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

First and Second Sessions

SUMMARY RECORDS OF THE FIRST TO SIXTH MEETINGS

Held at Headquarters, New York,
in February and March 1969

Chairman:

Mr. AMERASINGHE

Ceylon

Rapporteur:

Mr. GAUCI

Malta

The list of representatives is to be found in documents A/AC.138/INF.1 and Add.1-3, Add.3/Corr.1, Add.4 and 5.

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SUMMARY RECORD OF THE FIRST MEETING

Held on Thursday, 6 February 1969, at 11.10 a.m.

Acting Chairman:

Mr. KUTAKOV

Under-Secretary-General
for Political and
Security Council Affairs

Chairman:

Mr. AMERASINGHE

Ceylon

OPENING OF THE SESSION

Mr. KUTAKOV (Under-Secretary-General for Political and Security Council Affairs) declared open the first session of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. He welcomed the members of the Committee and noted that a large number of them had played a conspicuous part in the deliberations of the Ad Hoc Committee which had been the fore-runner of the present Committee, as well as in the work of the General Assembly. The participation of the newly appointed members would give still greater weight to the Committee's deliberations. All delegations would now have the opportunity to give further consideration to the best methods of reserving the sea-bed and the ocean floor for peaceful purposes and of utilizing their resources in the interest of mankind. He was sure that the spirit of co-operation which had been shown in the Ad Hoc Committee would also be carried forward into the work of the new Committee.

In establishing a standing body, the General Assembly had wished to underline the importance of international co-operation in a vast yet insufficiently known area and to emphasize the need for careful study of the far-reaching implications of any decisions taken on the subject of the sea-bed and the ocean floor, recognizing at the same time that it was essential to achieve a rapid solution to certain vital problems.

ELECTION OF OFFICERS

Mr. DANIELI (United Republic of Tanzania) proposed that Mr. Amerasinghe (Ceylon) should be elected Chairman by acclamation. Mr. Amerasinghe, the outgoing Chairman of the Ad Hoc Committee, was an eminently qualified diplomat whose leadership had guided the previous Committee and had led to the establishment of the new one.

Mr. SCHUURMANS (Belgium), Mr. PIÑERA (Chile), Mr. TOMOROWICZ (Poland), Mr. ARORA (India) and Mr. HASAN (Pakistan) supported the proposal of the Tanzanian delegation and associated themselves with the tribute which had been paid to Mr. Amerasinghe.

Mr. Amerasinghe (Ceylon) was elected Chairman by acclamation.

Mr. Amerasinghe took the Chair.

The CHAIRMAN said that, following informal consultations, it had been agreed that the Committee, like the Ad Hoc Committee, would establish two sub-committees. The candidates who had been nominated to serve as officers of the full Committee were the following: the representatives of the United Republic of Tanzania (Mr. Danieli), Chile (Mr. Piñera), Norway (Mr. Evensen) and Poland (Mr. Tomorowicz) as Vice-Chairman, and the representative of Malta (Mr. Gauci) as Rapporteur. If there was no objection, he would take it that the nominees were elected.

It was so decided.

The CHAIRMAN invited Mr. Gauci to take his seat as Rapporteur. He suggested the establishment, as had been agreed informally, of a legal sub-committee and an economic sub-committee; the pattern of representation in those bodies would be similar to the one for the corresponding bodies of the Ad Hoc Committee.

Mr. POPPER (United States of America), noting that the names of the sub-committees did not accord with those of the Ad Hoc Committee, suggested that the question of the exact titles of the sub-committees should be settled when their activities were defined.

The CHAIRMAN said that the titles "legal sub-committee" and "economic sub-committee" would be considered provisional.

The proposal to establish two sub-committees was adopted.

The CHAIRMAN stated that the candidates nominated to serve as officers of the Economic Sub-Committee were Mr. Denorme (Belgium) as Chairman, Mr. Arora (India) as Vice-Chairman and Mr. Prohaska (Austria) as Rapporteur. The candidates nominated to serve as officers of the Legal Sub-Committee were Mr. Galindo Pohl (El Salvador) as Chairman, Mr. Yankov (Bulgaria) as Vice-Chairman and Mr. Badawi (United Arab Republic) as Rapporteur. If there was no objection, he would take it that the nominees were elected.

It was so decided.

Mr. KUTAKOV (Under-Secretary-General for Political and Security Council Affairs) read out a message to the Committee from the Secretary-General.

The Secretary-General regretted that he was unable to be present and expressed his best wishes for the success of the Committee's work. The Committee would be

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(Mr. Kutakov, Under-Secretary-General
for Political and Security Council
Affairs)

carrying forward the important tasks begun by the Ad Hoc Committee, and would have the additional functions and duties laid down in General Assembly resolution 2467 A-D (XXIII) of 21 December 1968. The Committee could rely on the fullest co-operation of the Secretariat. In its debates, the General Assembly had underscored the complexity and extent of the problems the Committee was to deal with and had recognized that the exploration and exploitation of the sea-bed and the ocean floor should benefit mankind as a whole, irrespective of the geographical location of the States concerned, and taking due account of the needs of the developing countries. It was therefore necessary to promote international co-operation in that field. The new Committee should be a focal point for the elaboration of appropriate measures for ensuring such co-operation and for the co-ordination of the activities of international organizations. Its functions were therefore highly important and its endeavours would have profound consequences for the future of international co-operation and for the United Nations' capacity to attain the goals laid down by the General Assembly.

The CHAIRMAN recalled that during the last session of the Ad Hoc Committee, it had been decided that any Member State could be accorded the status which would entitle it to be represented at all meetings of the full Committee and its sub-committees and to contribute to the debates. He welcomed the representatives of the specialized agencies and expressed the hope that they would be able to attend the Committee's forthcoming session.

ORGANIZATION OF WORK (A/AC.138/1 and 2)

Mr. DENORME (Belgium) said that the General Assembly, in drafting resolution 2467 A (XXIII), had borne in mind the views expressed during the proceedings of the Ad Hoc Committee and had sought to profit by its experience. His delegation was pleased to note that the members of the Committee expected to make use of that experience and had turned to the officers of the Ad Hoc Committee for assistance in continuing the work which it had begun.

In order to facilitate the discussion, his delegation, after conducting the broadest possible inquiries, had prepared a working paper putting forward some

(Mr. Denorme, Belgium)

ideas on the organization of the Committee's work. It had seemed advisable to retain the division of work between the Committee, its Legal Sub-Committee and its Economic Sub-Committee, the last dealing also with the technical aspects of the Committee's mandate. It had also seemed helpful to outline a programme of work, without limiting in any way the freedom of action of each sub-committee. That procedure would make it possible for the Governments concerned to have an idea of the programme when they appointed their representatives, who would be aware of the general lines of the plan of work and would then be better able to prepare for the discussions to be held during the session.

In drawing up the plan, his delegation had been guided by two considerations. The first related to those functions which had been indirectly assigned to the Committee by resolutions other than the one setting forth its terms of reference. Various resolutions had provided for the preparation of studies and reports to be submitted for consideration by the Committee during 1969. The Secretary-General should be given sufficient time to prepare those documents. Thus, the Committee would not be able to consider them advantageously until the summer session.

The second consideration concerned the scope of the Committee's terms of reference. It was clearly impossible to do everything at once. It was necessary to set short-term objectives and concentrate on one or two priority items. The latter might be the formulation of a statement of principles to serve as a guide for international co-operation in the field under consideration, and a preliminary study of conditions governing economic exploitation of the resources of the sea-bed and the ocean floor.

At the General Assembly's twenty-third session his country had emphasized the urgent need for preparing a statement of principles. Before the codification of precise rules of international law in one or more conventions could be undertaken, it seemed necessary to define certain principles in order to prevent the appropriation of undersea areas by any Power and to reserve the sea-bed and the ocean floor for peaceful purposes. Several working papers had been incorporated in the report of the Ad Hoc Committee, and draft resolutions had been submitted to the First Committee. Those documents would be transmitted to the Committee for its consideration. Accordingly, there should be no further delay in undertaking the consideration of those principles.

(Mr. Denorme, Belgium)

The legal status of the sea-bed and the ocean floor was, moreover, not the only point at issue, for it was also necessary to determine a régime for the exploitation of submarine resources. The total of six weeks available to the Committee would not be sufficient for the completion of that complex task, but a preliminary study could be undertaken of economic conditions favouring the development of those resources in the interest of mankind as a whole. A distinction had already been drawn between the technical capacity for exploiting mineral resources and the commercial profitability of such exploitation, and a number of features to be incorporated in such a régime had been identified. In particular, it had been shown that it was necessary to encourage States or their nationals to make considerable investments, by guaranteeing them equitable returns and security. At the same time, the main objective had not been lost sight of, namely that the exploration and exploitation of the sea-bed and the ocean floor and the sub-soil thereof must be carried out for the benefit of mankind as a whole.

The working paper prepared by his delegation (A/AC.138/1) had been inspired by the conclusions drawn from the debates of the Ad Hoc Committee and had been the subject of consultations with the greatest possible number of delegations. The "general guidelines" mentioned in section 5 of the paper set forth useful considerations for the orientation of the Committee's work, having been based on the preambles of two resolutions adopted by the General Assembly. After reading out that section he observed that the Committee thus had guidelines which had already obtained the approval of the international community and that it would thus be in a position at its two forthcoming sessions to lay the groundwork for an enterprise which would have consequences of considerable importance for all mankind.

Mr. ARAUJO CASTRO (Brazil), on behalf of the seven Latin American members, introduced the draft programme of work which they had prepared (A/AC.138/2); the sponsors would provide any necessary clarifications and would consider any suggestions which might improve the draft. The programme of work, inspired by the guidelines set forth in resolution 2467 (XXIII), was intended to make the work of the Committee as flexible as possible; it was for that reason that the sponsors had not attempted to submit a more ambitious draft.

(Mr. Araujo Castro, Brazil)

Sub-paragraph B (a) had been predicated on the consideration that it was preferable to examine simultaneously all the legal standards and all the organizational principles in question in order to avoid jeopardizing the possibilities of agreement by considering certain questions in isolation, especially when the legal sub-committee came to the stage of recommending specific proposals to the full Committee. It was also essential for the legal sub-committee to examine thoroughly the study that was being undertaken by the Secretariat in accordance with General Assembly resolution 2467 C (XXIII), paragraph 1, so that the Committee would be able to report to the twenty-fourth session of the General Assembly as planned. Only after completing the work outlined in sub-paragraphs B (a) and (b) of the programme of work (A/AC.138/2) would the legal sub-committee be in a position to elaborate a statement of principles on the whole question.

