 a first reading of the texts, designed to ensure that the opinions of members were fully and accurately reflected. As a result of that first reading, the working paper was revised to take account of the opinions expressed. During a second reading of the texts as so revised, an attempt was made to narrow the areas of disagreement as far as possible and to merge alternative texts where there was no fundamental difference of approach. The result of the Group's work is contained in annex I to this report. At the conclusion of its meetings, the Working Group had completed its second reading of the following texts: the common heritage of mankind; activities regarding exploration and exploitation; non-appropriation or claim or exercise of sovereignty or sovereign rights, or of rights incompatible with the treaty articles, and the non-recognition of any such claims or exercise of rights; and use of the Area by all States without discrimination.
4. It should be noted that (a) the Group did not discuss the subject matter proposed for inclusion in text 1; (b) that it did not consider headings or marginal notes, or the question of the eventual position of texts; (c) that some members of the Group expressed reservations as to whether certain of the subjects dealt with in the texts fell within the terms of reference of the Working Group; (d) that square brackets and alternative texts continued to be used in order to indicate areas where it did not prove possible to accommodate views in a single text; and (e) that some members did not consider the matters covered by the texts as necessarily exhaustive.
5. Attention is invited to the introductory note dealing with the unitary approach proposed by the delegation of Malta and to the footnotes in which certain delegations consented to have their views reflected.