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

Third Session

SUMMARY RECORDS OF THE SEVENTH TO ELEVENTH MEETINGS

Held at Headquarters, New York,
from 11 to 29 August 1969

Chairman:

Mr. AMERASINGHE

Ceylon

Rapporteur:

Mr. GAUCI

Malta

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 Session

	<u>Page</u>
<u>7th meeting</u>	3
Opening of the session	
Organization of work	
<u>8th meeting</u>	15
Statement by the Chairman	
Reports of the Sub-Committees	
Other matters allocated to the main Committee	
Report of the Committee to the General Assembly	
Organization of work	
<u>9th meeting</u>	23
Organization of work	
<u>10th meeting</u>	25
Report of the Economic and Technical Sub-Committee	
Other matters allocated to the main Committee (<u>continued</u>)	
Report of the Legal Sub-Committee	
<u>11th meeting</u>	39
Other matters allocated to the main Committee (<u>concluded</u>)	
Report of the Legal Sub-Committee (<u>concluded</u>)	
Report of the Committee to the General Assembly (<u>concluded</u>)	
Organization of work	
Closure of the session	

SUMMARY RECORD OF THE SEVENTH MEETING

Held on Monday, 11 August 1969, at 3.30 p.m.

Chairman:

Mr. AMERASINGHE

Ceylon

OPENING OF THE SESSION

The CHAIRMAN declared open the third session and expressed the hope that agreement would be reached at the session on matters of substance and on recommendations to be submitted to the twenty-fourth session of the General Assembly.

He asked the United States representative to convey the congratulations of the Committee to the United States Government, the three astronauts and all those associated with the Apollo 11 space flight and the moon landing.

Mr. PHILLIPS (United States of America) thanked the Committee for its message of congratulations.

ORGANIZATION OF WORK

The CHAIRMAN invited the Committee to consider how it should proceed with its work. Information on the work programmes of the Legal Sub-Committee, the Economic and Technical Sub-Committee and the main Committee itself was provided in documents A/AC.138/SC.1/3, A/AC.138/SC.2/5 and A/AC.138/8. The Committee had before it a report by the Secretary-General on 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 (A/AC.138/12 and Add.1) and a "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 Intergovernmental Oceanographic Commission (IOC) on the Long-Term and Expanded Programme (A/AC.138/14). At the second session, the view had been expressed that the bulk of the work of the third session should be done by the main Committee. However, the report submitted to the Legal Sub-Committee by the drafting group on the informal inter-sessional consultations held in pursuance of a decision taken at the end of the second session, would have to be considered by the Legal Sub-Committee itself, before it could be discussed by the main Committee. He therefore suggested that the Legal Sub-Committee should start work immediately. Another of its tasks would be to consider the legal aspects of the Secretary-General's report on machinery. The Economic and Technical Sub-Committee could meet concurrently and study the questions listed in its programme of work for the third session (A/AC.138/SC.2/5). For practical reasons, it might be necessary for the Economic and Technical Sub-Committee to reverse the order in which the questions appeared in the programme

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(The Chairman)

of work, and to start with an examination of the economic and technical aspects of the Secretary-General's report on machinery. The Sub-Committees would then report to the main Committee, which would discuss any proposals made.

Mr. KOSTOV (Bulgaria) explained that, in the absence of the Chairman of the Legal Sub-Committee, the inter-sessional consultations had been held under the chairmanship of the Bulgarian Vice-Chairman of the Legal Sub-Committee. The consultations, which had been completely informal, had been designed to facilitate the achievement of agreement on general principles and had covered all the principles listed in paragraph A of document A/AC.138/SC.1/3. A report on the consultations, showing the areas of agreement and points of disagreement, had been prepared by an informal drafting group of six members and would be submitted to the Legal Sub-Committee. There had been a general feeling that the consultations had been useful and that progress had been made towards the goal of a declaration of principles for submission to the General Assembly.

Mr. DENORME (Belgium), Chairman of the Economic and Technical Sub-Committee, recalled that the Sub-Committee's programme of work for the third session (A/AC.138/SC.2/5) had been evolved as a compromise solution. He hoped that it would be agreed to reverse the order of the questions listed, but felt that further consultations on the programme would be needed.

Mr. PHILLIPS (United States of America) thought that the main Committee should consider the Secretary-General's important report on machinery (A/AC.138/12 and Add.1) as soon as possible, in order to allocate the various topics raised in the report between the two Sub-Committees. The discussion in plenary could only be of a preliminary nature, partly because the Secretary-General's report had only recently been issued and partly because the formation of any definitive views on the whole question of institutional machinery should logically await agreement on the general legal framework of which such machinery would be a part and within which it would operate.

The Legal Sub-Committee should, at its formal meetings and in informal contacts among its members, take advantage of the opportunity which had been provided by the useful inter-sessional consultations to make headway on the question of principles. It was to be hoped that, before the end of the third session,

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(Mr. Phillips, United States)

substantial progress would have been made towards an agreed declaration. The Legal Sub-Committee might also, at the current session, have a preliminary discussion of the legal aspects of the Secretary-General's report on machinery.

The Economic and Technical Sub-Committee should concentrate on continuing the work already started and considering the comprehensive outline of the scope of the long-term programme of oceanographic research, of which the International Decade of Ocean Exploration would be an important element. The United States delegation noted with considerable satisfaction the expeditious manner in which the IOC had responded to General Assembly resolutions 2414 (XXIII) and 2467 D (XXIII). It was particularly pleased that representatives of the scientific community had met to draft a report entitled "Global Ocean Research", which had served as a basis for the outline in document A/AC.138/14. The close co-operation between international agencies concerned with oceanic research was highly commendable and augured well for the success of the planning now in progress. The Economic and Technical Sub-Committee should also consider various aspects of the Secretary-General's report on machinery. It had already helped to define the problems to be taken into account and the economic and technical objectives to be attained by international machinery. It might be useful to consider those matters further and, in particular, to study the criteria to be devised regarding the size and duration of claims and related problems.

As part of its efforts to provide the factual information needed for the study of sea-bed resources and as a supplement to the Secretary-General's report on mineral resources of the sea (E/4680), the United States delegation was making available to the members of the Committee a set of preliminary maps recently published by the United States Department of the Interior showing the world distribution of sub-sea mineral resources, with an accompanying explanatory pamphlet.

The Committee should also study the important subject of pollution. However, since it would be able to take only limited action at the current session, it should not need to devote much time to the subject.

Mr. PINTO (Ceylon) said that his delegation agreed in general with the programme of work suggested by the Chairman. The main task of the Committee's

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(Mr. Pinto, Ceylon)

third session, however, should be to formulate specific principles governing the use of the sea-bed and its resources and to recommend them for adoption by the General Assembly at its twenty-fourth session.

August 17 would mark the second anniversary of the proposal by Malta to include in the agenda of the twenty-second session of the General Assembly an item concerning the reservation exclusively for peaceful purposes of the sea-bed and ocean floor beyond the limits of national jurisdiction and the use of their resources in the interests of mankind. There had been various reactions to that proposal: some Governments had been enthusiastic and others had been inordinately cautious. The developing countries, however, had then seen and continued to see in it enormous possibilities for alleviating the severe economic hardships besetting them.

Despite its immense importance, the idea of using the resources of the sea-bed and ocean floor for the benefit of mankind as a whole had so far failed to catch the interest of the general public. Most laymen and government policy planners continued to regard the ocean floor as a remote territory, and the idea of utilizing its resources in the interests of mankind was viewed by most people as an exotic notion. In actual fact, however, the techniques of extracting and exploiting undersea resources had reached a high degree of sophistication, and valuable undersea deposits of oil and minerals had been identified. As the Committee was aware of the full potentialities of the idea, it was in a unique position to take action to ensure that undersea resources would be used for the benefit of all mankind.

The time had now come for the Committee to move ahead in its work, to abandon the conceptual and jurisprudential analysis which had occupied it for the last eighteen months and to formulate the regulatory norms of conduct that were to govern activities on the sea-bed. With that end in view, his delegation planned to submit to the Committee the draft text of a declaration of general principles governing the conduct of States in their activities with regard to the ocean floor. The text would, he hoped, provide a useful basis for discussion and enable the Committee to focus its attention with greater precision on the practical issues that needed to be clarified.

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(Mr. Pinto, Ceylon)

With regard to the programme of work of the Legal Sub-Committee, his delegation felt that the current session should provide an opportunity for detailed discussion of such practical problems as the determination of the width of the coastal sea subject to national jurisdiction, the early adoption of a treaty setting forth the principles governing the use of the sea-bed, the establishment of appropriate international machinery and a specific programme of work for the future. The task of highest priority, however, would be the drafting of a declaration prohibiting the use of the sea-bed and ocean floor for military purposes and a further declaration setting forth the general legal principles applicable to the sea-bed. In his delegation's view, the Sub-Committee could proceed to draft those texts without previously defining the physical area to which the principles would apply. There should, however, be a frank and public acknowledgement that there did in fact exist an area of the sea-bed and ocean floor beyond the limits of national jurisdiction, and that the United Nations was legally empowered to propose legislation concerning it.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) agreed with the representative of Ceylon that the Committee at its current session should work on a draft of specific principles applicable to the sea-bed and the ocean floor, and he stressed that the Committee should aim at achieving practical results. The matters to be dealt with by the Committee could, from the point of view of the practical results likely to be achieved, be divided into three distinct categories.

The first category would include questions which had already been discussed in some detail, and on which specific and practical proposals had already been put forward. Even though there were still some areas of controversy, agreement could be reached on such questions. The consultations held during the inter-sessional period had shown that there was a substantial measure of agreement on two questions in particular, namely, the question of the draft declaration of general legal principles and the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor. A concentrated effort on the part of all delegations would, however, be needed if final agreement on those questions were to be reached at the current session.