Mr. OULD DADDAH (Mauritania) said that he was pleased at the continuation of the work undertaken with regard to the peaceful utilization of the sea-bed and the ocean floor. His delegation, which was participating in that task for the first time, hoped to obtain some clarifications on the functions of the sub-committees and on the manner in which their reports would be submitted. The two working papers before the Committee raised interesting questions, such as that of the order of priority to be fixed. It would be advisable, however, not to take final decisions concerning the organization of work until all delegations had made their views heard.

The CHAIRMAN recalled that it had been decided during the preceding year to establish a legal and an economic and technical sub-committee, while the full Committee would consider the reports of the two groups and concern itself with the political and military aspects of the question. Each sub-committee would determine its own procedure and could deal with any question falling within its terms of reference. The reports of the sub-committees would be adopted by general agreement. At the present meeting, the Committee must take a decision on the over-all organization of work, but it would allow the sub-committees considerable freedom in that connexion. Any new proposals of a general nature would be submitted to the full Committee.

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Mr. ARORA (India) said that he thought the working paper on the organization of work submitted by the Belgian delegation was very useful. The document submitted by the Latin American group was largely based on the Belgian one, which would make it easier to consider. The problem was to allocate the work between the Committee and its two sub-committees and to indicate the items to which those bodies should accord priority during the next two sessions. The General Assembly, in its resolution 2467 A (XXIII), paragraph 2 (a), had requested the Committee inter alia 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. That study should be entrusted to the legal sub-committee and should be given priority, in the light of certain principles on the use of that area which had been set forth in the preambles to resolutions 2340 (XXII) and 2467 A (XXIII). The resulting discussion would lead to consideration of the legal régime applicable to the exploration and exploitation of the resources of the sea-bed, a question to which his delegation attached considerable importance. The second part of the mandate set forth in resolution 2467 A (XXIII), paragraph 2 (a), concerned the economic and other requirements which such a régime should satisfy in order to meet the interests of humanity as a whole, the study of which should be entrusted to the economic sub-committee. That Sub-Committee should also study the means of promoting the exploitation and use of the resources of the sea-bed (resolution 2467 A (XXIII), paragraph 2 (b)), as also the progress made in the exploration of those resources and in the techniques of exploitation, and the measures which the international community should take to prevent marine pollution which might result from such exploitation. The full Committee should undertake the study called for in resolution 2467 A (XXIII), paragraph 3 (reservation exclusively for peaceful purposes of the sea-bed), and the study of the questions mentioned in paragraph 2 (c) of that resolution.

The Committee and its two sub-committees would also have before them the report which the Secretary-General, pursuant to resolution 2467 C (XXIII), was to draw up concerning the establishment in due time of international machinery for the promotion and exploration and exploitation of the resources of the sea-bed. The full Committee, like the economic sub-committee, would have to

(Mr. Arora, India)

examine certain parts of the report to be drawn up by the Secretary-General, under resolution 2467 B (XXIII), on the question of pollution. The report by UNESCO called for in resolution 2467 D (XXIII) would also be submitted to the General Assembly through the full Committee. The report to be drawn up by the Secretary-General for the Economic and Social Council and the General Assembly pursuant to General Assembly resolution 2414 (XXIII) would be of considerable interest to the Economic Sub-Committee.

While his delegation had no objection to the allocation of items as indicated in the working paper submitted by the Belgian delegation (A/AC.138/1), it hoped that the titles of the items to be referred to the Committee and its sub-committees would correspond as closely as possible to the language used in the General Assembly's resolutions. Also, wherever it might be necessary, the studies prepared by the Secretariat in the previous year for the Ad Hoc Committee should be brought up to date, if possible, before the Committee's next session. That observation applied in particular to the Secretariat's working paper on the military uses of the sea-bed (A/AC.135/28), which his delegation had found most interesting.

The CHAIRMAN, replying to a question by Mr. OULD DADDAH (Mauritania), said that all members of the full Committee could be members of the sub-committees. As in the past, efforts would be made to prevent the two sub-committees from meeting at the same time.

Mr. POPPER (United States of America) said that the two working papers submitted, as well as the observations made by various delegations, should be given careful attention. He supported the Indian representative's remarks concerning the need to reflect closely the language used in the General Assembly's resolutions, and observed that as the Belgian delegation had not intended to limit the competence of what it called the Economic Sub-Committee, it should also concern itself with technical questions. It would be far better to follow the terminology used in the Ad Hoc Committee, i.e. "Economic and Technical Sub-Committee". Otherwise it would not be possible to attract the interest of scientists and economic groups directly concerned.

The CHAIRMAN said that he thought there was no reason why the Committee should not use the titles and terminology adopted in the past.

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Mr. DENORME (Belgium) said that he had proposed a simpler name for one of the two sub-committees for reasons of convenience. A definite decision in that regard should not be taken until the tasks to be carried out had been specifically allocated between the Committee and its sub-committees. It was also important to establish, if only provisionally, the work programme for each of the two sessions. To that end, and in order to reconcile any differences, private consultations should be held between the sponsors of documents A/AC.138/1 and A/AC.138/2.

Mr. BEESLEY (Canada) said that the draft working programmes outlined in documents A/AC.138/1 and A/AC.138/2 were similar in many respects but that as far as the activities of the legal sub-committee were concerned there were some differences as to whether, for example, it should take up first the question of general principles or that of the legal régime. That point should therefore be discussed and the parties concerned should hold consultations. Also, it was essential to establish a precise terminology and he accordingly felt that the name "Economic and Technical Sub-Committee" should be retained.

Mr. OULD DADDAH (Mauritania) thought that consultations should be held, with the participation of all interested delegations, before the Committee took a final decision on the organization of its work. That would allow for the submission and consideration of any further proposals that delegations might wish to make.

Mr. ARAUJO CASTRO (Brazil) thought that the question of the organization of work should continue to be considered by the Committee, which would enable other delegations to express their opinions and submit proposals. After that, the sponsors of documents A/AC.138/1 and A/AC.138/2 could hold consultations, having any such new elements in mind.

Mr. GAUCI (Malta) said that consultations had already been held and that he thought it would be easier to reconcile any differences by examining them in a small group.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) supported the proposal to retain the title "Economic and Technical Sub-Committee". As far as the organization of the Committee's work was concerned, he agreed with the representative of Brazil that delegations should formulate observations and submit proposals to the Committee and that consultations open to all should follow, for to exclude any delegation would augur ill for the Committee's future work.

The CHAIRMAN suggested that all the delegations which had submitted proposals, notably Belgium, the Latin American group and India, should hold consultations in which all interested delegations could participate.

Mr. KHANACHET (Kuwait) said that he wondered if, apart from the matter of organizing its work, the Committee was not calling into question its mandate as defined by the General Assembly. He asked the Chairman to postpone the Committee's next meeting by one hour in order to allow the members of the Group of Seventy-Seven who were members of the Committee to meet.

The CHAIRMAN said that he did not think the terms of reference laid down by the General Assembly were being called into question.

Mr. ARAUJO CASTRO (Brazil), supported by Mr. DENORME (Belgium), thought that it would be better if delegations first expressed their views in the Committee, which would make it possible to hold more fruitful consultations later.

Mr. KHANACHET (Kuwait) said that he thought the delegations belonging to the Group of Seventy-Seven would be willing to meet at the close of the following meeting.

The meeting rose at 1 p.m.

SUMMARY RECORD OF THE SECOND MEETING

Held on Thursday, 6 February 1969, at 3.25 p.m.

Chairman:

Mr. AMERASINCHE

Ceylon

ORGANIZATION OF WORK

Mr. MENDELEVICH (Union of Soviet Socialist Republics) introduced the draft programme of work of the socialist countries contained in document A/AC.138/3. His delegation's guiding principle, in drawing up the programme, had been that most of the tasks entrusted to the Committee by the General Assembly in resolution 2467 A (XXIII) had two aspects - the legal, and the economic and technical - and consequently that many questions should be discussed by both the legal and the economic sub-committees.

His delegation also felt that the Committee should benefit from the experience of the Ad Hoc Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. The Committee had already followed its example by setting up two sub-committees and by electing many of the same officers. However, its terms of reference were somewhat broader than the Ad Hoc Committee's had been: whereas the latter had only studied the question of the peaceful uses of the sea-bed and the ocean floor, the Committee was expected to make recommendations to the General Assembly on all problems connected with the sea-bed and the ocean floor beyond the limits of national jurisdiction. In addition, the Committee was a permanent body and should, therefore, study the problem of the organization of its work in the light of long-term objectives. Unlike the Ad Hoc Committee, the Committee was in a position to discuss all the problems entrusted to it under General Assembly resolution 2467 A (XXIII) in depth and from all angles.

He proposed that the Committee's March session should begin with a general discussion on all the problems for the purpose of making the various delegations' views known. Such a discussion would require only a few days but was, in his opinion, of great importance. The two sub-committees would then begin examination of the questions which directly concerned them, after which the Committee would again meet in plenary to discuss the preparation of its report to the General Assembly. He emphasized the importance of combining general discussion with expert examination of specific problems.

Mr. BEESLEY (Canada) said that the USSR proposal had considerable merit; while there was merit in avoiding a compartmentalization of work, the Committee should be aware of the danger that the need for each of its organs to refer constantly to the other might inhibit the taking of decisions.

In his opinion, the suggestions made in the Latin American draft programme of work (A/AC.138/2) concerning the Committee's plenary meetings and the meetings of the economic and technical sub-committee, though not broken down by session as in the Belgian document (A/AC.138/1), were, with slight differences in wording, identical with the suggestions contained in the latter document. For example, points A (a) and (b) relating to the plenary meetings in the Latin American document were to all intents and purposes identical with points C (a) and (b) of the Belgian document's proposals for the full Committee's summer session, and point A (c) of the former was implicit in point C (b) of the latter. With regard to the economic and technical sub-committee, points C (a), (c), (d) and (e) were very similar to if not identical with the equivalent points in the Belgian document, but point C (b) had no counterpart in the Belgian document and he would therefore welcome a clarification of its meaning.

The only difference of substance between the two documents arose in relation to the meetings of the legal sub-committee. In his delegation's view, both possible interpretations of the word "régime" - as a set of principles of law or as a possible future form of machinery - fell within the Committee's mandate, but the sponsors of the Latin American draft programme should clarify which meaning of the word they intended in their point B (a). His delegation would have some difficulties with points A (a) and (b) of the Belgian proposal. If the Committee was to adopt a régime consisting of a set of legal principles, it must systematically and methodically adopt each principle in turn, working on the basis of lists of principles submitted by delegations. The USSR suggestion regarding the principle concerning exclusively peaceful purposes, which raised the problem of the interrelationship between legal and economic matters and demilitarization, must be part of such a régime. Moreover, a régime consisting of a set of principles definitely implied more than merely one or two principles. Point B (a) of the Latin American document was merely a restatement, not a clarification, of the problem and was followed immediately by point B (b) calling

(Mr. Beesley, Canada)

for the consideration of the Secretary-General's report. He hoped the sponsors of the Latin American draft would clarify why they had proposed that particular order for the programmes of work of the two sub-committees.

