

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

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

**A/CONF./BUR/SR.3**

## **Summary records of meetings of the General Committee 3<sup>rd</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)*

perhaps be amended to read "... without prejudice to rules 1-5 of the rules of procedure ...". Furthermore, with respect to the concern mentioned by the representative of Turkey, there was a clear distinction between the powers of the Credentials Committee and those of the Secretariat.

45. Mr. STEVENSON (United States of America) withdrew his proposed amendment.

46. Mr. ARIAS SCHREIBER (Peru) said that there was the possibility of a representative who was present at the Conference informing the Secretariat of his intention to leave and to return towards the end of the session. There could be an important vote during the period of his absence and there should therefore be a provision in the United Kingdom proposal whereby the Secretariat could inform the Conference of any such temporary withdrawal.

47. Mr. NJENGA (Kenya) said that the representative of Cyprus had raised a valid point. A delegation might register at the Conference, stay for a few weeks, and then quietly leave without informing the Secretariat. States had to register, since otherwise they would not be admitted, but there was normally not much fanfare associated with leaving. That difficulty was not met by the United Kingdom proposal, which would allow absentees to continue to vote *in absentia*. Perhaps, therefore, the Secretariat should be allowed to learn of the absence of a delegation by means other than notification by the delegation itself. He suggested adding to the United Kingdom proposal the phrase "and the Secretariat has not subsequently become aware of its withdrawal from that session".

48. The CHAIRMAN said that there was no practicable means by which the Secretariat could become aware that a delegation had been withdrawn. It was impossible to close every loop-hole in the proposed definition.

49. Mr. NGENGA (Kenya) said that he did not think that presented a difficulty. Perhaps the Secretariat should have the obligation of finding out whether a delegation was participating.

50. The CHAIRMAN said he still did not see what procedure the Secretariat would use. It might send a cable to the Government involved, and receive no reply, and in the meantime a vote might be taken.

51. He suggested that the Committee should adopt the United Kingdom proposal, adding the phrases "subject to rules of procedure 1 through 5" and "without prejudice to the powers and functions of the Credentials Committee", and incorporating the suggestion of the Peruvian representative.

52. Mr. MOTT (Australia) supported that suggestion.

53. Mr. ENGO (United Republic of Cameroon) appealed to the representatives of Cyprus and Kenya not to press their suggestions. It was within any delegation's prerogative to be absent from the Conference if it so chose.

54. Mr. JEANNEL (France) said he agreed with the representative of the United Republic of Cameroon. The suggestion of the Kenyan representative, while it raised an important point, amounted to giving the Secretariat decision-making power and infringing on the powers of the Credentials Committee. As the Turkish representative had observed, the Secretariat's powers should not extend that far, and should be confined to registering delegations. He therefore felt that the formulation suggested by the Chairman was adequate.

55. The CHAIRMAN said that giving decision-making power to the Secretariat would infringe not only on the powers of the Credentials Committee but also on the privacy of delegations.

56. Mr. BARNES (Liberia) said he supported the United Kingdom proposal, with the modifications suggested by the Chairman.

57. The CHAIRMAN said he believed the Committee had arrived at an acceptable formulation, namely, to replace the proposed three-paragraph definition by a single paragraph which would read:

"Subject to rules 1 through 5 of the rules of procedure and without prejudice to the powers and functions of the Credentials Committee, the term 'States participating' in relation to any particular session of the Conference means any State whose representatives have been registered by the Secretariat of the Conference as participants in that session and which has not subsequently notified the Secretariat of its withdrawal from that session or from part of it".

58. If he heard no objection, he would take it that that version was acceptable to the Committee.

*The proposed new rule was adopted.*

59. The CHAIRMAN said that he would try to have the proposed definition circulated to delegations in time for consideration at the afternoon meeting of the plenary Conference. It could be acted upon then unless delegations needed more time to consider it.

60. He appealed to the Chairmen of the Main Committees to expedite their work, especially by considering specific proposals rather than engaging in general discussions.

*The meeting rose at 10.40 a.m.*

## 3rd meeting

Monday, 22 July 1974, at 9.20 a.m.

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

### Progress of work: statements by the Chairmen of the Committees

1. Mr. ENGO (United Republic of Cameroon), Chairman of the First Committee, reporting on the progress made by that body, said that it had now concluded a type of general debate enabling delegations non-members of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction to express their views on outstanding problems and providing an opportunity for the remaining delegations to state their current views on those problems. About 80 speakers had participated in the debate.

2. The Committee now had moved to the second stage of its work, namely the holding of informal meetings in order to clarify the misgivings of delegations concerning documents circulated after the Geneva session, and to remove as many square brackets as possible, leaving those alternatives that would be the subject of negotiations at a later stage. While he could not yet confirm that the Committee was making progress, he could state that it was making a maximum effort.

3. Mr. AGUILAR (Venezuela), Chairman of the Second Committee, said in his progress report that, in accordance with the decision taken at the first meeting of that body, the items

assigned to it were being considered one by one in the order in which they appeared in the list. The intention was, in the case of each item, to identify the principal views and reduce them to generally acceptable formulas. Each item was then "put on ice", without any decision being taken until all closely related items had been considered.