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(Mr. Mendelevich, USSR)

The second category included questions which had not been considered at length by the Committee but had been discussed extensively by other organizations within the United Nations family. One such question was the Long-Term and Expanded Programme of Oceanic Exploration and Research; and the "Draft Comprehensive Outline of the Scope of the Expanded Programme" prepared by the Special Working Group of the Intergovernmental Oceanographic Commission (A/AC.138/14) could usefully be considered by the Committee at its current session. It was regrettable that that very important document was not yet available in French, Spanish and Russian. The Secretariat should make every effort to complete the translations into those languages as quickly as possible. The Committee should express its views on that question, and on the related question of marine pollution, within the next few weeks and should submit its conclusions on the subject to the General Assembly at its forthcoming session.

The third category of questions included those which had not yet been given practical and serious consideration by the Committee. The main item in that category was the report of the Secretary-General on the question of international machinery (A/AC.138/12). There could be a useful preliminary exchange of views on that subject, but it was unlikely that any final settlement of the question could be achieved at the present stage.

The CHAIRMAN recalled that the United States representative had proposed that the main Committee should have an opportunity to discuss the subject of international machinery at the very beginning of the current session. If the United States proposal was adopted, the main Committee would have to hold another meeting without delay to discuss the Secretary-General's report (A/AC.138/12).

Mr. MENDELEVICH (Union of Soviet Socialist Republics) said that, in his delegation's view, it would be impractical to consider the question of international machinery before the other items on the agenda. The net effect of the United States proposal would be to delay the commencement of the work of the Sub-Committees. The question of international machinery should logically be considered by the main Committee after prior discussion in the Sub-Committees.

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Mr. ARORA (India) said he had originally agreed with the representative of the United States that the Secretary-General's report on the question of establishing appropriate machinery (A/AC.138/12 and Add.1) should be discussed first in the main Committee. Parts of it could then be referred to the Sub-Committees, which would report the results of their consideration to the main Committee. However, that procedure might mean that the same ground would be covered twice. He therefore suggested that, first of all, the two Sub-Committees should take up the programme of work proposed by the Chairman, and that the Economic and Technical Sub-Committee should begin by discussing the report on the question of establishing international machinery and the IOC document, while the Legal Sub-Committee should begin by discussing the question of legal principles and take up the report later. Both Sub-Committees could then report back to the main Committee in about ten days' time.

He welcomed the ideas put forward by the representative of Ceylon, and his expressions of optimism but thought it would be a mistake to overlook the basic differences of opinion, which existed within the Committee on almost every subject. He knew from experience, for example, that the phrase "the common heritage of mankind" was shunned by many delegations and would alienate them from any declaration in which it occurred. While he was in favour of dealing with the question of principles as a matter of urgency, he drew attention to the difficulties involved merely in order to point out that the Committee must not expect to be able to draft a set of principles acceptable to everyone within five or six days. Even when the principles were agreed upon, there were always differences of opinion about the wording and interpretation of the text. Furthermore, although the Committee should concentrate on the task of formulating a declaration of principles, it should also ensure that sufficient time was allocated to the other equally important questions before it.

Mr. YANKOV (Bulgaria) said it would be a good start to the session if both the Sub-Committees were able to begin work on the following day. The Legal Sub-Committee already had some useful material before it in the report of the informal drafting group which, he hoped, would provide a sound basis for considering the question of legal principles referred to in operative paragraph 2 (a) of resolution 2467 A (XXIII). In connexion with that item the Legal Sub-Committee

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(Mr. Yankov, Bulgaria)

could consider the question of the reservation of the sea-bed for peaceful purposes, which was referred to in operative paragraph 3 of the same resolution, and perhaps the question of marine pollution, though that question could be considered separately later if members so wished. Next, it could take up the IOC document or the Secretary-General's report on the question of establishing appropriate machinery. He hoped that the present session, the main objective of which should be to produce agreed texts for submission to the General Assembly, would serve to broaden the area of understanding in the Committee on the main items under consideration, especially the question of legal principles.

Mr. OULD DADDAH (Mauritania) said that he felt the present discussion would have been more fruitful if the Committee had had before it a document showing what the Committee had done so far and the proposed programme of work for the future. He agreed that the principles which seemed to have emerged from the discussions in the informal working group were most useful. Each Committee now had several items on its agenda, and it was time that some progress was made.

The CHAIRMAN explained that it would not have been feasible to prepare a document of the kind requested by the representative of Mauritania, since the Committee's officers had met only that morning to discuss the programme of work. The aim of the present meeting was to decide in which order the items should be taken up.

Mr. BEESLEY (Canada) said that he had no strong views as to how the Committee should proceed, but felt it would be unfortunate if its work were to be held up by procedural discussions. In his view there were three main problem areas: first, the legal régime, which would have to be based on a set of general principles and was closely connected with all other aspects of the sea-bed question; secondly, the question of boundaries which, in his delegation's view, the Committee should have discussed first of all if it had not been so complex and contentious; and thirdly, the question of establishing international machinery to see that the legal principles were applied. The second point was important because, in order to discuss particular areas of the sea-bed, States needed to know where the limits of their national jurisdiction lay; and the third question was important because

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(Mr. Beesley, Canada)

the principles would have no value unless they could be enforced. First and foremost, however, the Committee must concentrate on making progress in the formulation of principles, and the question of principles would have to go before the Legal Sub-Committee before it could be discussed substantively in the main Committee. In the meantime, the Economic and Technical Sub-Committee might begin consideration of the IOC document and of related questions such as that of marine pollution. He felt that at the present stage it would be difficult to begin a discussion of the Secretary-General's report on the question of establishing international machinery (A/AC.138/12 and Add.1) either in the main Committee or in the Legal Sub-Committee, largely because no one yet knew in which area or under what legal régime such machinery would have to operate. That item could perhaps be left until the following week or later. Accordingly, he suggested that the Legal Sub-Committee should begin by discussing the report of the informal drafting group, and that the Economic and Technical Sub-Committee should take up the IOC document and perhaps the question of pollution.

Mr. GAUCI (Malta), Rapporteur, observed that the Chairman's proposals seemed to be generally acceptable, and suggested that it would be most expedient for the Legal Sub-Committee to begin its work immediately and for the Economic and Technical Sub-Committee to start work as soon as its Chairman had held whatever consultations he considered necessary to determine the order of items on its agenda.

Mr. PHILLIPS (United States of America), replying to a question by the Chairman, said that he was prepared to agree to the programme of work proposed by the Chairman and to withdraw his suggestion that the Secretary-General's report on the question of establishing appropriate machinery should be discussed first in the main Committee.

The CHAIRMAN restated his proposed programme of work for the two Sub-Committees and put it formally to the Committee. Whatever order of work the two Sub-Committees followed, they should be ready to present their conclusions to the main Committee at about the same time. Since the IOC document was not yet available in all languages, the Economic and Technical Sub-Committee might not be able to consider it immediately, but the Secretariat would be asked to expedite the necessary translations.

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(The Chairman)

In reply to a question by the representative of Yugoslavia, he said that the Legal Sub-Committee would decide for itself the order of items on its agenda and the time to be allotted to each item, taking into account the progress of work in the main Committee.

Mr. DEJAMMET (France) said that he supported the Chairman's suggestions. His delegation, like others, was anxious that the important questions of marine pollution and the reservation of the sea-bed for peaceful purposes should be discussed, and felt that, in accordance with the programme of work adopted in February 1969 (A/AC.138/8), those items came within the province of the main Committee. They could, however, be examined by the Legal Sub-Committee as well.

Mr. ARORA (India) said that his delegation would consider the Bulgarian representative's ideas concerning the programme of work, and would make some suggestions of its own in the Legal Sub-Committee. In the meantime, it assumed that the Legal Sub-Committee would, in fact, be considering the items which the Chairman had proposed for consideration by that Sub-Committee.

The Chairman's proposals concerning the programme of work were adopted.

The meeting rose at 5.20 p.m.

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SUMMARY RECORD OF THE EIGHTH MEETING

Held on Wednesday, 27 August 1969, at 10.55 a.m.

Chairman:

Mr. AMERASINGHE

Ceylon

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STATEMENT BY THE CHAIRMAN

The CHAIRMAN expressed his appreciation to the members of the Sub-Committees who had worked with unremitting zeal during the current session and to their able Chairmen. Despite the great progress that had been made, it was now apparent that the Committee had erred in estimating the time required for its work. The Sub-Committees needed additional time to complete consideration of their reports, and until they had done so the main Committee would be unable to complete its own report for submission to the twenty-fourth session of the General Assembly.

During its current session the Committee had given special attention to two matters: the question of legal principles and norms, which had been the major concern of the Legal Sub-Committee, and the question of international machinery, whose economic and technical implications had been extensively considered by the Economic and Technical Sub-Committee but whose legal implications had not been dealt with in detail by the Legal Sub-Committee because of lack of time. He therefore suggested that the main Committee, after considering the reports of the two Sub-Committees, should give priority to a discussion of the question of international machinery, taking over from the Legal Sub-Committee further consideration of its legal aspects. Another reason for adopting that course of action was that the discussion in both Sub-Committees had made clear the need to begin considering political implications, a task which would involve a synthesis of the legal and the economic and technical aspects and should therefore be carried out by the main Committee.

With regard to the future organization of the Committee's work, he suggested that henceforth all questions should be considered initially by the main Committee, which could then, where necessary, refer specific issues to the appropriate Sub-Committee.

The other questions assigned to the main Committee related to peaceful uses, exploration and research, including the International Decade of Ocean Exploration, and marine pollution. If time permitted, he would give members an opportunity to make statements on any of those questions, but substantive consideration of them would have to be deferred until the next session and they would not be dealt with in the present report. In connexion with the first of those questions the

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(The Chairman)

Committee would, of course, have to have before it a report on the relevant aspects of the studies and negotiations undertaken in the field of disarmament.

