

# **Third United Nations Conference on the Law of the Sea**

1973-1982

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Document:-

**A/CONF./BUR/SR.1**

## **Summary records of meetings of the General Committee 1<sup>st</sup> meeting**

*Extract from the Official Records of the Third United Nations Conference on the Law of the Sea, Volume I (Summary Records of Plenary Meetings of the First and Second Sessions, and of Meetings of the General Committee, Second Session)*

# MEETINGS OF THE GENERAL COMMITTEE

## 1st meeting

Thursday, 20 June 1974, at 11.40 a.m.

*Chairman:* Mr. H. S. AMERASINGHE (Sri Lanka).

### Consideration of the memorandum by the Secretary-General on the organization of the second session of the Conference and allocation of items (A/CONF.62/BUR/1)

1. The CHAIRMAN drew the attention of the members of the General Committee to the memorandum by the Secretary-General on the organization of the second session of the Conference and allocation of items (A/CONF.62/BUR/1). He suggested that the document should be considered paragraph by paragraph.

*It was so decided.*

#### Paragraphs 1 and 2

2. The CHAIRMAN noted that paragraph 1 was purely procedural and did not call for any decision by the General Committee. With regard to paragraph 2, it was important to ensure that when meetings were suspended the participants would be able to be present in good time for the resumption of the proceedings. He also noted that under rule 21 of the draft rules of procedure (A/CONF.62/2 and Add. 1-3) the quorum required to enable meetings to be opened was one third of the participants. He suggested that the General Committee should adopt the suggestions in paragraph 2 of the Secretary-General's memorandum.

*It was so decided.*

#### Paragraph 3

3. The CHAIRMAN said the fact that the period scheduled for the adoption of the rules of procedure was 20 to 27 June did not affect the length of the working week, which would be five days; he suggested that the latter provision should be confirmed by the General Committee.

*It was so decided.*

#### Paragraphs 4 and 5

4. Sir Roger JACKLING (United Kingdom) noted that his delegation, and perhaps others as well, would be headed by a Minister for short periods. He hoped that flexible arrangements could be made with respect to general statements, since Ministers could not be expected to be present on short notice.

5. The CHAIRMAN said that he thought the general statements could be made in the period from 1 to 5 July, unless it had not proved possible to adopt the rules of procedure by that time. The general statements should preferably be as brief as possible; hence the time allowed to speakers might be limited to 15 minutes.

6. Replying to a question asked by Mr. AL-IBRAHIM (Kuwait), the CHAIRMAN explained that the period 20 to 27 June scheduled for the adoption of the rules of procedure had been decided upon during the organizational meetings.

7. Mr. ENGO (United Republic of Cameroon) asked whether the date of 1 July set for the beginning of the general

statements was imperative; if the rules of procedure were adopted before 27 June, perhaps the general statements could begin earlier.

8. Mr. STEVENSON (United States of America) said that he thought the meetings devoted to the general statements could take place simultaneously with the adoption of the rules of procedure, since the bulk of the work on that question would not be done in plenary meetings.

9. The CHAIRMAN said he thought it likely that that was the solution which would be adopted, and, subject to that reservation, he suggested that the provisions in paragraphs 4 and 5 should be adopted.

*It was so decided.*

#### Paragraph 6

10. The CHAIRMAN noted that, as indicated in paragraph 6, the closing date of the Conference had been fixed by the General Assembly at 29 August 1974.

#### Paragraph 7

11. Mr. LING Ching (China) pointed out, in connexion with the seating arrangements, that the Khmer Republic, whose name had been drawn to sit at the first desk, was a State not recognized by a large number of countries. Consequently, only the principle of the arrangement should be indicated without specific mention of that country. He therefore proposed that the second sentence in paragraph 7 should be deleted.

12. The CHAIRMAN said that the Khmer Republic was participating in the United Nations Conference on the Law of the Sea and that it could not, therefore, be ignored. However, he would take note of the reservation expressed by the representative of China. He suggested that the General Committee take note of the seating arrangements set out in paragraph 7.

*It was so decided.*

#### Paragraph 8

13. The CHAIRMAN, replying to a question by Mr. CHAO (Singapore), said that summary records of the debates of the Main Committees would be provided.

14. Mr. ENGO (United Republic of Cameroon) felt that paragraph 8 was not really necessary. Since that paragraph was open to misinterpretation all that was needed was an appeal expressed in general terms. He did not think that the question of summary records should be decided on at present since it was for the Committees to decide whether or not they wished to have summary records.

15. The CHAIRMAN pointed out that summary records were provided for in the rules of procedure; with respect to the first point raised by the representative of the United Republic of Cameroon, he too believed that paragraph 8 could be deleted.

*It was so decided.*

*Paragraph 9*

16. Mr. ARIAS SCHREIBER (Peru) noted that the Permanent Commission for the Exploitation and Conservation of the Maritime Resources of the South Pacific was not on the list of non-governmental organizations invited to participate in the Conference and wished to know whether that was merely an omission.

17. The CHAIRMAN said that the South Pacific Commission had been invited as an intergovernmental organization and he recommended that the Conference approve the list of non-governmental organizations to be invited.

