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THIRD CONFERENCE ON THE LAW OF THE SEA

A/CONF.62/C.1/L.10
23 August 1974

ORIGINAL: ENGLISH

FIRST COMMITTEE

STATEMENT OF ACTIVITIES

Prepared by the Rapporteur

Note: The following paragraphs, and their attachments, give an account of the activities of the First Committee. The objective is to provide a document of record and reference which will enable the Committee to continue without delay consideration of the subject-matter before it at the next session of the Conference.

I. ESTABLISHMENT OF THE COMMITTEE

The First Committee was one of the three Committees of the whole established at the first session of the Conference to deal with the subjects covered by the three Sub-Committees of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

The members of the Bureau are:

Chairman	Mr. P. B. Engo - United Republic of Cameroon
Vice-Chairmen	Mr. S. M. Thompson Flores - Brazil
	Mr. Harry Wünsche - German Democratic Republic
	Mr. T. Iguchi - Japan
Rapporteur	Mr. H. C. Mott - Australia

II. MANDATE OF THE COMMITTEE

By decision of the Conference on 2 July 1974 (A/CONF.62/29), upon the recommendation of the General Committee, the First Committee has the task of considering the following items from the list of subjects and issues:

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Item 1. International régime for the sea-bed and ocean floor beyond national jurisdiction

- 1.1 Nature and characteristics
- 1.2 International machinery: structure, functions, powers
- 1.3 Economic implications
- 1.4 Equitable sharing of benefits bearing in mind the special interests and needs of the developing countries whether coastal or land-locked
- 1.5 Definition and limits of the area
- 1.6 Use exclusively for peaceful purposes

Item 23. Archaeological and historical treasures on the sea-bed and ocean floor beyond the limits of national jurisdiction

The Conference also agreed that the following understanding reached in the Sea-Bed Committee on 27 August 1971 should be carried forward in respect of the Committees of the Conference:

"While each sub-committee will have the right to discuss and record its conclusions on the question of limits so far as it is relevant to the subjects allocated to it, the main Committee will not reach a decision on the final recommendation with regard to limits until the recommendations of Sub-Committee II on the precise definition of the area have been received, which should constitute basic proposals for the consideration of the main Committee."

III. DOCUMENTATION

By operative paragraph 6 of resolution 3067 (XXVIII), the General Assembly referred to the Conference the reports of the Sea-Bed Committee and all other relevant documentation of the General Assembly and the Committee. The First Committee thus has before it all the documentation from Sub-Committee I of the Sea-Bed Committee, including in particular the texts illustrating the areas of agreement and disagreement on items 1 and 2 of the Sub-Committee's programme of work (A/9021, vol. II).

Documents presented in the Committee during the second session of the Conference are listed in annex 1.

IV. WORK OF THE COMMITTEE

During the second session of the Conference in Caracas from 20 June to 29 August, the First Committee worked through formal and informal meetings. It held 17 formal meetings and 23 informal meetings.

At a meeting on 10 July, the Committee accepted a proposal by the Chairman that it should start work with a brief general discussion to enable representatives to comment on issues of fundamental importance, so as to facilitate efforts to reach agreement on the major issues over which wide differences of view existed. The Chairman proposed that at the end of this discussion the formal committee should be converted into an informal body of the whole, to examine the preparatory material sent forward from the

Sea-Bed Committee with a view to eliminating brackets and alternatives and thus to build up areas of agreement. The Committee agreed to the Chairman's proposal that Mr. C. W. Pinto of Sri Lanka should be Chairman of its informal meetings.

Sixty-six delegations spoke during the general discussion from 11 to 17 July. An index of the summary records of the Committee, including the list of those who spoke in the discussion is at annex 2.

Subsequently, at a further series of meetings, the Committee discussed the economic implications of mining in the deep sea-bed. As a basis for this discussion, a representative of UNCTAD and the Special Representative of the Secretary-General presented reports to the Committee on the subject; as a further aid to discussion the Chairman of the Committee issued a note (A/CONF.62/C.1/L.2) listing these reports and incorporating summaries and conclusions of them. During the discussion of this question 38 delegations made statements and raised questions which were answered by representatives of the Secretariats of the United Nations and UNCTAD. The statements of those representatives who took part in the discussion are also listed in annex 2. A working paper was tabled on the subject of the economic effects of deep sea-bed exploitation (A/CONF.62/C.1/L.5).

As an aid to understanding of the subject of economic implications, the Chairman of the Committee arranged two informal seminars on 31 July and 1 August 1974. For the information of the Committee the Chairman summarized the discussions in the seminars at the 13th meeting of the Committee (A/CONF.62/C.1/SR.13). In addition, at the Committee's 14th meeting the Chairman summarized further discussion which had taken place in the Committee (A/CONF.62/C.1/SR.14). His summaries contained personal views and were not binding on any delegation.