Having regard to what had been accomplished so far and what remained to be done, he suggested that the Committee should hold two four-week sessions in 1970, one during the spring and the other during the summer. The Committee might wish to hold the summer session in Geneva, and he had therefore requested the Secretariat to make the appropriate provision in the 1970 calendar of conferences.

Lastly, on behalf of the Committee he asked the United Kingdom delegation to convey to Mr. Flemming, who had been involved in an unfortunate accident, best wishes for a speedy recovery.

Mr. THACHER (United States of America), supported by Mr. KHANACHET (Kuwait), proposed that the Chairman's statement should be issued in full as a Committee document.

Mr. HALL (Secretary of the Committee) said with regard to the financial implications of the proposal that the cost of reproducing the Chairman's statement in extenso would be about \$90 a page.

Mr. DENORME (Belgium) and Miss MARTIN-SANE (France) supported the proposal and expressed the hope that the Chairman's statement would be circulated before the end of the current session.

It was so decided.^{1/}

REPORTS OF THE SUB-COMMITTEES

Mr. PROHASKA (Austria), Rapporteur of the Economic and Technical Sub-Committee, said that the Sub-Committee was not yet in a position to submit its report on the work accomplished during the current session. Some eleven paragraphs in its draft report still remained to be examined and adopted. The members of the Sub-Committee were meeting informally and all delegations were doing

^{1/} The full text of the Chairman's statement was issued as document A/AC.138/16 and Corr.1.

(Mr. Prohaska, Austria)

their utmost to reach agreement on the outstanding paragraphs. He hoped to be able to present the completed report to the Committee on the following day.

Mr. DENORME (Belgium), Chairman of the Economic and Technical Sub-Committee, gave an account of the Sub-Committee's work during the present session. Four meetings had been devoted to a discussion on the Draft Comprehensive Outline of the Scope of the Long-Term Programme of Oceanic Research, and four to a preliminary study of the question of establishing appropriate international machinery. The first-mentioned item was of particular importance in view of the forthcoming meeting of the Inter-governmental Oceanographic Commission, to which the summary records would be transmitted. On the second item, in spite of the wide divergency of views on the subject, the Sub-Committee's discussion had proceeded in a constructive atmosphere - a fact which testified to the spirit of co-operation which had prevailed at the present session.

Having thus demonstrated that the Sub-Committee had used the time at its disposal to the best advantage, he went on to explain why it had not been possible to adopt the report during the two meetings allocated for that purpose (there were still about ten paragraphs awaiting final approval). In accordance with a tacit agreement, the procedure for the adoption of the report was governed by a double criterion. On the one hand, every delegation was entitled not only to have its position recorded in the summary records but also to have its views reflected in the report even if they were not shared by any other delegation. On the other hand, the Sub-Committee had tried to avoid resorting to a formal vote on any statement in the report. That meant that every delegation retained, as it were, the prerogative to oppose any formulation or expression which was not in keeping with its own views.

It had been rather difficult to reconcile those two requirements, particularly because of the large membership of the Committee, the importance which delegations attached to the problem under consideration and their desire for exactitude in the drafting of a document which was designed merely to reflect the tenor of the discussions.

The fact that it had nevertheless been possible to reach agreement was due to the high quality of the draft report, the length of the discussions and the spirit

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(Mr. Denorme, Belgium)

of conciliation displayed by members. In the circumstances, he did not think that the adoption of the remaining paragraphs would present any unsurmountable difficulties. Informal consultations were at present in progress with a view to producing an agreed text; and, as soon as a generally acceptable draft had been produced, the Sub-Committee would meet to adopt its report and close its session. Having been carefully studied by the Sub-Committee, the report should not require lengthy consideration by the main Committee.

The CHAIRMAN noted that the report of the Legal Sub-Committee was likewise not ready for consideration by the main Committee, and he appealed to the members of that Sub-Committee to make every effort to adopt their report before the main Committee's next meeting.

OTHER MATTERS ALLOCATED TO THE MAIN COMMITTEE

Mr. SOLOMON (Trinidad and Tobago) said that his delegation was not convinced that any substantial advance had been made in the formulation of legal principles to govern activities in the area since the meeting of the Ad Hoc Committee at Rio de Janeiro. Disagreement still prevailed with regard to the content and scope of the proposed declaration of principles. His delegation favoured a declaration embodying a comprehensive, balanced and interrelated set of principles, which would provide an adequate régime for regulating activities in the area and ensuring the orderly development of sea-bed resources. The deliberations of the Committee had not, however, reached the stage where a satisfactory agreed declaration could be submitted to the General Assembly, and his delegation believed that the interests of the international community would not be served by the adoption of a declaration which was so flexible as to be open to misinterpretation or likely to give rise to legal wrangling.

The Economic and Technical Sub-Committee had already adopted that part of its report in which it identified a number of the economic and technical criteria which the proposed international machinery should meet in order to ensure the most effective use, exploration and exploitation of the area. The essential elements of those criteria were, in his delegation's opinion, the participation of all States in the proposed régime, proper resource management, adequate and

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(Mr. Solomon, Trinidad and Tobago)

effective operational supervision, orderly and efficient development of resources, the establishment of operational standards for the protection of human safety, progressive and equitable sharing of benefits by the international community, measures to prevent pollution and conserve the living resources of the marine environment, and proper marketing procedures.

His delegation held that the concept of the common heritage of mankind, because it meant that the ownership of the area was not in doubt, was the focal point for any future régime and machinery. From it were derived the principles of equitable participation by all States in the administration of the area and in benefits accruing from the exploitation of its resources and of non-appropriation of the area or any part thereof by any State, individual or entity. Accordingly, his delegation supported the view that, until such time as appropriate and adequate machinery was established, the area should be subject to the authority of the United Nations, which would hold it in trust for the international community.

The future international machinery or agency would obviously be unable to undertake operational functions, at least in the initial stages. It should, however, be empowered to authorize competent parties, on suitable conditions, to undertake exploration and exploitation projects. No mere registry systems could effectively regulate activities in the area or enable the international community to exercise the necessary control over it. The machinery to be established by the United Nations should, in fact, have absolute title to the area and thus possess full regulatory powers, while permitting the most economic exploitation of its resources in the interests of all mankind. An excellent set of criteria for its licensing functions was outlined in paragraphs 58-69 of the Secretary-General's report on the subject (A/AC.138/12 and Add.1). However, the administrative machinery or agency, with its administrative and legal functions, should not be the same agency which operated the Fund, with its economic and technical functions and specialized advisers.

Miss MARTIN-SANE (France) said that she wished to state her delegation's views on item (iii) of the Committee's programme of work (A/AC.138/8), which related to the reservation for peaceful purposes of the sea-bed and the ocean

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(Miss Martin-Sane, France)

floor. In endeavouring to distinguish between the Committee's responsibilities in that connexion and those of the Eighteen-Nation Disarmament Committee, it was useful to bear in mind that "disarmament" implied that stocks of weapons existed which had to be reduced or destroyed whereas the Committee's concern was to prevent the militarization of the area. The General Assembly had, in fact, been conscious of that distinction when it had established a separate Committee to study the reservation of the area for peaceful purposes as a subject which was not covered by current bilateral and multilateral disarmament negotiations. It should also be noted that the Assembly had acted similarly in the case of outer space.

Her delegation firmly supported the principle of non-militarization of the sea-bed and the ocean floor and, in particular, the prohibition on the emplacement of weapons of mass destruction in that area. It believed, however, that due account should be taken of the defence needs of coastal States, a requirement which could best be met by fixing the limits of a coastal strip within which each coastal State would retain its freedom of action. Moreover, a special régime should be established for the shallow waters of the open sea, in which the defence requirements of coastal States would be given due consideration.

Her delegation advocated international supervision as the only means of ensuring impartial inspection arrangements which would be satisfactory to all States. It also believed that, because of the pace of technological advance, any agreement on the non-militarization of the sea-bed should be applicable initially for a limited period and renewed by tacit agreement, but with provision for periodic revision.

In conclusion, her delegation was glad to note the Chairman's assurance that the Committee's programme of work for the 1970 sessions would provide for a full discussion of the item.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY (A/AC.138/L.1)

Mr. GAUCI (Malta), Rapporteur, introduced Part One of the draft report (A/AC.138/L.1).

Part One (paras. 1-13 and Annex I) was adopted, subject to drafting changes.

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ORGANIZATION OF WORK

After a discussion of arrangements for the work of the Committee and its Sub-Committees during the remainder of the session, the CHAIRMAN suggested that the Committee should defer a decision until the following meeting.

It was so agreed.

The meeting rose at 12.45 p.m.

SUMMARY RECORD OF THE NINTH MEETING

Held on Thursday, 28 August 1969, at 10.25 a.m.

Chairman:

Mr. AMERASINGHE

Ceylon

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ORGANIZATION OF WORK

The CHAIRMAN said he had learned that both the Economic and Technical Sub-Committee and the Legal Sub-Committee had made considerable progress in the consideration of their draft reports. Since no delegation wished to make a statement on the question of the establishment of international machinery, the meeting would be adjourned so that the Economic and Technical Sub-Committee could meet immediately and adopt its report which, it was hoped, would be available in appropriate form for examination by the Committee on the following day. In an endeavour to complete its work, the Legal Sub-Committee would meet that afternoon.

The meeting rose at 10.30 a.m.

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SUMMARY RECORD OF THE TENTH MEETING

Held on Friday, 29 August 1969, at 10.45 a.m.

