

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

1973-1982

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Document:-

**A/CONF.62/BUR/SR.46**

## **46<sup>th</sup> meeting of the General Committee**

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XI (Summary Records, Plenary, General Committee, First, Second and Third Committees, as well as Documents of the Conference, Eighth Session)*

procedure decided upon at the seventh session had not been revised, but had been modified to make it more effective. Nor was there any conflict between paragraphs 12 and 14 of his note, since the function of the new group would not be to revise the informal composite negotiating text, but to elicit proposals for revision from all delegations.

105. After observing that paragraphs 16 to 18 of his note did not call for a decision, he suggested that the General Committee should approve paragraphs 1 to 15 of that document.

*It was so decided.*

*The meeting rose at 12.25 p.m.*

## 46th meeting

Friday, 27 April 1979, at 10.40 a.m.

Chairman: Mr. H. S. AMERASINGHE.

### Organization of future work of the Conference

1. The CHAIRMAN said that the meeting had been convened in order to enable delegations to decide whether the Conference should meet again in resumed eighth session or in ninth session, and to establish the duration and dates of the next session. If he heard no objection, he would take it that Chairmen of negotiating groups who were not members of the Committee would be allowed to participate in the meeting.

*It was so decided.*

2. Mr. ZULETA (Special Representative of the Secretary-General) said that the General Assembly, in its resolution 32/71, had called upon the Secretariat to provide the Conference with information regarding the utilization of services made available to it. The information he was about to give should be interpreted only as the discharge of the obligation outlined in that resolution. During the current session, the Conference had used 322.40 of the 936 hours of interpretation services that had been available to it. He had reason to believe that, when approving the budgetary allocations for the future work of the Conference, the competent organs of the General Assembly would take into account all the relevant facts, but would demand of the Secretariat a stricter adherence to the guidelines issued by the General Assembly. He was certain that, with the co-operation of the President of the Conference and the Chairmen of Committees, negotiating groups and informal groups that required conference services, it would be possible in the future to have a more precise programme for the utilization of services. To that end, in accordance with paragraphs 1, 3 and 6 of section IV of resolution 32/71, the Secretariat would hold the necessary consultations in order to be able to make available to delegations well in advance a draft calendar of meetings of organs and groups established by the Conference, as well as of other informal groups that had traditionally made use of the services provided by the Secretariat. Such a procedure would enable participating States to organize their delegations in a manner consistent with their actual working requirements.

3. In its resolution 33/17, the General Assembly had empowered the Conference to decide to hold further meetings under arrangements to be determined in consultation with the Secretary-General. He had been instructed to inform the Conference that the necessary services could be made available only during the period 16 July to 24 August 1979. The fact that those services could be made available was attributable to the excellent co-operation of the Committee on Conferences which, under the terms of General Assembly resolution 32/72, was the only body competent to change the calendar of conferences established by the General Assembly.

4. Mr. CARÍAS (Honduras), speaking as Chairman of the Group of 77, requested that the first three days of the first

week of the resumed session should be allocated entirely to the Group of 77 to enable that Group to carry out its preparatory work for the session.

5. Mr. DE LA GUARDIA (Argentina), speaking on behalf of the group of Latin American States, said that the group could agree that the Conference should meet again in resumed session. It insisted, however, that the revised text of the version of the informal composite negotiating text should be formalized at that resumed session. The group was in favour of a five-week session, to which would be added the three days requested by the Group of 77, giving a session of approximately six weeks in all. The dates mentioned by the Special Representative of the Secretary-General were acceptable to the group. The group was of the opinion that at least one half of the resumed session should be devoted to the work of the group of 21.

6. Mr. LARSSON (Sweden), speaking on behalf of the group of Western European and other States, said that the group was anxious that the impetus gained at the current session should be maintained. It could agree, therefore, that there should be a resumed eighth session starting in New York on 16 July and lasting six weeks. In the view of the group, the first two to three weeks of the resumed session should be devoted mainly to First Committee matters on the understanding, of course, that the negotiating groups of the Second Committee could also meet in order to discuss hard-core issues in their respective fields. The group could agree that three days at the beginning of the resumed session should be given over to the Group of 77.

7. Mr. MAHMOOD (Pakistan), speaking as Chairman of the group of Asian States, said that, on the assumption that the informal composite negotiating text would be revised, the Group could agree that there should be a resumed session in New York during the period indicated by the Special Representative of the Secretary-General. The resumed session could last for either five or six weeks, but the duration of the session should be definitely fixed and no possibility for extension allowed.

8. The meetings of the contact group of the Group of 77 on First Committee matters should not begin before 16 July. Whether the resumed session should start on 16 July or after the meeting of the Group of 77 would depend on the programme of work for the resumed session. If that programme comprised only First Committee matters, then the session should start after the Group of 77 had completed its work; if matters dealt with by other Committees were also to be discussed, the session should start on 16 July. Once the Group of 77 had completed its work, there should be alternate meetings of the contact group of the Group of 77 and the group of 21.