*It was so decided.*

*Paragraphs 10 and 11*

18. Mr. MOTT (Australia) noted, in connexion with the allocation of subjects and issues 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, that no official decisions had been reached but that there had been agreement on the guidelines to be followed for the work of the Conference. He expressed some reservations in connexion with the fact that those guidelines now had to be translated into definite principles.

19. The CHAIRMAN said that those guidelines had been tacitly agreed on; there should now be an official allocation of items included in the agenda.

20. Mr. ZEGERS (Chile) shared the views of the representative of Australia. He wished to know whether, in adopting the proposed allocation of items to be studied, the Conference was also approving the introductory note to the list of subjects and issues submitted by the sea-bed Committee; that note, in his opinion, must be considered as part of the question of the allocation. Furthermore, that list was not exhaustive and the Conference did not have to follow the order in which the items were submitted.

21. The CHAIRMAN saw no objection to the adoption of the Chilean representative's suggestion. Such a note could be placed at the beginning of the list. He drew the attention of the General Committee to the note at the end of the Secretary-General's memorandum concerning the agreement of 27 August 1971 on the organization of the sea-bed Committee's work in which it was recommended that the Conference adopt the same arrangement.

22. Sir Roger JACKLING (United Kingdom) reserved his delegation's position on the suggestion of the representative of Chile because its implications for the adoption of the agenda did not seem to be clear.

23. The CHAIRMAN felt that the best procedure would be to insert an explanatory note at the beginning of the list.

24. Mr. ENGO (United Republic of Cameroon) did not believe that the representative of Chile wished his proposal to be written into the report. The proposal could be presented as part of the observations and recommendations to be made to the Conference in the plenary and it could be stated that the Chilean representative's suggestion had met with general approval.

25. Mr. ARIAS SCHREIBER (Peru) recalled that during the debates in the preparatory committee there had been some divergence of views on how to submit the allocation of items to be studied by the Conference. The text of paragraph 10 should be amended as indicated by the representative of Australia.

26. Mr. MOTT (Australia) agreed that there had been some differences of opinion in the preparatory committee on items 5 and 6 of subparagraph (b) which set out the items and sub-items which might be considered by Committee I in so far as they were relevant to its mandate.

27. For its part, his delegation would prefer that those items be deleted entirely but, knowing that most of the other delegations would not agree to such a move, he would suggest that

the terms of the tacit agreement of 1973<sup>1</sup> be more closely followed. That agreement had not been formal and binding but should now be made official. Those two items would accordingly be submitted to the Second Committee, without prejudice to their possible consideration by the First Committee. And the expression "in so far as they are relevant to its mandate" would be replaced by "as may be deemed relevant to its mandate", it being clearly stipulated that those items would be referred to the Second Committee. However, the General Committee's decision, whatever it might be, could not be regarded as a formal decision of the Conference.

28. The CHAIRMAN thought that the formula proposed by the representative of Australia could be approved.

29. Mr. VINDENES (Norway) said he shared the views of the representative of Australia. He wondered whether it was necessary to specify the items: for example, the following formula could be used: "Other items or subitems, as may be deemed relevant to its mandate".

30. The CHAIRMAN said that the items which would definitely be referred to one or another of the Committees were on the list. A note could be added to the effect that other related items as might be deemed relevant to the subject under consideration could be considered by each Committee.

31. Mr. ZULETA TORRES (Colombia) entirely shared the views of the representatives of Australia and Norway. He too would prefer that items 5 and 6 should not be expressly mentioned as being relevant to the mandate of the First Committee, for the limits of national jurisdiction did not come under the mandate of that committee. He believed that Norway's proposal should be adopted.

32. The CHAIRMAN asked for the views of members of the General Committee on the suggestion which had just been made.

33. Mr. ENGO (United Republic of Cameroon) said that before taking a decision it would be well to consider the purpose of the list of items, and to decide if such or such an item came within the mandate of each body. There was some divergence of views, but it seemed that there was general agreement that all matters relevant to the main items should be examined. If the Norwegian proposal was adopted, then a further explanatory note should be added stating that it was understood that any delegation had the right to take up any subject it thought relevant.

34. The CHAIRMAN said that the list of items in subparagraph (b) was purely indicative. It should be left to each Committee to decide which items came under its mandate.

35. Mr. LAPOINTE (Canada) said that he would prefer to use the formulation of item 5.2 (Outer limit of the continental shelf: applicable criteria) which seemed to him more appropriate in the present case.

36. The CHAIRMAN suggested that subparagraph (b) be deleted entirely.

37. Mr. KNOKE (Federal Republic of Germany) considered items 5 and 6 important. His delegation would regret not being able to debate them in Committee.

38. The CHAIRMAN said that the Conference would consider all relevant items in the plenary, but the Main Committees would in no way be prevented from taking up any item they wished to examine.

39. Mr. STEVENSON (United States of America) wished it to be stated clearly that what was being done was to allocate the items for consideration by the different Committees and not to impose a strict agenda on the Committees.