Chairman:

Mr. AMERASINGHE

Ceylon

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REPORT OF THE ECONOMIC AND TECHNICAL SUB-COMMITTEE (A/AC.138/17)

Mr. PROHASKA (Austria), Rapporteur of the Economic and Technical Sub-Committee, introduced the report of the Sub-Committee (A/AC.138/17). In that connexion, he wished to recall the interim report adopted by the Economic and Technical Sub-Committee at its spring session (A/AC.138/SC.2/6).

Part I of the report related to the consideration of progress achieved in the exploration and exploitation of the resources of the sea-bed and the ocean floor, and brought up to date the relevant parts of the report of the former Ad Hoc Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/7230).

Part II corresponded to the Sub-Committee's consideration of the ways and means of promoting the exploitation and use of the resources, taking into account the various phases of marine mineral resources development - the establishment of basic documents (paras. 49-66), exploration of mineralization zones and evaluation of their exploitability (paras. 67-75) and exploitation of mineral deposits (paras. 76-100). Under that item, the Sub-Committee had unanimously adopted an Indian proposal that the Secretariat should be requested to prepare a study which would include a review of the measures taken by various Governments with regard to the development of their continental shelf mineral resources, in particular oil and gas, and the denominators which were common to those measures.

Part III of the report related to the examination of the economic and technical aspects of the draft comprehensive outline of the scope of the long-term and expanded programme of oceanic exploration and research, which took into account the report of a Special Working Group of IOC (A/AC.138/14). The Chairman of IOC had addressed the Sub-Committee. The observations made at the end of the discussion were set out in paragraph 121. The need for universal international co-operation and systematic information was also stressed.

Part IV related to consideration of economic and technical aspects of the report submitted by the Secretary-General pursuant to General Assembly resolution 2467 C (XXIII) (A/AC.138/12 and Corr.1 and Add.1). The Economic and Technical Sub-Committee had examined various forms of machinery which could be set up, basing itself on the relevant chapters of the Secretary-General's report. A

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(Mr. Prohaska, Austria)

summary of the observations made at the conclusion of the debate appeared in paragraph 158.

The report of the Economic and Technical Sub-Committee (A/AC.138/17) was adopted.

OTHER MATTERS ALLOCATED TO THE MAIN COMMITTEE (continued)

Mr. PIÑERA (Chile) said that, despite very intensive work at the current session and during the earlier informal consultations, it had not yet been possible to reach a consensus on legal norms and principles to govern activities on the sea-bed and ocean floor beyond the limits of national jurisdiction or to take decisive action on the question of international machinery for the application of those principles. One obstacle had been the existence of two opposing schools of thought, one of which had the support of the great majority in the Committee, including the developing countries and some developed countries, while the other had the support of a large minority, composed of the most technologically advanced and wealthiest countries. The fact that no agreement had yet been reached concerning a legal régime for the area was an affront to the aspirations of the great majority of countries and appeared to favour the interests of the minority. At the present time, some might claim, with no reason whatsoever, that the only régime applicable to the sea-bed and ocean floor beyond the limits of national jurisdiction was that of laissez-faire, and it could be claimed that anyone might exploit the resources of that area, invoking whatever law he preferred; he (Mr. Piñera) hoped that it would not be the law of the strongest. World public opinion wanted the resources of the area to be the common heritage of mankind, but certain interests wanted, perhaps legitimately, to derive maximum benefits for themselves.

The world had changed since 1945, and policies must also change. The International Monetary Fund and the General Agreement on Tariffs and Trade, for instance, had had to expand their activities and deal with new problems. It was important to have vision for the future and not to repeat the same mistakes in respect of the sea-bed and ocean floor as had been made on land. Unless it was recognized that a completely different approach was required to the sea-bed and ocean floor, the Committee was wasting its time. It was unrealistic to continue

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(Mr. Piñera, Chile)

to defend outworn systems. He was concerned that, if preliminary steps were not taken to regulate activities on the sea-bed and ocean floor beyond the limits of national jurisdiction, a desire for wealth might lead to competition having serious consequences. It was in the interest of all countries to draw on the experience of the last five or ten years; the experience of 1945 was obsolete. The Committee should expedite its work and now allow various strong interests to provoke unnecessary delays in the establishment of a legal régime for the sea-bed and ocean floor beyond the limits of national jurisdiction. The Committee should continue to study the questions of legal principles and of machinery which would lead to the practical application of those principles. Without such machinery, the principles would remain merely principles and would not enable the sea-bed and ocean floor to be exploited for the benefit of mankind as a whole. Such exploitation should take place only with the consent of the international community. It was therefore necessary and urgent to devise a structure for the international machinery.

His delegation's position was based not only on Chile's legitimate interests but on the fact that it would be wrong, politically and economically, to approach the problem of the sea-bed and ocean floor without criteria appropriate to the modern world and concepts acceptable to all. As for the functions to be given to the international machinery, it should ensure that all the principles now being elaborated by the Committee were observed and that all mankind shared in the benefits of the exploitation of the sea-bed and ocean floor. It should have the necessary authority and means to register discoveries, administer a system of licences and control pollution. With regard to pollution, he noted that an international conference on the human environment was to be held in 1970, and it should be recognized that the human environment included the sea as well as the land.

Mr. KCULAZHENKOV (Union of Soviet Socialist Republics) said that the question of the peaceful utilization of the sea-bed and ocean floor was one of the most urgent and important problems. In the Legal Sub-Committee, his delegation had suggested a formulation for the principle of the reservation of the area exclusively for peaceful purposes which, inter alia, excluded all military activities and prohibited all forms of military use. That was an important

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(Mr. Koulazhenkov, USSR)

provision, without which any declaration of principles would be considerably weakened, and indeed ineffective. The exclusion of all military activities was the basic condition which should govern any activity on the sea-bed, and acceptance of such a principle would pave the way for the adoption of measures to prevent the extension of the arms race to that area. The Committee should not duplicate the work of the Eighteen-Nation Committee on Disarmament by considering the military aspects of the question, but should provide a clear and correct interpretation of the principle of the reservation of the sea-bed and ocean floor for peaceful purposes - a task in which it could be helped by the decisions of the Eighteen-Nation Committee. His delegation was convinced that only the demilitarization of the sea-bed and ocean floor would create the conditions for the peaceful utilization of that area and that only the prohibition of the use of the sea-bed and ocean floor and the subsoil thereof for military purposes could open the way for far-reaching international co-operation in exploiting them for the benefit of all mankind.

The report of the Secretary-General 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 their resources in the interests of mankind (A/AC.138/12 and Corr.1 and Add.1) was a very useful document which indicated the complexity of the problem and the need for a thorough study of it with the participation of a wide range of national experts. Since there had been some delay in issuing the Secretary-General's report, the States members of the Committee had not had time to study it carefully and any comments thus far had therefore necessarily been of a preliminary nature. It would be particularly useful if the Legal Sub-Committee could consider the legal aspects of that report. Although the report did make a very valuable contribution to the Committee's consideration of the question, it could not be expected to be exhaustive, in view of the fact that the question was new and very complex. A number of legitimate questions had been raised, including how to ensure that the international machinery, if established, would genuinely serve the interests of mankind. He formally proposed that the report of the Secretary-General (A/AC.138/12 and Corr.1 and Add.1) should be

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(Mr. Koulazhenkov, USSR)

circulated to the States Members of the United Nations for consideration; when their comments had been received, the Committee could consider all aspects of the question of establishing international machinery.

Consideration by the Economic and Technical Sub-Committee of the longer-term and expanded programme of oceanic exploration and research had shown that international scientific co-operation in that field was increasing.

The Committee had done important work at the current session. The discussions in the Legal Sub-Committee had provided a better understanding of the substance of the legal principles; there had been an opportunity for a frank exchange of views on various legal questions, and it had been possible to pin-point divergences of opinion as well as areas in which agreement was closer. His delegation had made its own contribution to the elaboration of principles which would meet the needs of international co-operation, and he thanked all who had supported the formulations it had suggested. Although it had not yet been possible to agree on legal principles, the ground had been cleared and the task could be approached in the future with better understanding.

Mr. PHILLIPS (United States of America) said that, although many delegations felt that some kind of international machinery, as part of an international régime, would be required to govern the exploration and exploitation of the resources of the sea-bed beyond the limits of national jurisdiction, it was plain that there was as yet no agreement on the exact form and nature of such machinery. Indeed, the debate in the Economic and Technical Sub-Committee had revealed widely divergent, and, in some areas opposing, viewpoints.

His Government had adopted the preliminary view that one element of the machinery should be the registration of claims, but the system it was proposing went beyond what had been described in the report of the Secretary-General (A/AC.138/12 and Corr.1 and Add.1) as a mere registry system. In the view of

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(Mr. Phillips, United States)

his Government, a registry should operate under internationally agreed criteria for registration, exploitation and exploration. The agreed criteria and procedures should include: (1) acceptable procedures for verifying compliance with established operational standards; (2) effective procedures for the settlement of disputes; (3) provisions for liability for damages arising out of the exploitation of sea-bed resources; (4) provision for the avoidance of any unjustifiable interference with the exercise of the freedoms of the high seas, with the conservation of the living resources of the seas, or with fundamental scientific research carried out with the intention of open publication; (5) acceptable criteria for commercial exploration and exploitation, governing such matters as the types of resources to be exploited under a claim, the size and duration of the claim, the accommodation of multiple uses of the sea-bed and water column, and the relation between exploration and exploitation rights; (6) acceptable criteria governing operations designed to further objectives of conservation and to reduce pollution and danger to human life to an acceptable minimum; (7) criteria relating to the eligibility of the claimant and to minimum performance requirements. Moreover, Governments should be responsible for strict adherence by their nationals to such criteria and provisions. The details of the criteria, provisions and procedures would have to be worked out in further consultation, as would the institutional arrangements. However, he was inclined to agree with the representative of Malta that the institution needed was of a type which had not yet been developed within the United Nations system.