Mr. POPPER (United States of America) said that as the documents before the Committee showed, there were many possible approaches that could be taken. In his delegation's view, the Committee's best course would be to adhere as closely as possible to the terms of General Assembly resolution 2467 A (XXIII), since any departure from it would imply priorities and degrees of emphasis with which the General Assembly might not agree. His delegation was therefore proposing an outline programme of work (A/AC.138/4) which it considered flexible, general and closely related to the actual wording of the General Assembly resolution.

Mr. HILDYARD (United Kingdom) considered that the Belgian document (A/AC.138/1), which followed closely the guidelines laid down in the two relevant General Assembly resolutions, contained a good plan of work. He hoped that the sponsors of the other proposals would consult with the Belgian delegation in order to agree on a single consolidated programme of work acceptable to all. In their consultations, the sponsors of the various proposals should keep in mind the desirability of elaborating a set of principles on which the Committee could build in the future. Despite some differences, the Committee had already reached agreement on certain basic principles and the formulation of a set of principles could and should be its major achievement of the year. As regards the names of the sub-committees, he could agree either to "Economic and Technical" or to "Economic", on the assumption that the sub-committee's discussions would be broad enough to include economic, technical and other related aspects. Recalling that the Committee had inherited not only its officers but also a tradition of effective work from the Ad Hoc Committee, he strongly supported paragraph 6 of the Belgian document, emphasizing that his delegation attached great importance to the Committee's proceeding by general agreement.

Mr. OULD DADDAH (Mauritania) said that neither the Belgian nor the Latin American proposals contained any reference to the possible danger which exploitation in the contiguous zone - which was clearly beyond the limits of national jurisdiction and therefore within the Committee's mandate - might present to the sovereignty of States, especially the developing countries, over their territorial seas as defined in their national legislation.

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Mr. GALINDO POHL (El Salvador) said that there should be an organic connexion between the plenary Committee and the two sub-committees, and that a relationship between the activities of those bodies should be established at the very outset of the work. He therefore supported the idea of holding a preliminary discussion in March during which the various delegations would have an opportunity to stress those ideas which most concerned them and to lay down guidelines for the sub-committees. The latter would then have a common basis for their work and would deal with the items assigned to them within the broad framework of the total programme. In that way some balance would be achieved between the matters dealt with in plenary and the work done by the sub-committees.

The Latin American draft programme of work which his delegation had co-sponsored, differed from the Belgian working paper only in respect of the programme of the legal sub-committee (para. B). The attainment of the legal sub-committee's basic objective - the formulation of a statement of principles - would necessarily take some time; on the other hand, some results would have to be submitted to the General Assembly at its next session. There were various ways in which the legal sub-committee could approach its task. The approach suggested by the Latin American draft programme of work was that the elaboration of the statement of principles (point B (c)) should be preceded by two previous exercises (points B (a) and (b)). The first would be a very preliminary examination of the legal and organizational requirements of the régime to be applied to the sea-bed and the ocean floor. Incidentally, he wondered whether the English word "requirements" accurately conveyed the meaning of the Spanish word "requisitos", which referred to the conditions and elements of the legal régime. There was always an interrelationship between the abstract and the specific, between legal principles and a legal régime. Since, however, the Ad Hoc Committee had already explored the question of principles to some extent, and Governments had had an opportunity to state their views, at least in a preliminary way, on the principles, it seemed advisable for the legal sub-committee to start with an exploration of the rather more specific question of the legal régime. It would then consider under point B (b) the somewhat separate question of international machinery. The machinery was part of the régime, but the two questions were not identical: there could be a régime which contained no machinery. As the structure of General Assembly

(Mr. Galindo Pohl, El Salvador)

resolution 2467 (XXIII) indicated, the existence of a distinction between régime and machinery had been established and accepted. Thus the requirements of the régime mentioned in point B (a) of the Latin American draft programme did not refer specifically to machinery. The Latin American delegations thought that the exploration of the somewhat more specific problems in points B (a) and (b) would make the subsequent consideration of the principles more fruitful.

He supported the suggestion that the sponsors of the various proposals should agree on a joint text. The task should not be too difficult since there were common elements in all the proposals. He also agreed that it would be desirable for the joint text to follow the wording of General Assembly resolution 2467 (XXIII).

Mr. DEJAMMET (France) said that the Belgian working paper and the Latin American draft programme of work were not really far apart. His delegation welcomed the clarification of the Latin American text provided by the representative of El Salvador, and particularly his statement that the machinery referred to in General Assembly resolution 2467 C (XXIII) and the legal régime were separate questions. It saw much advantage in the idea of a time-table as suggested in the Belgian working paper. On the other hand, the Latin American text was right to refer to all the General Assembly resolutions, including resolution 2467 C (XXIII). Since there were no great differences between the two texts, however, he supported the suggestion that the sponsors of the proposals should endeavour to produce a joint text. He shared the view of the USSR and United States representatives that it would be wise for the programme to adhere as closely as possible to the wording of General Assembly resolution 2467 (XXIII).

Mr. COX (Sierra Leone) said that while there were no major differences between the Belgian and the Latin American texts, his delegation would prefer the Latin American draft programme, which was concise, specific and clear. He agreed, however, that the two proposals could easily be combined and that consultations should continue to that end. The USSR and United States proposals also contained cogent points. His delegation would like to have one additional matter considered in connexion with the formulation of principles, namely, the possibility of establishing provisions to ensure that there could be no abuse of the ocean floor.

(Mr. Cox, Sierra Leone)

That point was related to the question of machinery, but as the representative of El Salvador had indicated, the question of machinery could not be completely dissociated from the question of legal principles.

Mr. DENORME (Belgium) wished to make it clear that it had never been his delegation's intention to submit a programme of work, even of a provisional nature. The Belgian working paper, as its title indicated, simply contained suggestions concerning the organization of the Committee's work.

It was important to draw a distinction between a programme of work and a mere distribution of tasks. The Committee's mandate had been set forth in General Assembly resolution 2467 A (XXIII) and had been the result of a great deal of hard work. It was not his delegation's intention to alter it in any way, but he felt that it was not sufficiently specific to constitute a programme of work for a standing Committee. The suggestions his delegation had put forward in document A/AC.138/1 were not, however, intended to be a complete programme of work for the coming decade, but merely represented a few ideas concerning the problems which might be discussed in the year ahead. It was for the Committee to choose its own priorities and to make the best possible interpretation of the mandate given it by the General Assembly. In order to achieve the results expected of it, the Committee should not only establish its objectives but should also draw up a plan of action designed to attain those objectives. He felt that a general discussion, lasting perhaps one or even two weeks, would achieve little since the views of most delegations had already been presented in the Ad Hoc Committee and in the debates on the subject in the General Assembly. It was clear that the General Assembly expected the Committee to establish its own short-term objectives on the basis of the work already done. He shared the view of the United States delegation that many different approaches could be taken, but stressed that it was important to select the shortest and most direct route.

Many delegations had pointed out the similarities between his own delegation's suggestions and the draft programme of the Latin American delegations. He regretted the fact that it had not been possible to hold consultations between the delegations concerned, and assured the Committee that his delegation was fully prepared to take into account any suggestions which might be made.

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(Mr. Denorme, Belgium)

In answer to a question by the representative of France, he explained that his delegation intended that the two sub-committees should take into consideration all the reports submitted by the Secretary-General on the subject which was currently available. With regard to the differences between the tasks which his delegation wished to entrust to the economic sub-committee and those suggested by the Latin American delegations, he explained that his delegation had somewhat amended its earlier proposals in the light of additional information and the suggestions of other delegations.

He agreed with the Canadian representative that the establishment of a legal régime was impossible without detailed consideration of the principles involved. A careful reading of the document submitted by his delegation would reveal that such was its intention. Of course, it would be impossible to consider all those principles simultaneously; the task would have to be approached systematically with the purpose of producing a final synthesis on which the legal régime could be based.

Mr. ZEGERS (Chile) emphasized that the idea of the draft programme put forward by the Latin American delegations was to provide a flexible tool which could help the Committee to organize its discussions and which could be used by the sub-committees in setting up their individual programmes of work. The Latin American delegations had not sought to define any basic principles because they believed that such work should be carried out by the Committees as a whole; nor had they attempted to divide the work between the two sessions because they felt that the Committee should discuss the question of priorities in its general debates. The Latin American countries greatly appreciated the suggestions put forward by the Belgian delegation: the purpose of their own document was merely to present the Committee with an alternative.

The CHAIRMAN said it was necessary for the delegations which had submitted documents outlining their suggestions concerning the programme of work to hold consultations before the Committee reached any decision on the subject. Attention should be paid both to the distribution of responsibility and to the order of priorities, bearing in mind that the Committee was a permanent body and needed guidelines only on the main points to be discussed during the coming year. The

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(The Chairman)

work should, if possible, be divided between the two sessions, since it would greatly assist delegations in making their individual arrangements.

The meeting rose at 5.20 p.m.

SUMMARY RECORD OF THE THIRD MEETING

Held on Friday, 7 February 1969, at 3.45 p.m.

Chairman:

Mr. AMERASINCHE

Ceylon

ORGANIZATION OF WORK

Mr. DIGGS (Liberia) said his delegation regretted that so many documents had been submitted in connexion with the programme of work. He urged delegations not to cling to obdurate positions but to combine the various proposals into a flexible and workable plan of action.

The representative of Malta had stressed, during an informal discussion, that the most important decision of the Ad Hoc Committee had been that there indisputably existed an area in the sea that was beyond the limits of national jurisdiction. The first order of business of the Standing Committee should, therefore, be to define that area and take steps to prevent claims and activities which might prejudice its international status. Undue delay in deciding on the legal status of the sea-bed and the ocean floor would only increase the complexity of the question, as long as the door was left open for unilateral claims over parts of the sea-bed by developed countries with the capacity to exploit them. As a first step, the Committee might give serious consideration to the principle that it was now no longer possible to make any new claims to areas outside present national jurisdiction.

His delegation believed that the Committee should proceed strictly along the lines laid down in the resolutions adopted by the General Assembly. The proposals of the Soviet Union adhered to that line, but the formulation of the principle that there existed an area of the sea-bed lying beyond national jurisdiction was more carefully spelt out in the Belgian proposal.

The developing countries had a large stake in the equitable resolution of the question, and it was only with the co-operation of the technologically advanced countries that they would be able to reap the benefits to be derived from so rich an area.

Mr. RABETAFIKA (Madagascar) said that the Committee was faced with two separate problems: the distribution of work between the two sub-committees, and the priorities to be given to the various points constituting the Committee's terms of reference. He emphasized the importance of adhering as closely as possible to the mandate set forth in General Assembly resolution 2467 A (XXIII).