[A further sentence will relate to action in regard to the proposal made for a follow-up study in accordance with General Assembly resolution 2750 A (XXV)]

Three documents were tabled and introduced on the subject of Conditions of exploration and exploitation (A/CONF.62/C.1/L.6, 7 and 8).

At its 14th meeting on 19 August, the First Committee established a Working Group to pursue negotiations on articles 1-21 relating to principles of the régime, as contained in document A/CONF.62/C.1/L.3, and particularly on article 9 thereof, and on the subject of conditions of exploration and exploitation. The Committee agreed that the Working Group should be limited in number but open-ended so that any State could participate in its activities and entrusted the Chairman of the Committee with the duty of conducting consultations to establish the membership of the group. The Committee also agreed that Mr. C. W. Pinto of Sri Lanka should be Chairman of the Working Group and that he should report as appropriate to the Committee.

As a result of his consultations, the Chairman of the Committee said at its 16th meeting on 21 August that general agreement had been reached that the Working Group should consist of 50 States, made up of nine representatives of each of the five geographical groups plus five representatives of sponsors of individual proposals before the Committee. He announced the composition of the Working Group as follows:

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- (a) African Group: Algeria, Egypt, Ghana, Lesotho, Madagascar, Mali, Morocco, Nigeria and the United Republic of Tanzania.
- (b) Asian Group: Afghanistan (alternating with Nepal), China, India, Iran, Kuwait, Pakistan, Philippines (alternating with Indonesia), Singapore and Yugoslavia.
- (c) Eastern European Group: Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania, Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics.
- (d) Latin American countries: Bolivia, Brazil, Chile, Honduras, Jamaica, Mexico, Peru, Trinidad and Tobago and Venezuela.
- (e) Western European and Others Group: Austria, Canada, Germany, Federal Republic of, Italy, Netherlands, Norway, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.
- (f) Sponsors of proposals before the Committee: Australia, Colombia, France, Japan and the United States of America.

A number of delegations stated views in regard to the establishment and functioning of the Working Group. The Chairman made a number of comments in response to these remarks. The statements of the delegations concerned and the comments of the Chairman are in the summary records of the 14th, 15th and 16th meetings of the Committee (A/CONF.62/C.1/SR.14-16).

V. WORK OF THE INFORMAL COMMITTEE

During the session the Chairman of the informal Committee reported to the Committee on progress made. By decisions of the Committee his statements appears in extenso in the records of the 9th, 11th and 14th meetings. His reports contained personal views and were not binding on any delegation.

The informal Committee reviewed draft articles 1-21 relating to principles of the régime, as set forward by the Sea-Bed Committee and contained in its report (A/9021, vol. II). The results of its work on those articles are before the Committee in document A/CONF.62/C.1/L.3. During consideration of the draft articles, it was agreed that there should be an article on definitions and that the terms to be dealt with and their interpretation would be decided at a later stage.

Upon completion of consideration of the draft articles, the Chairman suggested three issues which should be the subject of detailed study:

- (a) the system of exploration and exploitation: who may explore and exploit the area?
- (b) the conditions of exploration and exploitation;
- (c) the economic implications of sea-bed mining.

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It was agreed that, although the issues would be considered in that order, representatives could make relevant reference to other issues.

Discussion of the system of exploration and exploitation (the first issue), proceeded on the basis of the four alternative texts of draft article 9 prepared by the Working Group of Sub-Committee I of the Sea-Bed Committee. During the discussion, several new proposals were made. A new text was introduced to replace alternatives (B) and (C) of article 9; this new text is alternative (B) in document A/CONF.62/C.1/L.3. Another new proposal was introduced to replace the former alternative (C). Alternatives (A) and (D) of the original text remained unchanged. In addition, one delegation proposed a new text of two articles. The first of those was later considered to have been absorbed into the revised alternative (B) mentioned above; the second is reproduced at the end of document A/CONF.62/C.1/L.3.

During its consideration of the conditions of exploration and exploitation (the second issue), the informal Committee received three working papers which were subsequently tabled in the Committee as documents A/CONF.62/C.1/L.6, A/CONF.62/C.1/L.7 and A/CONF.62/C.1/L.8 (see annex 2).

The informal Committee did not discuss the economic implications of sea-bed mining (the third issue) because this subject was taken up at the level of the Committee (see part IV of the statement of activities above).

VI. WORK OF THE WORKING GROUP

After the Chairman of the Working Group has reported to the Committee, a paragraph will be inserted

VII. FUTURE WORK

The First Committee made useful progress at this session of the Conference towards completion of the mandate assigned to it by the Conference. It recommends that the opportunity should be provided for it to continue this work at a further session, with a view to completing the drafting of articles dealing with the international régime and machinery for exploration of the sea-bed beyond the limits of national jurisdiction and the exploitation of its resources.

When it resumes work the Committee will have before it, in accordance with General Assembly resolution 3067 (XXVIII), all reports of the Sea-Bed Committee and all other relevant documentation of the General Assembly and the Committee, and all of the documents presented at the second session as listed in annex 1.