It was evident that many nations were not ready to formulate their views on international machinery. Not only had there been insufficient time to study the various alternatives, but the nature of the machinery would depend to a great extent on agreements, which were yet to be reached, regarding the elements of the régime and the precise delineation of the area to which it would apply. While those topics would have to be pursued further, it nevertheless seemed worthwhile to continue the Committee's analysis of international machinery. It had been suggested that, at the next session, the Economic and Technical Sub-Committee should elaborate a code for title arrangements and a system of operating supervisory procedures. Setting aside for the time being the questions who was to do what and how they were to do it, he felt that it would be useful to take a

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(Mr. Phillips, United States)

closer look at some of the elements that might very well constitute the essential part of any code governing operations in the area. Accordingly, he suggested that the Committee should authorize the Economic and Technical Sub-Committee to proceed in that direction. If such a course was followed, it might also be advantageous to call attention to the desirability of member States' sending some of their national experts to the session.

His delegation had pointed out that the development of the resources of the sea-bed would be a slow process. However, some courageous explorers might be willing to enter that new frontier if it was demonstrated that they could operate in a favourable economic and legal climate. The representative of Malta had rightly observed that the Committee was under pressure to develop an acceptable régime if exploration of the area was to be encouraged. That was, in fact, the prime obligation of the Committee, which was instructed in General Assembly resolution 2467 A (XXIII) to study the elaboration of the legal principles and norms which would promote international co-operation in the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, and to study the ways and means of promoting the exploitation and use of the resources of that area. No benefits would accrue to mankind if the result of the Committee's efforts was to discourage, delay or prevent the exploration and exploitation of those resources.

Mr. DENORME (Belgium) said that the informal consultations among members of the Legal Sub-Committee had led to the production of a document which revealed both the difficulties that had been overcome and the obstacles that still remained. It had been agreed that the sea-bed and ocean floor could not be the subject of appropriation by any State by any means whatsoever and that no State could exercise or claim sovereignty or sovereign rights over any part of the area; that there were principles and norms of international law which applied to the area; that the area would be reserved exclusively for peaceful purposes; and that it was necessary to establish a régime to be applied to the area, although it was not yet known what form the régime would take. In addition, it had been agreed that the resources of the area should be used for the benefit of mankind as a whole, irrespective of the geographical situation of States, taking into account the special interests and needs of the developing countries; that freedom of scientific research in the area would take place without discrimination and that States would promote international co-operation in scientific research, without

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(Mr. Denorme, Belgium)

any interference with fundamental research carried out with the intention of publication of the results; and that due regard would be had to the interests of other States, without infringement of the freedoms of the high seas or unjustifiable interference with the exercise of those freedoms. Lastly, there was agreement on the need to adopt appropriate safeguards against risks of pollution, measures to conserve and protect the living resources of the sea, and safety measures relating to all activities in the area.

A list of such a length, even though it carefully avoided touching on the areas of disagreement which still existed, represented a substantial achievement, and there was no cause for pessimism if, after only one year, the Committee was not in a position to make recommendations to the General Assembly on the subject of a declaration of basic principles. Obviously, the desire had been to submit a unanimous recommendation, as a declaration which did not command unanimous support would have no practical value. Even in the field of outer space - in which there had been far fewer active participants - four years had elapsed between the establishment of a special Committee under General Assembly resolution 1472 (XIV) and the adoption by the Assembly of a Declaration of Legal Principles in its resolution 1962 (XVIII).

Another important feature of the current session had been the consideration of the study undertaken by the Secretary-General 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 their resources in the interests of mankind (A/AC.138/12 and Corr.1 and Add.1). Certainly, no unanimity had been reached regarding the type of international machinery to be established or the appropriate criteria and procedures. The Economic and Technical Sub-Committee must devote itself to a new and more thorough examination of the question, and the Legal Sub-Committee would also have to consider the matter. His delegation felt that the atmosphere of calm and understanding in which the report had been discussed was a token of the constructive approach adopted not only by the delegations involved but by all Governments when the well-being of mankind was at stake, and it was to be hoped that it would be possible in the near future to discern in the main Committee the political will to act on the results of those discussions.

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(Mr. Denorme, Belgium)

It would, of course, be premature to draw final conclusions from the debates thus far held, as it seemed clear that the establishment of international machinery was not universally agreed to be a necessity.

It appeared that consensus had been reached on a third question, namely, the limits of the area situated beyond national jurisdiction. It was clear that all delegations rejected as unacceptable the extensible interpretation of the definition of the continental shelf given in the 1958 Geneva Convention, although the Committee had not itself endeavoured to interpret that definition, since it was not competent to do so. It was generally felt, however, that there was an area beyond the limits of national jurisdiction and that the international community must arrive at a decision on its demarcation, as otherwise the régime to be established in the interests of all mankind would be to no avail.

In the final analysis, the recommendations which the Committee was to submit to the General Assembly would be the true measure of the Committee's success, and it was obvious that the Assembly would judge its work by the value of its recommendations, and not by the size of its report. His delegation had always held the view that it was extremely important for the Committee, in making its recommendations, to speak with one voice. The failure to reach such a consensus was attributable not to the debates which had taken place or the time devoted to them but, rather, to the fact that the problem under consideration took a long time to mature on the international level. It was, of course, impossible to reach agreement if the Governments of the sovereign States represented in the main Committee did not evince the required political will, and he feared that if such a will was not displayed at the next session, the Committee would become totally impotent and might fail in its task.

With regard to the organization of the future work of the Committee, he agreed with the Chairman that the proceedings in the Sub-Committees had taken longer than anticipated and could not be continued indefinitely. However, he did not feel that the Sub-Committees had acted "separately from and independently of each other" (A/AC.138/16, p. 4). While it was true that the two bodies had not the same officers and that some delegations assigned different representatives to each of them, there had nevertheless been a spontaneous interaction between them.

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(Mr. Denorme, Belgium)

The Chairman of the main Committee had provided excellent co-ordination through his personal contacts, and, above all, the meetings had been held simultaneously with the sessions of the main Committee. As the Chairman himself had acknowledged, separate sessions would be most unsuitable, in view of the unity and cohesiveness of the issues before the Committee. His delegation supported the Chairman's suggestion that the question of establishing in due time appropriate international machinery should be discussed in the main Committee itself, but it did not think that the main Committee should take over the work of one of its Sub-Committees - in that particular case, the Legal Sub-Committee. If it were to do so, it would be better to abolish the Sub-Committees which were playing a useful role, even though at the present session they had taken up time which should have been available to the main Committee. In the case in point, the Legal Sub-Committee need not necessarily undertake a study of the legal aspects of the question before a political decision was taken. In short, though he accepted the suggestion that, as a general rule, questions should be examined initially by the main Committee and then referred to the appropriate Sub-Committee, he nevertheless wished to stress the "synthesizing" role which was the special responsibility of the main Committee. Moreover, it seemed that a decision had already been taken by the Committee when it had adopted its so-called "charter" which contained, in addition to the distribution of functions, the basic guidelines governing the relations between the Sub-Committees and their parent body. He fully endorsed the proposals regarding the time-table for 1970 but felt that if, at the next session, the main Committee wished to get straight down to the items included in its programme of work, it should do so in the light of the work already done by the two Sub-Committees. If, on the other hand, the main Committee were to consider first the "other questions" referred to in the Chairman's statement (A/AC.138/16), such a course would run counter to the procedure adopted in 1969 which, in his view, should bear fruit precisely in 1970. He was certain that the Committee would be able, under the skilful guidance of the Chairman, to make considerable progress in the achievement of its objectives.

Mr. KHANACHET (Kuwait) said he hoped the report would reflect his proposal that the Secretary-General should continue in depth the study on the question of establishing international machinery, with particular emphasis on the status of such machinery, its structure, the powers and authority with which it would be

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(Mr. Khanachet, Kuwait)

endowed and the activities and functions it would undertake. In addition, he formally proposed that the Secretary-General's report (A/AC.138/12 and Corr.1 and Add.1) should be submitted to the General Assembly as an annex to the Committee's own report.

Mr. HACHEME (Mauritania) welcomed the fact that the atmosphere of co-operation and understanding which had prevailed in the debates had made it possible to achieve considerable progress. However, it was regrettable that, during the discussion 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, each State had been primarily concerned with defending its own interests. In that connexion, he recalled General Assembly resolution 2467 C (XXIII), which stressed that in the utilization of the resources of the sea-bed special consideration should be given to the interests and needs of the developing countries. The great Powers might have shown a more generous attitude towards the special interests and needs of the developing countries. However, he wished to pay a tribute to the French delegation, particularly for its statement at the eighth meeting of the Committee that due account should be taken of the defence needs of coastal States.

His delegation fully supported the proposals made by the representative of Kuwait.

He wished on behalf of the African countries, to pay a warm tribute to the Chairman and to express the hope that, under his guidance, the Committee would at future sessions take into account the special needs of the developing countries, particularly when considering the question of establishing international machinery.

Mr. MAURTUA (Peru) said that, in his view, the terms of reference of the Committee as laid down by the General Assembly amounted to a "progressive" mandate. In other words, the Committee's work should be divided into various stages in order to meet the need to develop a new legal régime which corresponded to a new situation. The work at present was at the investigation stage. The

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(Mr. Maurtua, Peru)

Committee should ascertain the opinions of Governments, study existing legal instruments and see to what extent they were applicable. The advantage of the procedure followed by the Committee, whereby questions were first referred to a Sub-Committee and then taken up in plenary meetings, was that items were considered successively by different examining bodies.