Where the allocation of work was concerned, he was pleased to see that there were no fundamental differences between the various proposals submitted to the Committee. The two sub-committees should deal with those questions which directly

(Mr. Rabetafika, Madagascar)

concerned them, while the full Committee should discuss matters which went beyond the legal, economic or technical aspects - for example, the questions of the reservation of the sea-bed for exclusively peaceful purposes, and long-term programmes relating to oceanographic co-operation and pollution of the sea.

Since delegations would have ample opportunity to express their views in the sub-committees, his delegation felt that it would be pointless to hold further general discussions. The lines along which the Committee should work had already been laid down in General Assembly resolution 2467 A (XXIII) and in the report of the Ad Hoc Committee (A/7230).

With regard to the question of priorities, his delegation felt that the legal sub-committee's first task should be to make an inventory of the principles involved with a view to drawing up a statute. The most important task of the economic and technical sub-committee was to study ways of promoting the exploitation and use of the resources of the sea.

In his view, the spring session should be devoted to the study of the most urgent questions, and also of those questions on which a near-consensus had been reached in the Ad Hoc Committee and the First Committee. The summer session could then be reserved for general discussion of those questions by the full Committee and for the consideration of other matters. The Committee could not, however, expect to accomplish everything in the space of one year. It should proceed in stages, establishing short-term objectives but not losing sight of over-all aims. A speedy decision on the question of priorities and the adoption of a schedule of meetings would greatly help Governments in making their arrangements.

In conclusion, he drew attention to the question of the contiguous zone, which had not been specifically mentioned in any of the resolutions of concern to the Committee. He hoped that the legal sub-committee would give some attention to it, since it affected many of the developing countries in whose interest the exploration and exploitation of the resources of the sea was to be carried out.

Mr. FAKHREDDINE (Sudan) said that two main points had emerged from all the suggestions put forward regarding the programme of work: first, that in mapping out the Committee's course of action no elements should be introduced that might

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(Mr. Fakhreddine, Sudan)

subsequently lead the Committee astray, and, second, that there was substantial agreement between all the plans submitted for the organization of work. The Committee had been unable, however, to reach general agreement on the matter, although many new ideas had arisen from the discussion, and he therefore suggested that the Chairman should hold the necessary consultations and produce an unbiased synthesis of all the views that had been expressed.

Mr. DENORME (Belgium) and Mr. THACHER (United States of America) supported the Sudanese representative's suggestion.

Mr. PARDO (Malta) said that he supported the suggestion of the representative of the Sudan so far as the allocation of work between the various bodies was concerned. He hoped that the Chairman, in making his tentative allocations, would adhere as closely as possible to the language of the relevant resolutions, in order to avoid any misunderstanding. The question of the programme of work for 1969 as a whole could be discussed at the beginning of the Committee's spring session.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) said that, although he had had no opportunity to consult the delegations of the other socialist countries, he believed that they would all support the Sudanese representative's suggestion. Such a procedure was fully in accordance with precedents established in other Committees.

The CHAIRMAN said that he would be willing to draw up a work programme for the Committee. He pointed out that the substance of the various proposals and suggestions was the same throughout, and that the difference lay in forms of expression and degrees of emphasis. In allocating the various tasks, it was important to adhere strictly to the mandate set forth in General Assembly resolution 2467 A (XXIII) and to avoid attempting to interpret that mandate. He intended to follow the simple rule of allowing the title of the sub-committee to determine the subjects it should discuss and the functions it should undertake. Questions of a more general nature, or having wider implications, would be reserved for the full Committee, but any legal, economic or technical aspects of them would be discussed by the relevant sub-committee. He felt that it would be desirable to have an introductory discussion, lasting two to three days, during which the Committee could consider the question of the reservation of the sea-bed for exclusively peaceful purposes and examine the sets of principles which the

(The Chairman)

Ad Hoc Committee had formulated but had not had time to discuss. Both those matters should, however, be referred to the sub-committees, so that they could discuss the aspects which directly concerned them. He suggested that each sub-committee should decide its own priorities, subject to the availability of documentation.

He did not intend to indicate how the work should be divided between the two sessions, but he suggested that the spring session should be devoted largely to discussion and the summer session to decision-taking.

Mr. ARORA (India) drew attention to a working paper submitted by a number of African and Asian delegations (A/AC.138/5). He hoped that the Chairman would take the views of the Afro-Asian delegations into account in drawing up the work plan.

Mr. HYDER (Kenya) endorsed the views of the representatives of the Sudan, Belgium, Malta, the United States and the Soviet Union. He did not wish to add to the already large number of working papers but would acquaint the Chairman privately with his delegation's views.

Mr. PANYAPACHUN (Thailand) supported the Sudanese representative's suggestion, but asked whether the Chairman intended to make his own decision or to submit a draft work programme for adoption at the next session.

He pointed out that some of the working papers, notably that of the Soviet Union, made no reference to General Assembly resolution 2467 C (XXIII). Thailand had advocated adoption of that resolution, and he hoped that the Chairman would not fail to take it into consideration. He also hoped that the Secretariat would be able to submit the report called for in that resolution in good time for the summer session.

Mr. THACHER (United States of America) pointed out that General Assembly resolution 2467 C (XXIII) was referred to explicitly in point II (3) of the programme of work proposed for the legal sub-committee in his delegation's paper (A/AC.138/4) and implicitly in point I (3) of the same paper.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) said that the five-Power draft programme of work (A/AC.138/3) made no reference to General Assembly resolution 2467 C (XXIII) because the submitting delegations, which had voted against that resolution, continued to oppose it in substance. The final programme of work should refer only to consideration of the Secretary-General's report under the resolution, and not to its provisions or objectives.

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Mr. KELSO (Australia) said that he welcomed the flexibility of the Chairman's intended approach, as well as its close adherence to General Assembly resolution 2467 (XXIII). In his view, the allocation of work between the sub-committees should not be too firm; the full Committee could settle any differences that might arise between them.

Mr. TARABANOV (Bulgaria) observed that, since all members seemed to agree to the Chairman's statement and to his method of devising a programme of work for the Committee's next session, the Chairman need now only take note of that agreement and proceed to his task. In any case, the Chairman's final proposal would be subject to amendment by the Committee, if it so desired, at its spring session.

Mr. KHANACHET (Kuwait) said that his delegation supported the Sudanese representative's suggestion, since it was sure that the Chairman would act in the Committee's best interests, would take account of all the working papers and would, whenever necessary, consult groups which had views on the Committee's programme of work.

Mr. DENORME (Belgium) wondered whether the programme of work envisaged by the Chairman would include a general debate of two or three days' duration and what such a debate would cover. He also wondered whether the Committee intended to decide at its current meeting on the proposals made by his delegation in sections 6 and 7 of its working paper (A/AC.138/1). If the Committee needed any working documents for its spring session it would have to ask the Secretariat to begin preparing them now.

Mr. ARORA (India) said he also felt that the Committee should take a decision on section 7 of the Belgian document at the current meeting. When asking for working papers for its spring session, the Committee should also ask the Secretariat to bring the documents that had been submitted to the Ad Hoc Committee up to date.

The CHAIRMAN assured the delegations which had submitted document A/AC.138/5 that he would take their suggestions into account in formulating his proposed programme of work and that he would consult the various groups, each of which could nominate two representatives to speak on its behalf. His final proposal, including his suggestion for an introductory discussion of three days

(The Chairman)

on peaceful uses and on the sets of principles, would have to be considered by the Committee at the beginning of its spring session.

With regard to section 7 of the Belgian proposal, he suggested that the Committee should request the Secretary-General, in addition to the tasks to be undertaken under General Assembly resolution 2467 B, C and D (XXIII), to bring up to date or to supplement, as appropriate, the studies and documents submitted to the Ad Hoc Committee, to issue a revised summary of views of Member States taking account of the views expressed at the third session of the Ad Hoc Committee and the twenty-third session of the General Assembly, and to prepare a preliminary note on the economic considerations conducive to promoting the development of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction in the interests of mankind.

It was so decided.

Mr. PARDO (Malta) wondered whether the Chairman was proposing a draft programme of work for the Committee or a suggested allocation of items to the two sub-committees. He welcomed the suggestion that the full Committee should hold a general debate on principles but, since the sponsors of the various proposals on principles which had been made in the First Committee had withdrawn their draft resolutions on the understanding that they would all be referred to the standing Committee, he hoped that more time would be allowed for detailed discussion of that subject.

The CHAIRMAN said that the draft resolutions to which the representative of Malta had referred were implicitly included in his suggestion relating to the items left over by the Ad Hoc Committee and the First Committee. What he intended to submit to the Committee was a proposed allocation of items, which would also have some features of a programme of work. While he had concentrated on General Assembly resolution 2467 A (XXIII) in his statement, he was aware of the relevance of resolutions 2467 B, C and D (XXIII). He suggested that the reports under the latter resolutions should be placed on the agenda of the full Committee and should be referred to the sub-committees for an expression of their views, when appropriate.

It was so agreed.

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Mr. BEESLEY (Canada) suggested that, in accordance with the wording of General Assembly resolution 2467 (XXIII) and with past practice, the Committee should decide that the second sub-committee would be called the "Economic and Technical Sub-Committee."

Mr. ARORA (India) said that the sponsors of document A/AC.138/5 had been unable to decide what position to take on the name of the second sub-committee because no decision had yet been taken on the distribution of work. He therefore suggested that the naming of that sub-committee should be left until the second session, pending consultations.

Mr. DENORME (Belgium) supported the Indian suggestion, pending a final decision on the programme of work.

Mr. THACHER (United States of America) supported the Canadian suggestion, because it would be difficult for permanent missions to include technical experts in their delegations if the word "technical" was omitted from the sub-committee's title.

Mr. TARABANOV (Bulgaria) also supported the Canadian suggestion, which would facilitate the Chairman's task of preparing a draft programme of work by enabling him to decide where to allocate doubtful questions.

Mr. PARDO (Malta) supported the Canadian suggestion, since the Committee could hardly take any meaningful decisions without fully considering the technological aspects of the question of the sea-bed and the ocean floor.

He suggested that the Secretariat should prepare for the Committee's spring session a document summarizing the views of Member States and the texts of the draft resolutions submitted to the General Assembly at its twenty-third session.

Mr. THACHER (United States of America) said he assumed that the Secretariat paper would also include the proposals concerning sets of principles submitted in the Ad Hoc Committee (A/7230, para. 83).

The CHAIRMAN said that, if there was no objection, the Secretariat would be asked to prepare a paper summarizing all those views and texts.

It was so decided.