4. After a brief general debate, the Committee had begun its substantive work with the consideration of item 2, on the territorial sea. He had subsequently prepared, in consultation with the other officers of the Committee, an unofficial working paper on that item. That document, which had been revised in the light of comments by certain delegations would, it was hoped, represent the first of a series of documents on the items before the Committee, for discussion in informal meetings.

5. The Committee had then taken up item 3, on the contiguous zone; it had decided to defer the item until after the consideration of item 6, on the exclusive economic zone beyond the territorial sea, with which it was closely related.

6. In its first meeting of the current week, the Committee would take up item 4, on the straits used for international navigation.

7. In reply to a question raised by the Chairman, he said that, on the assumption that the Committee could complete its general debate on items 5, 6 and 7, which were closely interrelated, during the current week, it should be possible to take up the item on the economic zone before the end of the following week.

8. Mr. YANKOV (Bulgaria), Chairman of the Third Committee, reporting on the work of that Committee, said that it had now concluded general statements on item 12, relating to preservation of the marine environment, and on items 13 and 14, relating to scientific research and the development and transfer of technology. A total of 85 general statements had been made.

9. During the current week, the Committee would hold informal meetings to consider alternately those three items. The Secretariat had prepared an unofficial comparative table of proposals, which would form the main subject of the informal meetings.

10. He hoped that it would be possible to present a progress report each week, and to harmonize the work carried out in the two separate fields. While time was required for negotiations—for which the informal meetings were an appropriate forum—it should be possible to identify the main problems relating to each item.

11. Mr. NJENGA (Kenya) asked the Chairman of the Third Committee whether there was a deadline for submission of formal proposals to that body.

12. Mr. YANKOV (Bulgaria), replied that there was an understanding that proposals could be submitted throughout the session. It was for the delegation concerned to decide whether it preferred to submit its proposal in a formal or an informal meeting. In any case the Committee would, in accordance with the decision taken at its 2nd meeting, hold official meetings once a week to enable delegations to submit proposals formally and to hear progress reports on the unofficial meetings.

13. Since the question had been raised, however, he appealed to all delegations to submit their proposals as soon as possible so that they could be considered in conjunction with the relevant item.

14. Mr. NJENGA (Kenya) hoped that in accordance with the flexible arrangement proposed by the Chairman of the Third Committee, it would be possible to hold a formal meeting so that his delegation could introduce a revision of its paper on marine pollution. The Committee could then immediately proceed with an informal meeting.

15. Mr. YANKOV (Bulgaria), gave his assurance that all possible efforts would be made to accommodate delegations'

wishes, and that flexibility would be applied to a reasonable extent.

16. Mr. BEESLEY (Canada), Chairman of the Drafting Committee, reporting on the work of that body, pointed out that it had not yet received any drafting work—a fact which strengthened the emphasis by the Chairmen of the Main Committees on the urgent need to proceed to work of real substance. The fact that rapid progress was not being made was not, however, the fault of the respective Chairmen, all of whom were exerting real pressure: it was clear that time would be required to overcome the difficulties.

17. The CHAIRMAN said he wished to appeal to the Main Committees to send texts to the Drafting Committee as soon as possible in order to avoid a heavy workload later in the session.

#### **Tribute to Simón Bolívar the Liberator (A/CONF.62/L.3 and Add.1-2)**

18. Mr. CALERO RODRIGUES (Brazil), introducing draft resolution A/CONF.62/L.3 and Add.1 and 2, said that the representative of El Salvador, as Chairman of the meeting of Latin American countries, had been working on the proposed programme to mark the anniversary of the birth of Simón Bolívar, and would be able to explain it further in the plenary meeting.

19. Mr. HASSAN (Sudan) suggested that it would honour the memory of Simón Bolívar and the principles for which he stood if the Conference were to give effect to its decision to invite the national liberation movements to participate in its work by inviting them to participate in the proposed ceremony. The Chairman might contact the Chairman of the group of African States, or the representative of the Organization of African Unity, for that purpose.

20. The CHAIRMAN replied that the occasion should be confined to a tribute to Simón Bolívar. In saying that, however, he did not wish to detract from the cause of the liberation movements. If delegations wished to derive some inspiration from the ceremony in support of that cause, they were free to do so. However, he urged them to take his view into account.

21. He announced that the following delegations wished to be included in the list of sponsors of draft resolution A/CONF.62/L.3 and Add.1-2: Burundi, Canada, Federal Republic of Germany, France, Iceland, Indonesia, Liberia, Madagascar, Norway, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Yugoslavia and Zaire.

22. If there were no further comments, the item would be referred to the plenary, which would take up the draft resolution itself.