In his view, the only political decision which could be taken at the current stage would relate to the continuation and future organization of the Committee's work. No binding political decision could be taken on any aspect of the sea-bed and ocean floor beyond the limits of national jurisdiction until the Legal Sub-Committee had produced a comprehensive report and the legal basis for the principles and the technical aspects of the question were fully understood. Any political decision which lacked a sound legal basis would ultimately prove to be of little value.

He agreed with the representative of Chile that the Committee should pursue its work regarding the legal régime for the sea-bed without delay; on the other hand, he felt that the representative of Belgium wanted to advance too hastily. The Committee should continue its task of investigating, consolidating and synthesizing the work already done with the utmost prudence and care.

Mr. PAVICEVIC (Yugoslavia) said his delegation had always considered that any future régime should take into account above all the special needs of the developing countries. In that respect, it was necessary to attach equal importance to all aspects and elements of any future régime and machinery. The Secretary-General's report had not dealt with all aspects of the machinery which might be established; some, but not all, of the omissions had been rectified in paragraphs 155 and 156 of the report of the Economic and Technical Sub-Committee (A/AC.138/17). He therefore supported the proposals of the representative of Kuwait.

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REPORT OF THE LEGAL SUB-COMMITTEE (A/AC.138/18 and Add.1)

Mr. GALINDO POHL (El Salvador), Chairman of the Legal Sub-Committee, said that the report contained in document A/AC.138/18 and Add.1 would be formally introduced by the Rapporteur at the following meeting, and he himself would simply make some preliminary remarks.

Part I of the report represented the work undertaken in the Sub-Committee in complementation of General Assembly resolution 2467 A (XXIII), paragraph 2 (a) - the elaboration of legal principles and norms. It was divided into eight sections and recorded all the views expressed in the Sub-Committee. Part II was basically a synthesis of part I. Different criteria had been followed in its preparation. It stressed the points where agreement had been reached, although the reservations of certain delegations on the various points were recorded. As could be seen, there were in fact few points on which complete agreement had been reached, primarily because the question of legal principles was a complex one and many immediate interests were at stake. The Sub-Committee had based its consideration of the item on the extremely valuable document prepared by its Informal Drafting Group (A/AC.138/SC.1/4).

He was optimistic that the understanding and conciliatory atmosphere which had prevailed in the Sub-Committee would continue in 1970, when further positive work would be undertaken with regard to the elaboration of the legal régime for the sea-bed and the ocean floor beyond the limits of national jurisdiction.

The meeting rose at 12.55 p.m.

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SUMMARY RECORD OF THE ELEVENTH MEETING

Held on Friday, 29 August 1969, at 3.30 p.m.

Chairman:

Mr. AMERASINGHE

Ceylon

OTHER MATTERS ALLOCATED TO THE MAIN COMMITTEE (concluded)

The CHAIRMAN said that the Committee would continue its consideration of the question of international machinery which it had begun at the morning meeting. In order to avoid any misunderstanding, he explained that he had not intended in any way to belittle the role of the two Sub-Committees, but had wished to point out, in view of the fact that the debate had reached a stage where the main issue was the political implications of the questions under discussion, that the Committee itself was better qualified to deal with those questions.

Mr. ENGO (Cameroon) felt that, in the light of the statements made by all delegations, the time had come to take stock of the situation. Great efforts had been made, and yet, when one considered the results thus far achieved, there seemed to be more cause for regret than for expectation. It had been hoped that practical results would be achieved with respect to the establishment of a legal régime which would be based on law and would consequently promote peace. In the same way as Africa had at one time been regarded as a continent where anyone could acquire territories and rule over them, the sea-bed now presented comparable problems, particularly in an age when it was no longer fashionable to colonize inhabited regions. It was for that reason that his delegation had constantly stressed the absolute necessity of establishing effective machinery in order not only to prevent the sea-bed from becoming one more battlefield for international interests, but also to ensure that future profits from exploring and exploiting it would be equitably distributed. It was to be hoped that that inspiring goal could be achieved with the help of the developed countries and that the developing world could be enabled to progress in dignity.

Mr. VINCI (Italy) said that, in his view, substantial progress had been made by the two Sub-Committees and by the Committee within the mandate given to them under resolution 2467 A (XXIII). Moreover, it was fitting to recall that such progress had been achieved in only two years. Because of the complexity of the questions involved, the Committee had proceeded with caution, with a view to arriving at viable and realistic solutions. Resolution 2467 A (XXIII) had given

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(Mr. Vinci, Italy)

the Committee some important and precise tasks of both a legal and an economic nature. The informal consultations held intersessionally had been of great help to the Committee, and the report of the Legal Sub-Committee showed that, although numerous divergences of opinion still existed, the debate had nevertheless clarified the various viewpoints. The very fact of having identified the areas of disagreement would certainly help the Committee in finding agreed solutions. The Committee was now in a better position to consider the political implications of resolution 2467 A (XXIII), paragraph 2(a).

In one of its interventions in the Ad Hoc Committee on the Sea-Bed, his delegation had stated that an attempt to be unduly hasty in the formulation of generally acceptable principles might prove more harmful than useful, and that there was a close interrelationship between the strictly legal problems and the other aspects of the item. For instance, the politico-legal problem of defining the area was, in the view of many delegations, closely linked with the more politically challenging questions of the international régime and the international machinery applicable to the exploration and exploitation of the resources of the area. The two latter problems were in turn interrelated with the elaboration of principles and norms to govern international co-operation in that respect. Within that broad framework, specific issues had been raised, and they would require thorough consideration at future sessions.

His delegation had indicated that it attached great importance to certain forms of co-operation among States belonging to the same geographical area, particularly in the case of the internal and marginal seas. That point of view had been reflected in paragraph 77 of the Legal Sub-Committee's draft report. The Committee was in search of solutions which required an accurate evaluation of the political, social and economic interests of the peoples concerned, and that was a formidable task already - the more so if one considered that the search was for solutions which were for the benefit of mankind as a whole and that the misjudgements of today might well hamper mankind in carrying out the balanced development of the resources of the sea-bed.

On the question of the use of the area for peaceful purposes, his delegation had taken the view, since the very beginning of the discussion on the item in 1967, that the advice of the Disarmament Committee at Geneva should also be sought, and

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(Mr. Vinci, Italy)

it was glad to see that other delegations had come to share that viewpoint. The Disarmament Committee had now taken up the problem and negotiations were apparently in progress.

His delegation would in the future - as it had done in the past both at Geneva and in the Committee - co-operate actively in the elaboration of international rules to prevent the spreading of the arms race to the marine environment.

Mr. SHAW (Australia) said he thought that, despite the frustrations which some delegations had been feeling, the decision to establish the two Sub-Committees had been correct. The efforts of the Sub-Committees were embodied in the reports they had submitted to the Committee.

In respect of the Legal Sub-Committee, the lengthy debates had not been in vain. The formulation of legal principles acceptable to all could be based only on a consensus and could not be imposed by majority vote. His delegation, appreciating the fact that there was no short cut to the solution of an extremely arduous problem, supported the efforts of the Legal Sub-Committee. The synthesis of the views expressed which the Sub-Committee had now approved was a useful summing up.

His delegation would stress the importance of reaching agreement on general principles of international law applicable to the sea-bed, because it shared the apprehensions expressed by some delegations that the longer adoption of those principles and agreement on the régime and machinery needed to apply them was delayed, the more that delay would act to the disadvantage of those countries which were lacking in capacity to explore and exploit the resources of the sea-bed within the ambit of their national capacities and resources. On that point, it could be argued on the one hand that the Committee must "hasten slowly" and on the other hand that the longer it took to reach agreement the less scope there might be for the application of international principles.

His delegation was in agreement with the Chairman's suggestion that in future all remaining questions should be considered initially by the main Committee. The Legal Sub-Committee had clarified a number of important points and the Committee itself would now be able to make a synthesis of the arguments which had been put forward. The time had come for the Committee to make more concrete

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(Mr. Shaw, Australia)

recommendations. An important step would be to arrive at a consensus on a set of principles which might form the basis of some United Nations declaration, which might well form the basis of an eventual international conference. The suggestion that the report of the Secretary-General on possible international machinery might be annexed to the Committee's report for transmittal to the General Assembly was particularly useful. In that way, Governments would be able to obtain a more accurate idea of the question. The principles proposed might later be adopted by a conference.

His delegation would emphasize, as it had done in the past, that the ultimate settlement of the question of legal principles and international machinery must take into account the area to which the principles and machinery were to apply. That question could also be decided at a conference.

It was gratifying to note from the report of the Economic and Technical Sub-Committee that the Sub-Committee's work had resulted in some practical progress. The Sub-Committee had defined one area in which further progress might be made, namely, the drawing up of a draft code which might apply to the exploration and exploitation of the sea-bed, within the framework of whatever rules and whatever régime were ultimately agreed upon. His delegation therefore suggested that the Committee might recommend that, at its next session, the Economic and Technical Sub-Committee should pursue the drafting of an international code and other items on its agenda, including the important question of pollution. Although the emphasis in the Economic and Technical Sub-Committee's consideration of machinery had been on the economic and technical aspects, it had raised important questions of national policy and thus drawn attention to the need for them to be considered in the light of their political implications. The aim of his delegation was to expedite the proceedings, and it agreed that it was for the main Committee itself to take up the recommendations for international machinery. Perhaps the foregoing and other proposals and recommendations concerning next year's programme of work, including the suggestions put forward by the Chairman of the Economic and Technical Sub-Committee, might be discussed by the Chairman and the other officers of the Committee, together with the Chairman of the Economic and Technical Sub-Committee and interested delegations, in the light of discussions at the coming session of the General Assembly and prior to the first meeting of the Committee in the following year.

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Mr. WARNER (United Kingdom) said that the subject under discussion was of overwhelming importance and required an early solution. The situation which the Committee was hoping to regulate was becoming more and more complex, new techniques were constantly being developed.

