



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

GENERAL ASSEMBLY

OFFICIAL RECORDS : TWENTY-FOURTH SESSION

SUPPLEMENT No. 22 A(A/7622/Add.1)

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OF THE SEA-BED AND THE OCEAN FLOOR BEYOND THE LIMITS OF
NATIONAL JURISDICTION

1. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, which had already finalized its report 1/ and submitted it to the General Assembly, held five additional meetings on 11, 12, 18, 19 and 20 November 1969 to consider, in accordance with its mandate under paragraphs 3 and 4 of General Assembly resolution 2467 A (XXIII) of 21 December 1968, the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, taking into account the studies and international negotiations being undertaken in the field of disarmament.
2. These meetings were convened in view of the availability of the account of the relevant international negotiations contained in the report of the Conference of the Committee on Disarmament of 3 November 1969 (A/7741, DC/232). The Committee discussed, in particular, the implications of the draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil thereof, submitted to the Conference of the Committee on Disarmament by its two Co-Chairmen. 2/
3. The Committee heard explanatory statements by the representatives of the Union of Soviet Socialist Republics and the United States of America concerning the draft Treaty in its relation to the Committee's mandate and programme of work. Both delegations called attention to the fact that the draft Treaty contained a disclaimer clause expressly designed to avoid any prejudice to the position of any State party with respect to such law-of-the-sea questions as to the extent of territorial waters or the definition of the continental shelf. Both statements pointed out that the proposed Treaty was still in draft form and that further discussions would be held in the First Committee of the General Assembly on the report of the Conference of the Committee on Disarmament; one statement indicated that revisions might be forthcoming in the light of these discussions. The statements welcomed an exchange of views in the expectation that the Treaty which finally resulted would materially assist the Committee in the discharge of its responsibilities and would represent a major step forward towards the reservation of the ocean floor exclusively for peaceful purposes, and the utilization of its resources in the interests of mankind; they also stressed the desirability, with this objective in mind, to ensure that a treaty enjoying broad international support would be signed and brought into force as soon as possible.
4. The Committee had a preliminary exchange of views on the subject under discussion. Various members welcomed the initiative of the Union of Soviet Socialist Republics and the United States of America in preparing and submitting the draft Treaty and expressed appreciation for the measure of agreement achieved,

1/ Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 22 (A/7622 and Corr.1).

2/ A/7741, annex A.

but stated that their Governments had not had adequate time to study the report and the draft Treaty. The view was stated that further negotiations were desirable to extend the scope of the prohibition of military activities, in order to attain a wider realization of the objective of reserving the ocean floor exclusively for peaceful purposes; in this connexion, attention was drawn to the suggestion made by Sweden to the Conference of the Committee on Disarmament for the inclusion in the Treaty of an additional article to that effect. 3/

5. Some delegations, taking into account the broad mandate of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, reviewed the implications of certain provisions in the draft Treaty in the light of the work already carried out by the Committee. The importance of safeguarding the common areas of agreement reached in the Committee was stressed. In this connexion, reference was made to the Committee's work in formulating legal principles, in particular to the concept, accepted by many States, of the ocean floor beyond national jurisdiction being a common heritage of mankind and consequently being reserved exclusively for peaceful purposes, as well as to the concept of the use of this area for the benefit of all mankind, taking into account the special needs of developing countries, and to other elements which would be incorporated in an international régime to apply to the area.

6. In their comments on various provisions of the draft Treaty, which in a number of instances were stated to be preliminary, delegations raised some specific considerations, among them the following: the legal implications of the draft Treaty arising from what some delegations considered an unnecessary reference to the Convention on the Territorial Sea and the Contiguous Zone done at Geneva on 29 April 1958, 4/ which up to the present time had not been adhered to by a majority of countries and, in this connexion, some delegations asserted that the disclaimer clause was not sufficient and suggestions were made to eliminate this difficulty; the preservation of the rights of States recognized by customary international law and existing conventions on the law of the sea; the desirability of defining the types of weapons and activities covered in the draft Treaty, and their relationship to the protection of the living and mineral resources of the marine environment; stress was laid on the need for adequate control; in this respect, the need was also emphasized to ensure the participation in the verification procedures of representatives of the coastal State concerned and to safeguard the rights of coastal States on the continental shelf in accordance with international law - references were also made to the proposals made in the Conference of the Committee on Disarmament by Brazil 5/ and Canada; 6/ attention was also drawn to the possibility of verification by an international agency which might be established, as well as to the need for safeguarding recognized rights of coastal States; the suggestion was made that it would be useful to distinguish, in view of the characteristics of the marine environment, between observation, verification and inspection procedures; the need was also stressed to reserve the maximum possible area of the ocean floor for peaceful

3/ CCD/271.

4/ United Nations, Treaty Series, vol. 516 (1964), No. 7477, p. 206.

5/ CCD/267.

6/ CCD/270.

purposes, and consequently to use a formulation which would not convey the impression that coastal States are expected to emplace weapons where prohibition is not contemplated by the terms of the proposed draft.

7. The related point was also suggested that, while the mandate of the Committee was restricted to the sea-bed and the ocean floor beyond national jurisdiction, the mandate of the Conference of the Committee on Disarmament was not so restricted; that the application of the draft Treaty included areas within national jurisdiction, but that the position of States on the continental shelf and on the territorial sea should in no way be prejudiced by the draft Treaty. It was also stated that the draft Treaty could not in any way prejudice the legal régime to be established for the sea-bed and the ocean floor beyond national jurisdiction.

8. The hope was expressed that, in view of the importance and complexity of the matter, the implications of the draft Treaty relevant to the Committee's mandate would be considered in greater depth by the Committee at its next substantive session.

9. Since the Committee's consideration of the question was of a limited and preliminary character, the views expressed do not reflect the considered opinion of the Committee as a whole, nor do the points mentioned above represent a detailed summary of the views expressed, which are shown in the summary records. 7/

7/ See records of the 12th to 16th meetings of the Committee (A/AC.138/SR.12-16).

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