Mr. GOWLAND (Argentina) supported the Canadian suggestion, which was in accord with the terminology used in three of the working papers submitted to the Committee.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) also supported the Canadian suggestion, since the technical aspects of operations on the sea-bed and the ocean floor were already a reality, whereas their economic aspects were still unclear. Moreover, technology presupposed co-operation.

Mr. ARORA (India) pointed out that there was no clear consensus concerning the title of the sub-committee, since the paper submitted by eleven countries of the Third World (A/AC.138/5) referred to the "Economic Sub-Committee". He questioned the advisability of the Committee's appearing to abdicate its functions to the Chairman and deferring decisions until the next session; it might be preferable to continue discussion of the organization of work and at the same time attempt to agree on the nomenclature. Otherwise, it might be difficult for the Chairman to allocate the work.

Mr. HYDER (Kenya) said that, although his delegation was a sponsor of document A/AC.138/5, it was in favour of retaining the wording previously used, namely, "Economic and Technical Sub-Committee".

Mr. BEESLEY (Canada) thought that the Chairman, who had been entrusted with the very responsible task of determining the allocation of work, could conveniently decide on the most appropriate name in the course of making that allocation.

Mr. EVANS (Australia) stressed that, in his view, economics was a vital aspect of the issue. Since the technical and economic aspects were inextricably interrelated, there appeared to be no substantial reason for not retaining the previous title. He urged that a decision should be taken, so that Governments would have a definite idea of the Committee's future work.

Mr. OLISEMEKA (Nigeria) agreed that a decision ought to be taken. In accordance with the Committee's earlier decision to follow the traditions of the Ad Hoc Committee and to re-elect the same officers, his delegation was in favour of retaining the name "Economic and Technical Sub-Committee".

The CHAIRMAN noted that the majority of the Committee appeared to feel that a decision should be taken, the consensus apparently being that the name "Economic and Technical Sub-Committee" should be retained. He asked whether the Indian delegation still had reservations.

Mr. ARORA (India) replied that he would like to consult the other sponsors of document A/AC.138/5.

Mr. FAKHREDDINE (Sudan) observed that, in co-sponsoring the eleven-Power paper, his delegation has been quite oblivious of any possible implications of the use of the word "Economic", instead of "Economic and Technical". There had no doubt been sound reasons for the original wording, and he saw no harm in retaining it.

Mr. COX (Sierra Leone) said he did not think that the point was a vital one, since technology was clearly an important aspect of economic productivity. The word "Economic" could be taken to cover technical matters.

Mr. ARORA (India) said that, after consultation, the sponsors of document A/AC.138/5 were prepared to accept the title "Economic and Technical Sub-Committee".

The CHAIRMAN said he took it that that was now the unanimous view.
It was so decided.

The CHAIRMAN invited the Committee to consider the question of its rules of procedure and those of the sub-committees. The point was mentioned in the Belgian working paper (A/AC.138/1, sect. 6). With a view to maintaining the same spirit of co-operation as had prevailed in the Ad Hoc Committee, he suggested the following formula:

"The members of the Committee agree that, as subsidiary organs of the General Assembly, this Committee and its sub-committees will function within the framework of the rules relating to the procedure of committees of the General Assembly. Subject to this understanding, the members of the Committee have agreed that, in the conduct of the work of the Committee and its sub-committees, they will use their best endeavours to adopt their recommendations by general agreement and without recourse to voting."

In reply to a question put by Mr. ARORA (India), Mr. DENORME (Belgium) confirmed that the wording of the second paragraph of section 6 of his delegation's working paper was identical with that which he himself had used in the First Committee in introducing the draft resolution which had become General Assembly resolution 2467 A (XXIII).

The CHAIRMAN said he conceded that the two formulae were not identical, but he had borne the previous statement in mind and kept to its spirit.

Mr. OULD DADDAH (Mauritania) felt that a distinction should be made between the first part of the Chairman's text, referring to the rules of procedure of General Assembly committees, which the Committee was of course bound to follow, and the second part, which was only a recommendation and was not of primary importance. Provided that that was clearly understood, his delegation was prepared to leave the wording regarding consensus to the Chairman.

The CHAIRMAN said he had fully realized that the second part of his suggestion might be controversial. He had merely felt that it might be conducive to progress for the Committee to emphasize from the outset that its approach to procedure would be aimed at reaching agreement without recourse to voting. It was clear from document A/AC.138/1, section 6, that the sponsors of the initial resolution did attach importance to that point.

Mr. PARDO (Malta) stated that his delegation would prefer a form of words closer to that of document A/AC.138/1, section 6. While he would be willing to agree that the members of the Committee should "use their best endeavours", as stated in the Chairman's formula, there was no assurance that those endeavours would be successful.

The CHAIRMAN suggested that the matter should be left for him to decide in the light of further consultations.

It was so agreed.

The CHAIRMAN asked whether the tentative dates for the second session of the Committee, 10-28 March 1969, in New York, were convenient.

It was so agreed.

CLOSURE OF THE SESSION

The CHAIRMAN declared closed the first session of the Committee.

The meeting rose at 5.50 p.m.

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SUMMARY RECORD OF THE FOURTH MEETING

Held on Monday, 10 March 1969, at 3.45 p.m.

Chairman:

Mr. AMERASINGHE

Ceylon

OPENING OF THE SESSION

The CHAIRMAN declared open the second session of the Committee.

ORGANIZATION OF WORK (A/AC.138/8)

The CHAIRMAN informed the Committee that since its first session, he had, as requested, consulted the various geographical groups with a view to producing a plan for the Committee's organization of work that would meet with general agreement. His aim had been to identify the spheres of activity of the Main Committee and its two Sub-Committees and to list the items in the order followed in General Assembly resolution 2467 (XXIII). Consequently, as was stated in the first sentence of document A/AC.138/8, there was no order of priority nor any question of interpretation in the proposed allocation of items. He had dealt first with the items allocated to the Main Committee because it was logical that they should precede those allocated to the two Sub-Committees. As a result of that procedure, the references to the operative paragraphs of the General Assembly resolutions were not in alphabetical order. Although the text of resolution 2467 A (XXIII) had generally been followed very carefully, in the items allocated to the Economic and Technical Sub-Committee the words "economic and technical requirements" had been used instead of the resolution's words "economic and other requirements" in order to avoid an inappropriate extension of the terms of reference of that Sub-Committee.

It did not seem necessary to mention, as some delegations had suggested, that the Main Committee would serve as a focal point for synthesizing all aspects of the question, since that was obviously the Main Committee's function. The most urgent immediate need was for the two Sub-Committees to start constructive discussions, and he hoped that they would do so without delay.

Mr. GALINDO POHL (El Salvador) praised the impartiality of document A/AC.138/8, which, in his view, had successfully found a common denominator which avoided controversy. Although his own and other delegations would probably have some reservations, the document was a viable working paper, and the opening sentence had done much to achieve a compromise. No important points had been omitted in the document.

Mr. DENORME (Belgium) joined with the representative of El Salvador in praising the document. As his delegation did not believe that much progress would be achieved by general statements, he singled out paragraph 4 for special mention. His only regret was that, since the purpose of the document was to allocate responsibilities, it did not state that the Main Committee should serve as a focal point for synthesizing all aspects of the question.

Mr. MIRZA (Pakistan) said that although the Asian group was somewhat disappointed that not all its constructive and far-reaching ideas had been incorporated in document A/AC.138/8, his delegation supported the proposals and regarded the omission as evidence of the impartial attitude of the Chairman, whose delegation was a member of the Asian group. He thought that the introductory sentence on the question of the order of priority and interpretation would enable the Committee to express unanimous approval, and he gave special praise to paragraph 3. He hoped that a spirit of conciliation would dominate the session.

Mr. ARORA (India) commended the Chairman for the numerous consultations which he had held with regional groups since the circulation of his informal working paper on 14 February 1969. The Asian group was highly gratified that many of its ideas (A/AC.138/5) had been incorporated in the proposals (A/AC.138/8). His delegation supported the document.

Mr. PIÑERA (Chile) agreed with the previous speakers that document A/AC.138/8 was an excellent compromise. The only point he wished to make was that the compromise proposed by the Latin American group would have been a more logical solution for the items allocated to the Legal Sub-Committee. It would be better if paragraph (i) were to follow paragraph (ii), since the international machinery was intimately linked with the requirements to be satisfied by the régime referred to in paragraph 2 (a) of resolution 2467 A (XXIII). In any event, the relationship between the two General Assembly resolutions could not be affected by the manner in which the items were allocated. His delegation supported the proposals.

Mr. ST. JOHN (Trinidad and Tobago) said that his delegation supported the Chairman's proposals (A/AC.138/8) without prejudice to its right to bring up substantive issues as and when the occasion arose. He approved, in particular, of the opening sentence, which properly removed any significance from the order of the items and also implied the right of the two Sub-Committees to determine their own priorities. He was in favour of reports being produced in all working languages.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) added his voice to those of the previous speakers in expressing general approval of document A/AC.138/8. On the other hand, he criticized the omission in the Legal Sub-Committee's programme of the instruction which was contained in operative paragraph 3 of resolution 2467 A (XXIII) but which, in paragraph (iii) of document A/AC.138/8, had been made a responsibility of the Main Committee. It was vitally important to prevent the nuclear arms race from continuing under the high seas, and the disarmament negotiations made the subject particularly timely and relevant for the Legal Sub-Committee. Furthermore, since it was hardly possible for the Legal Sub-Committee to study the elaboration of the legal principles and norms referred to in paragraph (i) without also studying the reservation of the sea-bed exclusively for peaceful purposes, logic demanded that paragraph (iii) of the Main Committee's allocation should become the second paragraph of the Legal Sub-Committee's section. He drew attention to the repetition in paragraph (ii) (b) of the Legal Sub-Committee's section of the item allocated to the Main Committee under paragraph (v).

His delegation reserved its right to make a general statement when it felt it appropriate and convenient to do so. Furthermore, it thought that the Belgian representative's argument against the value of general statements was ill-supported by the fact that his own general statements at the twenty-third session of the General Assembly had clearly enabled progress to be made.

The CHAIRMAN appealed to the USSR representative not to press his proposals. Document A/AC.138/8 was based on concessions made by the various groups of States, including the socialist group, and its present format was regarded as generally acceptable.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) said that his delegation was anxious to co-operate in the Committee's work and would therefore accept document A/AC.138/8 without amendment. On the other hand, no argument had been advanced to counter his own, and he hoped that the Committee would give due attention to the important and timely question of the reservation of the sea-bed and ocean floor exclusively for peaceful purposes.

Mr. KHANACHET (Kuwait) thought that while the Chairman's proposals might not represent the best possible working programme, they were the only acceptable compromise. His delegation particularly welcomed the acceptance by all Committee members of the principle, stated in the first paragraph, that no order of priority or question of interpretation was implied in the proposals.