It was gratifying to note that considerable progress had been achieved during the recent discussions. The Economic and Technical Sub-Committee had a most useful exchange of the technical factors which would govern the exploration and exploitation of under-sea resources and which would govern also the form of any régime to regulate such exploitation. When the Ad Hoc Committee had begun its work eighteen months previously, it was difficult to imagine that in less than two years it would be discussing technical factors from a practical point of view. It had been possible to come to understand more clearly one another's views, while the talks which were now going on in Geneva on the question of disarmament in the area under consideration were equally encouraging.

The main point dealt with in the report before the Committee was the question of international machinery. The United Kingdom delegation felt that the system of registration and the system of licensing mentioned in the Secretary-General's report were not two simple alternatives between which a choice must be made. In fact, the elements of the two systems could be combined in all kinds of ways. The "two-tiered" system envisaged in the Secretary-General's study had the great advantage of not requiring complex and detailed regulations because States, in granting licences to operators, would be themselves responsible for ensuring that the agreed regulations were observed. Such a system would be more economical and would also allow all States parties to the régime, whatever their stage of development, to have a direct stake in sea-bed exploitation.

It seemed likely that it would always be much cheaper to obtain minerals from on land than from under the sea. Under-sea exploitation would depend on world market prices and the economic return would in any case be limited. If the United Nations was to establish an elaborate international régime, the cost of running it would have to be met from that return and the share of the profits that would go to projects of benefit to the international community would be all the more restricted. The proper balance must therefore be struck between those requirements so as to avoid the unduly heavy administrative expenditure that would be inevitable if the United Nations set up an operating agency responsible itself for sea-bed activities.

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(Mr. Warner, United Kingdom)

As it had stressed previously, the United Kingdom delegation felt that in order to be effective a régime must be approved by all States. In paragraph 181 and the following paragraphs of his report, the Secretary-General had discussed the position of States which did not become parties to an agreement establishing international machinery. He had pointed out that such States would not be bound by the agreement. It was therefore absolutely essential, if only for the sake of fairness, for all States to participate in the agreement and to have the same rights and obligations.

In the Economic and Technical Sub-Committee it had been generally accepted that all those matters required further study and that any international machinery should not necessarily be geared from the outset to conduct actual operations itself. Moreover, the range of issues covered in that part of the Secretary-General's report dealing with registration or licensing was a useful field for further consideration of the nature of an international régime.

The detailed discussions which had taken place within the Legal Sub-Committee about general legal principles were also very relevant to the form of an ultimate international régime. There was another important point brought out in the Legal Sub-Committee's report: the consultations on principles had helped to steer the discussions away from generalizations towards specific formulae for defined ideas. The elaboration of such precise formulae and detailed discussion would certainly make it possible to achieve agreement on numerous concepts such as that of the "common heritage of mankind". In the light of specific proposals, the different opinions which had been expressed in the abstract on the meaning to be given to that concept would be much easier to reconcile. The same would be true of the principle of the applicability of international law. In that respect, the differences of opinion which remained were more practical than conceptual and, there again, once they were considered from the practical level, progress could be made. Another question was the special needs and interests of the developing countries. It seemed to the United Kingdom delegation that that principle was generally accepted and that the real problem was to decide what those needs and interests were and how they should be taken into account.

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(Mr. Warner, United Kingdom)

While debate had naturally tended to focus on points of difference, it had also served to indicate the ways in which the differences could be overcome and the direction which future discussion should follow.

Mr. GLASER (Romania) noted with satisfaction that the Committee now had a considerable body of ideas and information which Governments could study so as to give delegations the necessary instructions regarding the establishment of a régime applicable to the sea-bed and the ocean floor.

When the régime was established, account would have to be taken of the general, universally accepted rules of contemporary international law. Obviously, such rules had been established when the area with which the Committee was dealing was still inaccessible. However, the most general of the current principles of international law were applicable to that area - the principle of non-aggression, for example. The sea-bed and the ocean floor should also be subject to specific regulations but care should be taken to ensure that such regulations did not run counter to the general principles already mentioned.

He then stressed the principle of the utilization of the sea-bed and the ocean floor for peaceful purposes. If that principle was not applied, undoubtedly the area considered, which represented two-thirds of the earth's surface, would be the scene of confrontations which would increase the risk of a world conflagration.

His delegation was deeply concerned about the danger of pollution resulting from the exploration, utilization and exploitation of the sea-bed. It favoured strict international control and the application of the principle of the responsibility of States in case of damage to other States. He also stressed that the international assistance to be granted to persons taking part in exploration and exploitation activities on the sea-bed and the ocean floor should be compulsory.

In its discussions, the Committee must seek a consensus. No State must be excluded from the process of elaborating the régime applicable to the sea-bed and the ocean floor. There must be no discrimination between States based on power, level of development, economic, social or political system or geographical situation. A consensus had already been reached as to the inadmissibility of exclusive appropriation by one State. It had also been agreed that the needs, interests and aspirations of the developing countries must

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(Mr. Glaser, Romania)

be taken into account. Doubtless, the progress made in the study of certain other problems had been more limited. That was due, inter alia, to the delay in the distribution of the report of the International Oceanographic Commission. In any event, his delegation would have liked the Committee to adopt a document setting forth the principles on which a consensus had already been possible. It felt that the results already obtained, although modest, were encouraging for the future.

Mr. CABRAL DE MELLO (Brazil) considered that the report of the Secretary-General on the establishment of international machinery (A/AC.138/12) was extremely useful, not only for the examination of that particular question but also for the question of the establishment of a legal régime. The General Assembly should have the opportunity to study the report at its twenty-fourth session and give its views on it, even if those views were only preliminary. For that reason, he feared that the effect of the USSR representative's suggestion that the report should first be submitted to States for their comments would be to delay a decision on the international régime and the adoption of a declaration of legal principles.

On the other hand, his delegation unreservedly supported the suggestion of the representative of Kuwait that the report of the Secretary-General should be completed by a new study. The need for such a study had already been noted in paragraph 123 of the report of the Economic and Technical Sub-Committee.

Mr. HASAN (Pakistan) agreed with the views expressed by the representative of Cameroon in his statement at the beginning of the meeting.

Pakistan, as a developing country which had a long coastline, strongly favoured the establishment of international machinery for the exploration and exploitation of the sea-bed and the ocean floor. His delegation had clearly stated in the Economic and Technical Sub-Committee that it was opposed to national appropriation of the area and had expressed its desire to see the establishment of an appropriate international régime.

In that respect, he was reasonably satisfied with the progress made by the Committee and its Sub-Committees in the examination of those complex questions,

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(Mr. Hasan, Pakistan)

which gave reason to believe that agreement would soon be reached on the establishment both of appropriate international machinery and of a legal régime.

His delegation supported the suggestion put forward at the preceding meeting by the representative of Kuwait that the report of the Secretary-General on the question of international machinery should be annexed to the Committee's own report.

Mr. YANKOV (Bulgaria) expressed his satisfaction with the results achieved during the session. In particular, the deliberations in the Legal Sub-Committee had shown that there were some points of agreement with respect to the legal principles applicable to the sea-bed and the ocean floor and had enabled the areas of disagreement to be identified with greater precision. There was reason to believe, therefore, that the report of the Legal Sub-Committee would constitute a satisfactory starting-point for the elaboration of a declaration of principles. Significant progress had also been made in the Economic and Technical Sub-Committee.

With regard to his delegation's views on the future course of the Committee's work, he observed that the Chairman had rightly stressed the importance of the political aspects of questions with which the Committee was concerned. In that connexion, special attention must be given to the problem of the demilitarization of the sea-bed and the ocean floor and to their use exclusively for peaceful purposes. It was gratifying that general agreement had been reached on that point during the session, and priority must now be given to the adoption of concrete measures for demilitarization.

Another condition for the achievement of proper use of the sea-bed and ocean floor was the promotion of international co-operation in scientific research; that was a sine qua non for the development of technology to exploit the wealth of the area.

The Committee should also give the greatest attention to the elaboration of general principles which would constitute the legal framework of an international régime for the sea-bed and the ocean floor beyond national jurisdiction. In that respect, the debates which had taken place during the session were encouraging, and it was now necessary to take advantage of the opportunities which had emerged and to proceed to the early adoption of such principles.

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(Mr. Yankov, Bulgaria)

His delegation had on various occasions emphasized that it was essential to define the boundaries of the area of the sea-bed and the ocean floor beyond national jurisdiction if the main political, legal and economic problems posed by the exploration and exploitation of the area were to be resolved.

Lastly, there were a number of considerations which the Committee must bear in mind: the promotion of effective international co-operation; the use of the sea-bed and the ocean floor in the interests of mankind, taking into account the needs and interests of the developing countries; respect for the freedoms of the high seas; conservation of the marine environment; efficiency; and, low administrative expenses.

Referring to the proposal made by the USSR representative at the preceding meeting, he said that submission to Governments of the Secretary-General's report on international machinery (A/AC.138/12) would be in keeping with the normal practice of the United Nations in connexion with important actions, and the proposal therefore merited the most careful study.

REPORT OF THE LEGAL SUB-COMMITTEE (A/AC.138/18 and Add.1) (concluded)

Mr. BADAWI (United Arab Republic), Rapporteur of the Legal Sub-Committee, said that at the preceding meeting the Chairman of the Legal Sub-Committee had given an excellent account of the work done by the Sub-Committee. Consequently, in introducing the Sub-Committee's report, he would confine himself to adding a few brief remarks concerning the form rather than the substance.

When drafting the report, he had tried to reflect the different views which had been expressed and the trends which had emerged. In that connexion, he had taken advantage of an idea of the Sub-Committee's Informal Drafting Group by adding to the report a "Synthesis" to sum up the position.