40. The CHAIRMAN said that the interpretation by the representative of the United States was correct.

<sup>1</sup>See A/AC.138/SR.91.

41. Mr. STEVENSON (United States of America) raised two issues which were causing his delegation some concern, namely, the procedure for the settlement of disputes and the provisional application of treaties specifically mentioned. Those were extremely important questions which were of interest to all the Committees and he wished to be assured that they would be taken up in the plenary.

42. The CHAIRMAN pointed out that, in any event, it would be for the Conference, in plenary, to consider and co-ordinate all items. Under those conditions, there did not appear to be any reason for modifying the allocation of items.

43. Mr. STEVENSON (United States of America) repeated that he would prefer to have the opportunity of considering those items in the plenary, before the three Committees had made specific proposals.

44. The CHAIRMAN said that that possibility was in no way excluded and an appropriate date would have to be set for considering that question. He would consult the chairmen of the three Main Committees on the matter.

45. Mr. ZEGERS (Chile) proposed that at the end of paragraph 11, after a comma, the following words be added: "taking into account the introductory note accompanying the list of subjects and issues". That would draw the attention of the Conference to the note.

46. The CHAIRMAN, replying to a question by Mr. KEDADI (Tunisia), said that subparagraph (b) should be deleted from the list of items referred to each Committee.

47. Mr. CHAO (Singapore) recalled that an informal agreement had been reached on that matter the year before. His delegation would prefer that the list of items referred to each Committee be complete and final, but in order to facilitate the work it would not insist on that point. A flexible approach was needed and, if each Committee had the right of taking up any item which it deemed relevant, then the note relating to the agreement of 27 August 1971 should be deleted from the end of the document. That note appeared to his delegation to be a hindrance and it should not be retained.

48. Mr. ARIAS SCHREIBER (Peru) said that it would be more in line with the spirit in which the preparatory committee had worked if subparagraph (b) were deleted. On the other hand, the distinctions which had been made should be retained without amending the list. The question raised by the United States delegation was not on the list of items. The proposal made by the representative of Chile was most judicious.

49. Finally, with reference to the suggestion of the representative of Singapore, he pointed out that the note in question was the result of long and difficult negotiations, and he hoped that he would withdraw his proposal.

50. The CHAIRMAN said that the only amendment proposed concerned the deletion of subparagraph (b). With re-

spect to the suggestion by the representative of Singapore the agreement of 27 August 1971 had been arrived at after long discussions, and the note at the end of the document should not hinder the work of the Committees.

51. Mr. OGISO (Japan) regretted that he did not have available the summary record of the meeting at which the introductory note had been adopted. A mutual understanding, as explained by the Chairman, had indeed been reached. If the Chilean proposal was adopted, he would propose adding the following words to it: "and the understanding expressed in connexion therewith".

52. Mr. ZULETA TORRES (Colombia) and Mr. ABDEL HAMID (Egypt) shared the Chairman's views on the note and agreed that it would be dangerous to delete it.

53. Mr. OGISO (Japan) said that if the introductory note was explanatory, then the mutual understanding which had been expressed when the list had been adopted should also be mentioned in paragraph 11.

54. The CHAIRMAN pointed out that reservations had been expressed in Sub-Committee II of the sea-bed Committee and that they were to be found in the summary records of the meetings. Delegations wishing to do so could again express their reservations in the plenary.

55. Mr. LAPOINTE (Canada) associated himself with the appeal to the delegation of Singapore not to insist on its proposal.

56. Mr. WAPENYI (Uganda) felt that the retention of the note would raise no problem. Besides, each Committee would have the right to discuss the question of limits, but the decision would be taken in the plenary. Furthermore, according to a newspaper article, the Chairman had made a statement in connexion with the breadth of territorial waters, the rights of coastal States, free passage for navigation and other questions of like importance.

57. The CHAIRMAN assured members that he had never made such a statement.

58. Mr. ZEGERS (Chile) also urged the delegation of Singapore not to insist on its proposal. The agreement of 27 August 1971 was an essential aspect of the preparatory work.

59. Mr. CHAO (Singapore) felt that that agreement had been as if were consecrated by the other delegations and his delegation did not wish to be guilty of desecration. It had made its proposal only to facilitate the work and to rid the Committee of an impediment, but it would defer to the view of the majority.

60. The CHAIRMAN said that if there was no objection, he would take it that the Chilean proposal was adopted.

*It was so decided.*

*The meeting rose at 1.05 p.m.*

## 2nd meeting

Friday, 12 July 1974, at 9.05 a.m.

*Chairman: Mr. H. S. AMERASINGHE (Sri Lanka).*

### Consideration of additional rules of procedure

1. The CHAIRMAN said that a proposed new rule to follow rule 62 of the draft rules of procedure (A/CONF.62/2 and Add. 1-3) had been drafted, in accordance with the decision taken by the plenary Conference at its 38th meeting that it was competent to consider the motion of Senegal concerning invi-

tations to national liberation movements. The proposed rule read:

"1. National liberation movements recognized by the Organization of African Unity or by the League of Arab States may designate representatives to participate as observers, without the right to vote, in the deliberations of the