Mr. CACERES (Peru) said that his delegation was optimistic over the outcome of the Committee's work, for the United Nations environment was a guarantee that the rights, interests and aspiration of his own and other developing countries would be considered in their proper perspective. Although the proposed working programme did not fully reflect its specific views, his delegation considered its position sufficiently safeguarded by the statement of principle in the first paragraph.

Mr. ARAUJO CASTRO (Brazil) said that the proposed working programme, being a compromise, was not entirely satisfactory to his delegation, which, however, accepted it in a spirit of co-operation. He took note of the statement of principle in the first paragraph.

The CHAIRMAN said that if there was no objection, he would take it that the Committee approved the proposals in document A/AC.138/8.

It was so decided.

OTHER MATTERS

Question of summary records

The CHAIRMAN pointed out that, in its report (A/7361), the Committee on Conferences expressed the view that only the Main Committee should be provided with summary records. The latter must therefore request its two Sub-Committees to consider dispensing with such records.

As to the question of rules of procedure for the Main Committee, he proposed to undertake consultations with all groups of States with a view to the formulation of rules of procedure acceptable to all.

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Expression of sympathy

The CHAIRMAN, recalling the death of Aquanaut Cannon of the United States during the Sealab III oceanographic experiment, expressed sympathy to the United States Government and offered condolences to the next-of-kin.

Mr. YOST (United States of America) said that his delegation would convey the Chairman's gracious sentiments to his Government and to Aquanaut Cannon's next-of-kin.

The meeting rose at 4.40 p.m.

SUMMARY RECORD OF THE FIFTH MEETING

Held on Friday, 28 March 1969, at 11.55 a.m.

Chairman:

Mr. AMERASINGHE

Ceylon

LETTER FROM THE CHAIRMAN OF THE LEGAL SUB-COMMITTEE

The CHAIRMAN read out a letter from the Chairman of the Legal Sub-Committee stating that the Legal Sub-Committee had not considered it necessary to prepare a progress report and that it would consider its final report at the end of its August session. The Chairman requested the Committee to take note of that communication.

STATEMENT BY THE RAPPORTEUR OF THE ECONOMIC AND TECHNICAL SUB-COMMITTEE

Mr. PROHASKA (Austria), Rapporteur of the Economic and Technical Sub-Committee, after announcing that the text of the interim progress report of the Economic and Technical Sub-Committee would be issued early the following week, said that he would give a brief summary of the Sub-Committee's activities.

In conformity with the proposals in document A/AC.138/8, the Economic and Technical Sub-Committee had decided on a two-point working programme (A/AC.138/SC.2/2). Under the first item of that programme, the Sub-Committee's task had been chiefly to bring up to date those parts of the Ad Hoc Committee's report relating to the exploration and exploitation of marine mineral resources. Few new facts had emerged in that connexion, and available data had generally confirmed the figures put forward the previous year. With regard to the second item, the Economic and Technical Sub-Committee had examined the following points: (a) general considerations with respect to the ways and means of promoting the exploitation and the use of sea-bed resources; (b) particular problems involved in the first phase of marine mineral resources development: the establishment of basic documents; (c) particular problems related to the second and third phases of marine mineral resources development: the exploration of mineralization zones and the evaluation of their exploitability; and (d) particular problems related to the fourth phase of marine resources development: the exploitation of mineral deposits.

To a large extent, the basic data needed for the full use of the ocean floor and the efficient development of its resources were missing. In that connexion, the view had nevertheless been expressed that the prospector and developer might precede the topographer and survey geologist at sea, as they had on land. As to the second, third and fourth phases of marine mineral resources development, the Sub-Committee had been informed of methods in use on the continental shelf. It had

(Mr. Prohaska, Austria)

been suggested that experience so gained should be taken into account when considering the development of the resources of the ocean floor beyond the limits of national jurisdiction.

The Economic and Technical Sub-Committee had unanimously adopted a proposal by the Indian representative that the Secretariat should prepare a study of the measures taken by various Governments with regard to the development of the mineral resources - in particular oil and gas - of their continental shelf. Various other suggestions had been made and would be considered at the Sub-Committee's next session. Finally, he drew the Committee's attention to the provisional programme of work for the August session of the Economic and Technical Sub-Committee (A/AC.138/SC.2/5).

STATEMENT BY THE CHAIRMAN OF THE INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION OF UNESCO

Admiral LANGERAAR (Chairman of the Intergovernmental Oceanographic Commission of UNESCO), having thanked the Committee for inviting him to be present during its debate and for giving him an opportunity to take part in it, said that he would briefly outline those activities of IOC which were of particular interest to the Committee.

The IOC was giving increased attention to the needs of the developing countries and hoped that a greater number of them would take part in its work. The Commission was strengthening its capabilities and expertise through such means as the establishment of an Inter-Agency Board. In response to the General Assembly's request, IOC, which had invited the Member States represented in the Committee and other bodies of the United Nations system to submit proposals and recommendations, was developing a long-term, expanded programme of oceanographic research the results of which would be fully accessible to all countries. Reports on the activities of the IOC working groups concerned with the legal impediments to scientific research and with the legal aspects of ocean data acquisition systems would be forwarded to the Committee as soon as possible.

He was gratified that the membership of IOC had increased from fifty-eight to sixty-three countries during the previous sixteen months. Membership of the Commission was open to all States members of a specialized agency and had no

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(Admiral Langeraar, Chairman
of IOC of UNESCO)

financial consequences. It was astonishing that, of the forty-two States represented in the Committee, fifteen were not yet members of IOC, which had been entrusted with the co-ordination of the international scientific community's oceanographic activities. The Commission intended to promote the acquisition, in that field, of knowledge of a truly scientific nature.

The Consultative Council of IOC had adopted a number of recommendations, several of them in response to General Assembly resolutions 2413 (XXIII), 2414 (XXIII) and 2467 (XXIII) as well as to document E/4487. Those recommendations were evidence of the Commission's willingness to co-operate, to the greatest possible extent, with the Secretary-General and the Committee.

Among the recommendations adopted by IOC were the following:

9.1. The IOC endorsed General Assembly resolutions 2413 and 2414 (XXIII), whereby the appropriate agencies were invited to extend to the developing countries all possible technical assistance in respect of fisheries development and conservation and the development of mineral resources, and it stated that it was prepared to provide scientific information under its terms of reference.

9.2. The IOC stated its readiness to assist the Committee and to furnish it with the documentation necessary for its work, in accordance with operative paragraph 2 (c) of resolution 2467 A (XXIII).

9.3. The IOC expressed its willingness to co-operate in the study which was proposed in operative paragraph 4 of resolution 2467 B (XXIII) and was to be undertaken with a view to combating pollution of the oceans arising from the exploration and exploitation of the ocean floor.

9.4.A. In accordance with resolution 2414 (XXIII), IOC had decided to implement a long-term programme of oceanographic research in which provision would be made for strengthening the existing marine educational and training programmes and for initiating new programmes.

9.4.B. In accordance with resolution 2467 D (XXIII), IOC requested its Chairman: to bring to the attention of Member States the invitation to formulate proposals for long-term national and international scientific programmes before 1 April so that those programmes might be considered by the working party which was to meet at the end of April; to inform UNESCO that IOC was prepared to carry out the request made in operative paragraphs 4 (a), (b) and (c) of resolution

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(Admiral Langeraar, Chairman
of IOC of UNESCO)

2467 D (XXIII) and to report to the General Assembly at its twenty-fourth session on progress made; to provide the Secretary-General with a progress report before 14 July 1969 and, subsequent to the sixth session of IOC, to provide a more detailed report in time for its consideration in November 1969.

9.6 and 9.7. The IOC had approved the text of a letter to be sent by its Chairman to the Secretary-General concerning the scope of the long-term expanded programme of oceanographic research. That letter had been subsequently issued as document A/AC.138/10.

9.8. The Bureau of IOC had recognized the need to strengthen IOC and broaden its base in order that it might be able to discharge its new responsibilities for the formulation and co-ordination of the long-term expanded programme for the investigation of the ocean and its resources. It had submitted a list, accompanied by pertinent suggestions, of seventeen items covering the measures taken.

9.10. The IOC had decided to transmit to its members and to the Secretary-General the summary report of the first meeting of the IOC Working Group on Legal Questions related to Scientific Investigations of the Oceans.

He felt that IOC had so far done everything within its power and within its terms of reference to respond to the requests for assistance and advice addressed to it. He hoped that the combined efforts of the Committee and of IOC would bring about an increase in knowledge about the ocean.

GENERAL STATEMENTS

Mr. POPPER (United States of America) said that, with the end of the Committee's work, many questions still remained undecided. In the interval between the end of the present session and August, his delegation would study the implications of the statements that had been made, and it was prepared to participate in informal consultations with a view to seeking agreement on certain points. Nevertheless, it would be wrong to expect spectacular progress in 1969.

(Mr. Popper, United States)

The principle of the reservation of the sea-bed exclusively for peaceful purposes was supported by the United States, but it was important that everyone should be in agreement on the meaning of those terms. In that connexion, the provisions of the Outer Space Treaty and the discussions which had led to its conclusion could provide an example for the definition of "peaceful" activity in accordance with international law and the United Nations Charter. That Treaty had carefully delineated what military activities were prohibited; other military activities were not incompatible with the notion of the reservation of space for peaceful purposes. His Government envisaged a similar approach in the area of the sea-bed. As President Nixon had stated in a letter presented on 18 March 1969 to the Eighteen-Nation Committee on Disarmament, the United States was interested in working out an international agreement that would prohibit the emplacement of nuclear weapons or other weapons of mass destruction on the sea-bed. Such an agreement would prevent the extension of the arms race to that area, which would thus be reserved for peaceful purposes.

One should not, however, overlook the fact that the sea-bed had already been utilized for certain military purposes, e.g., for communications and navigation aids. Furthermore, the existence of submarine forces required defensive measures such as the installation of warning systems on the sea-bed. Also, oceanographic research was carried out or supported in part by military personnel using non-weapons military equipment. Accordingly, complete demilitarization would have the effect of prohibiting certain necessary and desirable activities. Moreover, it would be impossible to seek a blanket prohibition of conventional weapons, since the problems of verification would be insuperable.