He also pointed out that the text which the members of the Committee had before them contained some typographical errors. In order to save time, he would refrain from enumerating them and would undertake to have them corrected.

Mr. KOULAZHENKOV (Union of Soviet Socialist Republics) noted with regret that only part of the text of the report had so far been translated into Russian.

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Mr. IMAM (Kuwait), referring to the concept of the "applicability of international law" mentioned in paragraph 89, said that, so far as his delegation was concerned, the principles or norms of existing international law did not apply to the sea-bed and ocean floor beyond the limits of national jurisdiction if that area was treated separately from the superjacent waters.

In addition, his delegation considered that the word "agreed" in the sixth line of paragraph 93 of the Sub-Committee's report, as applied to the future international régime, was vague and did not convey a precise legal meaning.

Mr. DE SOTO (Peru) drew attention to some corrections which he would like to have made in the Spanish version of document A/AC.138/18/Add.1 ("synthesis"). In the fifth line of paragraph 83, the word "significativo" should be substituted for the word "importante". In the second line of paragraph 89, the word "rigen" should be replaced by the words "se aplican a". In paragraph 90, the phrase "en cuanto a la aplicación de normas" should be replaced by the words "sobre si las reglas", the words "se aplican" should be inserted after the word "actual" in the same line, and the words "que se realicen" in the following line should be deleted. In the second line of paragraph 91, the word "comprendería" should be substituted for the words "debe comprender".

Mr. BAZAN (Chile) said that a number of corrections, which he would submit to the Secretariat, should also be made in the Spanish text of paragraph 26.

Mr. ARORA (India), supported by Mr. KOULAZHENKOV (Union of Soviet Socialist Republics), said that, for greater clarity, the words "in the future" at the end of paragraph 90 should be deleted.

The CHAIRMAN said that, if there was no objection, he would take it that the report of the Legal Sub-Committee (A/AC.138/18 and Add.1) was adopted with the amendments which had just been requested.

The report of the Legal Sub-Committee was adopted.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY (A/AC.138/L.1 and Add.1)(concluded)

Mr. GAUCI (Malta), Rapporteur, said that it had been impossible to include in the addendum comments made at the meetings on 28 and 29 August. It had been decided to delete the word "Introduction" at the beginning of the report.

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(Mr. Gauci, Malta)

It had also been proposed that the reports of the two Sub-Committees should be incorporated in the report under discussion, perhaps as parts II and III. The addendum endeavoured to summarize the debates, to stress the complexity of the problem, to draw attention to the lack of time and to suggest guidelines for the future work of the Committee.

The CHAIRMAN noted that the Committee had several suggestions before it. The representative of Kuwait had suggested that the Committee should request the Secretary-General to continue in depth the study of the establishment in due course of an appropriate international machinery, specifying areas of consideration: (1) status of the machinery; (2) structure of the machinery; (3) powers and authority to be given to such machinery; (4) activities and functions of the machinery.

In the absence of any objection, the suggestion was adopted.

The CHAIRMAN said that the representative of Kuwait, supported by the representatives of Australia, Brazil, Cameroon, Mauritania and Yugoslavia, had suggested that the Secretary-General's report on machinery (A/AC.138/12 and Add.1) should be attached as an annex to the Committee's report to the General Assembly.

In the absence of any objection, it was so decided.

The CHAIRMAN further informed the Committee that the representative of the USSR had suggested that the following text should be added at the end of paragraph 19: "It was suggested that the report of the Secretary-General should be sent to Member States for study, so that upon receipt of their comments the question of international machinery could be considered further in the Committee."

In its present form, the amendment would have the effect of suspending the Committee's consideration of the question and delaying such consideration until Member States had forwarded their comments to the Committee. The suggestion could not, of course, be interpreted to mean restricting the right of the General Assembly to discuss the question of international machinery or preventing it from discussing it. The situation was different if the purpose

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(The Chairman)

of the Soviet amendment was to facilitate agreement in the Committee by making the views expressed by Member States available to it. Perhaps the Soviet Union representative would be good enough to clarify his intentions.

Mr. KOULAZHENKOV (Union of Soviet Socialist Republics) replied that the suggested text reflected the views of the Soviet Government. He requested that it should be incorporated in the report, in the same way as amendments suggested by other representatives. He confirmed that the purpose of the suggestion was to facilitate the Committee's study of the question of international machinery, and not to suspend the Committee's work on the question or to restrict the authority of the General Assembly.

Mr. ARORA (India) agreed with the Chairman, but said that he had no objection to the inclusion of the suggested text, since it began with the words "It was suggested...".

Mr. PANYARACHUN (Thailand) urged the Soviet Union representative to revise the wording of his amendment, which could cause confusion.

Mr. ENGO (Cameroon) agreed, and asked the Soviet Union representative to withdraw his amendment if he could not revise it.

Mr. YANKOV (Bulgaria) felt that the USSR suggestion was reasonable; there was no reason to fear that it would hamper the Committee's work.

Mr. ARORA (India) suggested that the Soviet Union representative might revise his text by changing the words "It was suggested... sent" to read "It was suggested by some delegations that, while the Committee continues to consider the report, the Secretary-General should be requested to circulate it...".

Mr. KOULAZHENKOV (Union of Soviet Socialist Republics) agreed to replace "It was suggested" by "It was suggested by some delegations".

Mr. DENORME (Belgium) thought that the Soviet proposal was useful and should be incorporated - without any change in the original wording - in the Committee's report. Governments could communicate their observations in writing to the Secretary-General or give appropriate instructions to their delegations. As the Soviet representative had made it clear that his proposal was not designed to suspend the study of the question of international machinery until formal

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(Mr. Denorme, Belgium)

replies had been received from Governments, the Belgian delegation proposed that the following text should be added after the Soviet amendment:

"This suggestion has been included in the report without prejudice to the general view that it does not imply that the General Assembly or the Committee can be prevented from making any further study of the Secretary-General's report until Governments have replied formally and in writing to the consultation which the Secretary-General is requested to undertake."

The CHAIRMAN pointed out that proposals by the Committee were normally considered by the First Committee, which alone was empowered to make recommendation to the General Assembly. If the Soviet Union representative was willing to accept the suggestion, the Committee could perhaps agree on the following text: "It was proposed by some delegations that the report of the Secretary-General should be circulated to Member States for study and for transmission of their observations to him." That wording would stress the importance of obtaining the opinions of Member States without perhaps delaying the work of the Committee.

Mr. KOULAZHENKOV (Union of Soviet Socialist Republics) reiterated that the only purpose of his suggestion was to enable the Committee to make a better study of the problems involved in establishing international machinery. His intention was not to have consideration of the question deferred. The Soviet suggestion was logical and had no hidden meaning. He requested that it should be included in the report, beginning with the words "It was proposed by some delegations".

Mr. GLASER (Romania) expressed the view that, firstly, any Government was entitled to demand that its observations should be included in the report, and, secondly, the Committee could not alter the terms of reference given to it by the General Assembly. He thought that the meeting might be suspended to enable the delegations concerned to come to an agreement on a wording, which could consist of the Soviet Union text followed by that proposed by the representative of Belgium.

Mr. BAZAN (Chile) said that, on the basis of the Spanish translation of the Soviet suggestion, the idea of suspending the Committee's work was implicit in the wording suggested. He noted the explanations given by the Soviet Union representative, but thought that they should be clearly expressed in the text he was suggesting.

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The CHAIRMAN suggested that the meeting should be suspended to allow further consultations on paragraph 19.

It was so decided.

The meeting was suspended at 6.45 p.m. and resumed at 7.15 p.m.

Mr. KOULAZHENKOV (Union of Soviet Socialist Republics) said that his delegation would not press for its suggestion to be included in the Committee's report. However, it requested that the summary record should bring out the fact that the position of some delegations with respect to paragraph 19 was not reflected in the report and had met with opposition. Lastly, his delegation reserved the right to make its proposal in the General Assembly.

The Committee's report (A/AC.138/L.1 and Add.1) was adopted.

ORGANIZATION OF WORK (A/AC.138/16)

The CHAIRMAN recalled that he had suggested that the Committee should hold two sessions in 1970, 2 March to 27 March 1970 and 3 August to 28 August 1970. The Committee officers would consult with the Chairmen of the two Sub-Committees with respect to the programme of work for those sessions.

Mr. ARORA (India) noted that several Committees had met in March 1969. In order to avoid overlapping in 1970, it might be advisable for the Committee to begin its next session in February. His delegation agreed that the Committee should hold two one-month sessions, in view of its very heavy agenda.

Mr. ENGO (Cameroon) said that at the present stage the Committee should not attempt to establish precise dates for its sessions in 1970. An effort should be made to avoid scheduling simultaneously the meetings of several committees dealing with economic, technical and legal matters, in view of the difficulties that created for small delegations.

Mr. DENORME (Belgium) felt that the Committee should specify the dates for its sessions in 1970. If the first session were held too soon after the General Assembly, it was possible that the documents required might not be ready. Furthermore, it was important for those participants who did not belong to the Permanent Mission of their country to know in advance when the sessions would be held. The dates suggested by the Chairman were acceptable to his delegation.

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The CHAIRMAN said that the General Assembly would take a final decision on the Committee's meeting schedule.

Mr. PHILLIPS (United States of America) proposed that the Committee should meet for one or two days before its next session to consider its programme of work, in the light of the discussions to be held in the General Assembly. His delegation would await the statement of the financial implications of holding the Committee's summer session at Geneva before taking a final decision on the matter.

The CHAIRMAN said that if there was no objection, he would take it that the Committee agreed to hold a preliminary meeting before its next session to consider its programme of work and that a statement to that effect should be included in paragraph 20 of the report.

It was so decided.

CLOSURE OF THE SESSION

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

The meeting rose at 8 p.m.