#### **Other matters**

23. Mr. ARIAS SCHREIBER (Peru) said he wished to raise a matter in connexion with summary record A/CONF.62/SR.37. First of all, he wished to acknowledge that the writing of summary records was a very difficult and sensitive task, since it was important to ensure that the statements setting forth the juridical positions of delegations to the Conference were reflected with clarity, accuracy and precision, in that respect, all delegations should be treated equally. However, the statement made by his delegation at the 37th plenary meeting, during the general debate—a 13-page statement prepared with the same care as statements by other delegations—had been reduced to three and one-half pages in the summary record. On the other hand, the summary of the statement delivered at that same meeting by the French delegation, which had consisted of approximately the same number of pages, had been about double the length of the statement given by his own delegation. Without wishing to question the importance of the French delegation's statement, or to allege any intentional discrimination by the Secretariat, his delegation took the view that those

two statements, as well as statements by any other delegations, should have received more or less equal treatment.

24. Having compared the original texts of statements by a number of delegations with the corresponding summaries in the summary records, his delegation noted that its statement had been the only one to have received less than equal treatment.

25. The CHAIRMAN agreed that the matter was very sensitive and of the utmost importance to delegations. He agreed that every statement should be properly reflected in the summary records. He invited the Special Representative of the Secretary-General to reply to the question raised by the representative of Peru.

26. Mr. STAVROPOULOS (Special Representative of the Secretary-General) said it was the first time that such a complaint had been drawn to his attention. He felt sure that any omissions that might have been made in the summary record did not reflect any partiality on the part of the Secretariat with respect to the delegation of Peru or any other delegation.

27. In any case, after examining the facts, he undertook to report back to the delegation of Peru and then to the General Committee.

28. The CHAIRMAN suggested that the imbalance in the summaries of the two statements in question had perhaps resulted from the fact that different précis-writers had prepared them. He accordingly suggested that, in order to preserve a proper balance in the summary records, there should be consultation among précis-writers with regard to the treatment of the various statements.

29. Mr. ANDERSEN (Iceland) said that, in all fairness to the Secretariat, he wished to point out that the statements made by some delegations were more condensed than those made by others. It was therefore not merely a matter of the number of lines in the final summary.

30. Mr. ARIAS SCHREIBER (Peru) agreed that it was not merely a matter of the number of lines; however, in the case in point, a question of substance had been omitted from the summary of his delegation's statement, namely a reference to the sea-bed régime and the organs of the International Sea-Bed Authority.

*The meeting rose at 10 a.m.*

## 4th meeting

Tuesday, 20 August 1974, at 9.10 a.m.

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

### Nature and form of final documents of the session

1. The CHAIRMAN stated that he had held informal consultations with the Chairmen of the three Committees, the General Rapporteur and the Chairman of the Drafting Committee, concerning the nature and form of the final document or documents of the session. He himself considered it essential to sum up, before the end of the present session, the work done by the Conference during its first two sessions. The summary should merely state what had happened, without going into details about the methods of work employed, for example whether the discussions had taken place in official or informal meetings or in working groups. Public opinion was interested in results, not in how they had been obtained.

2. As far as possible the reports of the Committees should contain agreed texts to reflect the main trends emerging from the many working documents, particularly those drafted for the Second Committee. Those reports would serve as a sound basis for negotiations. The time for individual statements was over and the Conference must now enter on the active phase of negotiations.

3. With respect to documentation, the Conference still had before it the proposals made in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction and the General Assembly. It would suffice to mention those proposals without reproducing them, as suggested in document A/CONF.62/L.5. Any amendments or revisions of those proposals might then be dealt with in the manner suggested in that document.

4. The various informal working documents put out during the present session for each of the three Committees should be issued in the A/CONF.62/L series.

5. The President might summarize the three Committees' reports which should not be unduly detailed.

6. Finally, the Conference should send a brief report to the General Assembly with its recommendations regarding the

date and venue of the next session and the right of States which had acceded to independence but did not meet all the conditions laid down by the General Assembly in that respect, to take part in the work of the Conference.

7. Mr. ENGO (United Republic of Cameroon) speaking as Chairman of the First Committee, agreed that the reports should be essentially factual. The Rapporteur of the First Committee had made a statement the previous day on the Committee's draft report and there had been no unfavourable reactions to it.

8. Mr. AGUILAR (Venezuela), Chairman of the Second Committee, said that the Committee had made considerable progress on the items referred to it. It had almost completed the first reading of the documents before it and should be able to complete its second reading within the allotted time. In the light of the present debate, the Committee would submit the results of its work in a report to the Conference.

9. Mr. YANKOV (Bulgaria), speaking as Chairman of the Third Committee, said that each Committee should make a concise report, containing information and presenting the facts, without any appraisal of the trends that had emerged during the debates. The reports should reflect the work of the Committees and should contain consolidated texts with as few variants as possible. The Third Committee expected to complete its report by the end of the week.

10. As the Chairman had suggested, a combined summary of the reports of the three Committees could be prepared in order to facilitate the resumption of work at the next session of the Conference.

11. Mr. ZEGERS (Chile) said it was essential for the Conference to make recommendations on methods of work as well as on the date and place of the next session. The third session should not start a new general debate; it should take up the work of the Conference at the point where it had been left.

12. If the final documents of the present session of the Conference were only a presentation of the facts, they might be