What should be envisaged were practical measures to avert the main danger, namely, the possibility of the emplacement of weapons of mass destruction on the sea-bed, the ban on weapons of mass destruction being required perhaps to be extended to cover launching platforms and delivery vehicles. Since the objective of such a prohibition would be to prevent the deployment of specified weapons on or beneath the sea-bed, the word "emplace" must be carefully defined, and a decision must be taken on whether that word applied only to permanent installations affixed to the sea-bed or also to containers or carriers whose operation required physical contact with the sea-bed. Whatever agreement was reached in that regard should

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(Mr. Popper, United States)

not affect the waters above the sea-bed in view of already existing armaments and the need to avoid infringement on freedom of navigation. Effective verification procedures would be required, and consideration might be given to establishing a right of access and inspection, as provided for in article XII of the Outer Space Treaty. Such a right would be based on reciprocity and would not be subject to veto. In order to avoid dangers to personnel and the disruption of normal activities, provision would have to be made for advance notice. The prohibition would be restricted to weapons of mass destruction, since it would not be feasible to inspect all sea-bed installations. His country believed that the area covered by such an agreement should comprise the entire sea-bed and ocean floor beyond a narrow coastal band. The method chosen to define that band should lend itself to uniformity of interpretation and should be equitable. In that regard it would be desirable to study the technical problems that were involved in various depth and distance criteria.

As the Committee had shown an interest in the problem of arms control on the sea-bed, the foregoing remarks were intended to inform it of the position which the United States would take in the Eighteen-Nation Committee on Disarmament, the body best qualified to work out the terms of acceptable agreements on arms control.

As to the work done in the Sub-Committees, he felt that the debates in the Legal Sub-Committee gave cause for hope that an agreement would soon be possible on a set of general principles and that the informal consultations to be held before the third session might well lead to progress in that direction. The Economic and Technical Sub-Committee, for its part, had prepared a most valuable report. His delegation was pleased that, at its next session, that Sub-Committee would begin its consideration of the long-term programme of oceanographic research, including the International Decade of Ocean Exploration. In that connexion, his delegation noted that the Intergovernmental Oceanographic Commission was actively engaged in preparing its proposals for the comprehensive outline of the long-term programme. The United States of America was also making efforts to give effect to resolution 2467 (XXIII). It had, for example, requested the United States National Academy of Sciences and the National Academy of Engineering to draft recommendations on the scientific and engineering aspects of the United States

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(Mr. Popper, United States)

contribution to the Decade. A study on that subject was to be published in April and would be made available to the Committee. At the August session, the Committee could also study the interim report to be prepared by the working group of the Intergovernmental Oceanographic Commission which was to meet in June.

Mr. KHANACHET (Kuwait) said that it was a source of satisfaction to his delegation that the Committee, despite some difference of opinion on certain issues, had reached a wide measure of agreement on certain fundamental legal principles concerning the reservation of the sea-bed exclusively for peaceful purposes and the use of its resources in the interest of mankind. The debates on the economic and technical aspects of the matter had also identified the problems involved and had made it possible to compile useful data. However, it was not possible to say that there was a wide measure of agreement on any particular course of action relating to the exploration and exploitation of the sea-bed. His delegation was confident that the Secretariat would show its usual expertise and clear vision in discharging the task conferred on it by General Assembly resolution 2467 C (XXIII). It hoped that the study now in preparation would cover all aspects of the problem of establishing a régime for the sea-bed and that the study would be pragmatic in approach so that the Committee could take the necessary decisions in due time. His delegation was more than ever convinced that any future activities on the sea-bed should be under the authority of some kind of international machinery; it was therefore necessary to establish an appropriate international framework for that machinery. His delegation would like to give its views on the form that the international machinery might take because it believed that the Secretariat, in discharging its task, might derive some advantage from taking into account the views of Committee members.

His delegation conceived the machinery as a technical and administrative body entrusted with the task of organizing, controlling, administering, directing and co-ordinating scientific research, geological and topographic surveys and all other operations relating to the exploration and exploitation of the resources of the area beyond the limits of national jurisdiction in co-operation with competent international organizations and specialized national private and governmental institutions. Only such a body would be able to instil confidence in the minds

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(Mr. Khanachet, Kuwait)

of potential operators that the rights which they had been granted would be upheld. Such rights would be embodied in service contracts which would be of fixed duration and would apply to particular phases of operations. The operations might, whenever feasible, be carried out in part by the machinery itself but would in general be carried out in association with private enterprise or on the basis of joint ventures with government enterprises or international consortia that would represent either private enterprises or governmental and intergovernmental concerns. The form of association should be adopted to the operation in question.

In his opinion, the projected machinery should be governed by certain fundamental principles, the most important of which were the following:

(1) exploitation for the benefit of mankind as a whole, taking into account the special interests and needs of the developing countries, including land-locked countries; (2) rational and complementary exploitation of sea-bed resources; (3) prevention of marine pollution and other hazards harmful to living resources of the sea and coastal regions; (4) active participation of developing countries in all operations relating to the exploration and exploitation of sea-bed resources, including scientific research; (5) organization of a long-term training programme with a view to enabling developing countries to contribute more effectively to the functioning of the machinery; (6) remuneration: (a) equitable distribution of income, through appropriate United Nations machinery, according to the principle of the maximum benefit to mankind; (b) a fair return to investors and adequate remuneration to concerns engaged in various operations; (7) allocation of a certain percentage of income to the United Nations in order to increase its resources and enable it to expand its activities in the field of international development.

The machinery which his delegation envisaged would have a special legal status as an autonomous body co-operating closely with Governments, international organizations and national institutions. The composition of the executive body and the secretariat of the machinery should be based on the principles of universality and equitable geographical distribution so that all political, economic and social systems might be represented.

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(Mr. Khanachet, Kuwait)

That outline represented only the preliminary views of his delegation, which would have more to say on the problem of the international machinery when it had examined the Secretary-General's forthcoming study and the views of other delegations. Clearly, it would not be possible to formulate any general principles for an international régime unless the ultimate objective and the best means of attaining them were clearly defined. The legal status of the machinery must be closely linked to the operations it would carry out; those operations, in turn, constituted a practical objective which was to be achieved by creating a proper legal order.

TRIBUTE TO THE MEMORY OF GENERAL EISENHOWER, FORMER PRESIDENT OF THE UNITED STATES OF AMERICA

The CHAIRMAN paid a tribute to the memory of General Eisenhower, the great soldier and outstanding statesman, whose death had just been announced. Speaking on behalf of the Committee, he requested the delegation of the United States of America to convey his condolences to Mrs. Eisenhower and the family of the former President and to the Government of the United States of America.

Mr. POPPER (United States of America), speaking on behalf of his delegation and his country, thanked the Committee for the expression of its sympathy on the death of General Eisenhower, who would continue to be revered for his services in time of war and for his devotion to the cause of peace among nations as Head of State. He would transmit the Committee's condolences to the former President's widow and family.

The meeting rose at 1.20 p.m.

SUMMARY RECORD OF THE SIXTH MEETING

Held on Friday, 28 March 1969, at 3.35 p.m.

Chairman:

Mr. AMERASINGHE

Ceylon

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TRIBUTE TO THE MEMORY OF GENERAL EISENHOWER, FORMER PRESIDENT OF THE UNITED STATES OF AMERICA (concluded)

The CHAIRMAN, speaking on behalf of the members of the Committee, paid a tribute to the memory of General Eisenhower, former President of the United States of America. He expressed his sorrow to the United States delegation and the hope that it would convey the Committee's condolences to the United States Government and General Eisenhower's family.

GENERAL STATEMENTS (concluded)

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) said that the work accomplished by the two Sub-Committees during the second session was undeniable evidence of a more profound approach to the substance of the questions being considered. The exchange of views among States had led to a clearer understanding of the problems relating to the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction. It was to be hoped that the Committee would now proceed to the solution of those problems in accordance with the interests of mankind as a whole.

In the course of the discussions, differing views had emerged regarding the approach to the various problems and their relative urgency. In the Legal Sub-Committee, for example, differing interpretations had been given to the concept of the ocean floor as the "common heritage of mankind". There had also been disagreement on the question of drawing boundaries for the area of the ocean floor beyond the limits of national jurisdiction. Certain delegations, moreover, have maintained, with insufficient reason, that the existing norms of international law were not applicable to the ocean floor. They had held that the reservation exclusively for peaceful purposes of the sea-bed and ocean floor did not exclude certain military uses of that area.

His delegation felt that the question of prohibiting all military uses of the sea-bed and the ocean floor was of paramount importance. In that connexion, a draft treaty prohibiting the use of the sea-bed and ocean floor and the subsoil thereof for military purposes had been submitted on 18 March 1969 to the Eighteen Nation Committee on Disarmament. The Committee on the Peaceful Uses of the Sea-Bed could assist in preventing the extension of the arms race to the ocean

(Mr. Kulazhenkov, USSR)

floor by endorsing the principle that the concept of the peaceful uses of the sea-bed and ocean floor beyond the limits of national jurisdiction entailed a complete prohibition of the use of that area for any type of military activity.

The discussion in the Economic and Technical Sub-Committee with regard to the progress made in the exploration and exploitation of the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction had brought out the fact that knowledge concerning those resources was very limited. At the present time, the industrial exploitation of those resources did not seem technically feasible.

Since it would therefore be some time before practical exploitation of the resources of the deep-ocean floor became possible, the efforts of States should bear mainly on oceanographic research and exploration, and international co-operation in that regard should be expanded.

Attention had been drawn to the imperative need for specific measures to prevent pollution of the marine environment in connexion with the disposal of radioactive wastes in the ocean and as a result of activities connected with marine exploration and exploitation.

As it had not been possible for the many important and complex problems before the Economic and Technical Sub-Committee to be fully examined in the time available, the report of that Sub-Committee was of a preliminary nature and should not be regarded as expressing the commonly agreed views of all members. The information given in the report concerning national experiences in prospecting for and exploiting marine mineral resources had been offered in the hope that it might contribute useful guidance for the elaboration of a system of international co-operation in marine mineral resources development.

It should be pointed out that certain delegations in the Economic and Technical Sub-Committee had attempted to prejudge the solution of the problem of an international régime governing the exploitation of marine mineral resources. An attempt had been made to impose methods of co-operation which were not in the interests of mankind as a whole but rather favoured the interests of capitalist monopolies.

In view of the misapprehension of some delegations regarding the policy of the Soviet Union, he wished to reiterate that his country, together with other socialist States, was carrying out an extensive programme of oceanographic research.

(Mr. Kulazhenkov, USSR)

The data gathered in the course of that research would bring closer the day when the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction could be exploited for the benefit of mankind as a whole.

His delegation felt that the legal principles and norms to regulate the exploitation of marine mineral resources would be effective only if they reflected the interests of all countries - socialist, non-aligned and Western alike.

It was to be hoped that the work done by the Committee at the second session would assist it at the third session in taking a realistic and practical approach to solving the problems of the sea-bed and the ocean floor.

Mr. HILDYARD (United Kingdom) said that the time had come to assess what had been achieved and to consider the possibilities for the Committee's work at its next session. Little was known as yet about the sea-bed and related problems, and the Committee's task was not likely to be completed for years. One question of great importance concerned the implications for individual States of the various proposals and suggestions studied by the Committee. As the representative of Malta had said, no general goal, even if accepted in theory, could obtain the support of States in practice unless it could be shown that their legitimate interests would not be endangered.

The Economic and Technical Sub-Committee had carried out much useful clarifying work in connexion with the economic and technical developments in the field and also in regard to the economic requirements for any legal régime governing the sea-bed and ocean floor. The report of that Sub-Committee was a very full and comprehensive document which should be valuable not only to all members of the Committee, but also to all States Members of the United Nations.

By comparison with the Economic and Technical Sub-Committee, the Legal Sub-Committee appeared to have made less progress. It must be realized, however, that Member States could not be expected to go very far in elaborating detailed legal rules without a reasonably clear picture of their implications. It was for that reason that his delegation had suggested that work on a régime and work on delimitation should proceed by equal steps. It also supported the argument put forward by the representative of Canada that discussion of possible régimes should have priority for the present, with work on delimitation following at an appropriate time.

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(Mr. Hildyard, United Kingdom)

His delegation believed that the Legal Sub-Committee had done useful work in further clarifying the legal status of the area, the applicability of international law and the relationship between activities on the sea-bed and other marine activities. It welcomed the proposal for further informal consultations between delegations or groups of delegations in order to reach agreement on a statement of principles which would command general support. His delegation had always been in favour of such a statement, but had not wished to see it become a cause of division rather than one of progress. A statement of principles could be useful in providing a framework for future discussions; the results of the proposed consultations could be profitably considered at the next session. He hoped that a reasonable balance would have been achieved by then between the work of the two Sub-Committees and that a sensible order of priorities would have been established.

In any case, his delegation believed that the nature of an international régime was likely to be a major item at the August session. An international régime, if it was indeed to promote international co-operation in the exploitation of the resources of the sea-bed for the benefit of mankind, should satisfy certain specific criteria. Such a régime would be ineffective unless it proved acceptable to the membership of the United Nations as a whole. It should therefore be generally equitable, should offer a balance of advantage to all States, including land-locked States, and should take into special consideration the interests and needs of the developing countries. It must provide a firm and continuing basis for the exploration and exploitation of the sea-bed and for scientific research, without imposing excessive restrictions. It should take into account the need for conservation of the resources of the sea-bed and the need to limit pollution arising from their exploitation. In addition, it should contain effective provisions for the settlement of disputes. His Government favoured the establishment of an international régime on those lines as soon as practicable.

His delegation had listened with interest to the statements made by the representatives of the United States and the USSR concerning the reservation of the sea-bed for peaceful purposes. Delegations might wish to have the opportunity of expressing views on the interaction between that and other matters

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(Mr. Hildyard, United Kingdom)

before the Committee. However, his delegation believed that detailed discussion on arms control questions should be pursued in the Eighteen-Nation Committee on Disarmament against the background of the other work of that Committee.

If the Committee on the Peaceful Uses of the Sea-Bed was to achieve satisfactory results, its members must endeavour to understand the problems and aspirations of others with a view to accommodation and reconciliation. If it proceeded in that spirit, the Committee should be able to continue to make good progress and to look forward with confidence to fulfilling the high hopes which had been placed in it.

Mr. SCHUURMANS (Belgium) said it would be worth while to review what had been accomplished by the Committee at its current session. The Main Committee had not met at great length but had rather conferred many of its duties on its two Sub-Committees. It had, however, been able to draw up what might be called its "charter", or allocation of duties, and had established the basic guidelines which would govern relations between the Sub-Committees and the Main Committee.

His delegation wished to express publicly its satisfaction at the results achieved by each of the Sub-Committees. In the Economic and Technical Sub-Committee, there had been sufficient time only for a preliminary exchange of views on possible systems for the economic exploitation of the sea-bed. Although it was probably too soon to make detailed observations concerning the conclusions resulting from its discussions, two of those conclusions already seemed to command attention. One was that potential investors could really be attracted only by favourable terms and serious guarantees. The other was that the Committee should bear in mind that the sea-bed and ocean floor were the heritage of all mankind and that their resources should be used for the benefit of all. Those considerations should be taken into account in establishing a system for the exploitation of the area in question.

The Legal Sub-Committee had taken the first steps towards fulfilling its goal by adopting a programme of work and by enabling its members to explain and compare their views. Nevertheless, a great deal of work remained to be done if the Committee was to formulate a generally acceptable statement of principles to serve as a basis for an eventual legal régime. His delegation had already presented its

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(Mr. Schuurmans, Belgium)

views regarding the general outline of such a document, and was pleased to state that it was prepared to participate in informal consultations during the next few months. It had stressed the importance of defining the geographical area "beyond the limits of national jurisdiction" and had suggested that the problem should be approached from another angle, namely, by defining the sea-bed and ocean floor, which were the subject of the Committee's terms of reference, in a more precise manner. In that connexion, it had noted with interest the draft resolution of Malta, to which the Belgian Government would give careful attention.

In February, his delegation had suggested that the Secretariat should prepare two documents, and its suggestions had been adopted unanimously. He wished now to express his satisfaction at the quality of the documentation provided. An excellent working paper enumerating the principles contained in the various proposals submitted to the Committee and summarizing the views of Governments on them served to supplement and bring up to date the useful statement of opinions which had been prepared the previous year. Moreover, the preliminary note submitted by the Secretariat and setting out the economic considerations which would promote the development of the resources of the sea-bed and ocean floor beyond the limits of national jurisdiction in the interests of mankind as a whole had been extremely well received by the Economic and Technical Sub-Committee.

Several new and very important reports were currently in preparation. The Intergovernmental Oceanographic Commission of UNESCO was working on a detailed outline of the scope of the long-term programme of oceanographic research, and the Secretary-General of the United Nations was preparing the report envisaged in General Assembly resolution 2467 C (XXIII) concerning the future régime for the sea-bed. A third report on the prevention of pollution would probably not be completed until the following year. His delegation was convinced that all the members of the Committee would endeavour to make the best possible use of the forthcoming documentation. For its own part, it would co-operate fully in the Committee's efforts to carry out the task entrusted to it.

ORGANIZATION OF WORK

The CHAIRMAN, noting that the members of the Committee had been divided over the Norwegian proposal to set up an informal working group to discuss general principles during the inter-sessional period, suggested that informal consultations

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(The Chairman)

should be held among the various delegations represented on the Committee, between the present time and the beginning of the third session. Such consultations, to be conducted under the auspices of the Chairman of the Legal Sub-Committee, would be designed to facilitate the task of achieving common agreement on the question of the general principles to be considered in the early part of the third session. It was hoped that the fullest co-operation would be extended by all delegations to the Chairman of the Legal Sub-Committee for that purpose. He trusted that that suggestion would meet with the approval of all delegations.

Mr. POPPER (United States of America) said that his delegation had no objection to the Chairman's suggestion. He stressed that the consultations would be of an informal nature and would not have any financial implications for the United Nations budget.

Mr. KULAZHENKOV (Union of Soviet Socialist Republics) agreed that it would be useful to hold consultations among various delegations between the present time and August. His delegation considered, however, that the consultations should be limited to clarifying the views and positions of delegations. The actual drafting of a statement of general principles should be left for the third session.

Mr. PANYARACHUN (Thailand) said that he welcomed the statement of consensus read out by the Chairman, and he expressed the hope that all delegations would co-operate fully with the Chairman of the Legal Sub-Committee so as to ensure that no momentum was lost.

Mr. ARORA (India) said that he had supported the Norwegian suggestion for the establishment of a working group to continue with the work of drafting a declaration of principles. He was confident that the Chairman of the Legal Sub-Committee would give enlightened direction to the informal inter-sessional consultations that were to take place. The first step to be taken in the task of reaching a common agreement on a set of principles was, of course, to clarify the different positions that had been stated.

He welcomed the statement which had been made by the Chairman of IOC and the news that that body was planning to expand its technical capacity so as to be able to cope with a heavier workload without widening its terms of reference. Its

(Mr. Arora, India)

proposal for participation by the developing countries, whose limited resources might otherwise impede their oceanographic progress was most appropriate.

The statements by the United States and the Soviet Union had been most interesting and would, he hoped, be developed at the next session. He could not, however, agree with the Soviet view that certain delegations had attempted to prejudge the question of an international régime. After all, the Economic and Technical Sub-Committee's programme of work (A/AC.138/SC.2/2) had been debated and adopted, and it did not conflict with paragraph 2 of resolution 2467 A (XXIII). Views had also been expressed on the ways and means of promoting the exploitation and use of the resources of that area.

He hoped that the Secretariat, in preparing its report on the proposed international machinery, would take account of the useful ideas put forward by the representative of Kuwait.

Mr. ST. JOHN (Trinidad and Tobago) said that although he had favoured the Norwegian proposal that a working group should be set up to prepare a declaration of agreed principles based on the "A" and the "B" principles set out in paragraph 88 of document A/7230, he was willing to rely on the informal consultations to achieve the same result. The invitation from IOC was most welcome, and his country would give serious consideration to participating in that body.

Mr. OLISEMEKA (Nigeria) welcomed the statement of consensus and said that Nigeria was eager to participate in oceanographic research. The developed countries had made many interesting contributions to the debate, and if, in addition, they made training facilities available to experts from the developing countries, the oceanographers of the latter countries would soon be able to join future expeditions.

Mr. GAUCI (Malta) said that, as members of the Committee would be aware, his delegation was very willing to participate in informal discussions designed to achieve a balanced position. The initiative taken by the representative of Thailand had been most appropriate.

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The CHAIRMAN said that if there was no objection, he would take it that the Committee was in favour of the informal inter-sessional consultations which had been suggested.

It was so decided.

The CHAIRMAN said that it was planned that the next session should be held from 11 to 28 August 1969 in New York.

It was so decided.

Mr. VINCI (Italy) said that although there were practical, financial and procedural reasons why the next session should not be held at Geneva, he did not think they were insuperable. He proposed that the Secretariat should be asked to overcome the practical and financial difficulties involved and that, with regard to the procedural difficulties, the Chairman should be authorized to request the Secretary-General to poll the membership of the General Assembly with a view to obtaining a waiver of the decision that the next session should be held at Headquarters.

Mr. POPPER (United States of America) pointed out that since the Committee would not be holding its August session at Geneva on the invitation of any Government, there would inevitably be financial implications. His delegation would reserve its position on the issue.

The CHAIRMAN said that if there was no objection, he would take it that the Committee authorized him to make the requests proposed by the Italian representative.

It was so decided.

Mr. KHANACHET (Kuwait), speaking on behalf of the developing countries, urged the Secretariat to issue the report on international machinery requested under General Assembly resolution 2467 C (XXIII) in good time for the August session and preferably not later than May.

The CHAIRMAN said that the Secretariat would make every effort to comply with that request but could not promise a firm publication date.

CLOSURE OF THE SESSION

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

The meeting rose at 4.50 p.m.