9. Mr. KOZYREV (Union of Soviet Socialist Republics), speaking as Chairman of the group of Eastern European States, said that the members of his group had concluded that the time had come to terminate the work of the Conference and adopt by consensus a convention on the law of the sea, a convention which would, in a single over-all package and on a mutually acceptable basis, settle all issues concerning the exploitation of ocean space and its resources. The group would not, therefore, object to the holding of a resumed eighth session in 1979. It could also agree to the duration that had been suggested. With regard to the organizational aspects of the Conference, it would be advisable to continue the practices that had been adopted in the past. It was clear from the reports of the Chairmen of the First and Third Committees that progress had been made at the eighth session of the Conference; it was also clear, however, that there were still a number of issues on which further negotiations were required. In conclusion, he said that the group could agree that three days at the beginning of the resumed session should be given over to the Group of 77 if that Group were unable to meet before 16 July.

10. Mr. RICHARDSON (United States of America) said that more had been achieved at the eighth session than in any other six-week period of the Conference. That did not mean that his delegation was entirely satisfied with the results of the session. Indeed, it had some difficulties with some of the provisions that had been recognized as appropriate for inclusion in the revised negotiating text. It was important, however, to press forward with the work, and his delegation agreed that it would be appropriate to do so at a resumed session in New York rather than at a new session. In view of the considerable number of issues still outstanding, all six weeks available should be used, it being understood that the first three days of the session would be given over to the Group of 77. If the momentum achieved at Geneva could be sustained, it could be hoped that the Conference's work would be crowned with success in the reasonably near future.

11. Mr. BAMBA (Upper Volta), speaking as Chairman of the group of African States, said that the group supported the idea that the Conference should meet in resumed session in New York in an endeavour to produce a text acceptable to all. As a component of the Group of 77, the group supported the request that three days at the beginning of the resumed session should be given over to the Group of 77.

12. Mr. KE Zaishuo (China) said that the impression his delegation had gained from the discussions in plenary on the previous day was that, although the Conference had not attained all the goals it had set itself for the eighth session, negotiations should be continued. Progress had definitely been made at the session. The fact that there were still some outstanding issues was attributable to the complex nature of those issues and to the shortage of time that had been available for negotiations. In order to enable the Conference to produce a convention based on consensus, his delegation agreed that a resumed session should be held in the summer so as to enable the Conference to continue the negotiations that had been started at Geneva. The resumed session should be held in New York from 16 July to 24 August. In the opinion of his delegation, the seven negotiating groups and the group of 21 on First Committee matters should all continue their work at the resumed session. His delegation could agree to the request made by the Chairman of the Group of 77.

13. Mr. NNAMANI (Nigeria) said that sufficient progress had been made at the eighth session to justify the holding of a resumed session in New York in the summer. His delegation insisted, however, that the resumed session should result in a revised negotiating text. His delegation would have preferred a five-week session, but, since it endorsed the request made by the Chairman of the Group of 77, it was willing to

agree that the session should last six weeks and should be held from 16 July to 24 August. It hoped that the negotiating groups and the group of 21 would remain in existence and would conduct their work in such a way that the resumed session could bring the Conference's endeavours to a successful conclusion. His delegation hoped that organizational changes would be made in the group of 21. That group should be less formal than it had been at the current session, and it should be assisted by informal groups which would have an opportunity to prepare position papers on the matters dealt with by the group of 21. His delegation also believed that the principle of rotation should be observed in the composition of the group of 21.

14. Mr. YOLGA (Turkey) said that his delegation was convinced of the need and the value of further negotiations in 1979, in order to maintain the momentum achieved at the present session. It would have preferred the work to be resumed after a longer interval—for instance, in September 1979—so as to enable delegations to engage in the necessary studies. Moreover, it would have been better for the Conference to meet again at Geneva. Nevertheless, in view of the clear explanations given by the Special Representative of the Secretary-General, he agreed to the dates and the venue that had been mentioned. The meetings to be held in New York should be regarded as a resumption of the current session since they would continue the useful work started but not entirely completed at the current session, and also because an increase in the number of sessions would have an adverse psychological effect on world public opinion.

15. The request by the Chairman of the Group of 77 was perfectly natural, but 16 July should none the less be retained as the official opening date. The Group of 77 could still proceed with any work that it deemed necessary, as could other regional groupings, in order to facilitate the subsequent work of the Conference.

16. With regard to the organization of work, he agreed that intensive efforts should be made during the first weeks of the resumed session to deal with First Committee issues, but not to the exclusion of certain other problems. Experience had shown that when work had been concentrated on First Committee matters, particularly in the group of 21, a number of delegations interested in other matters had to some extent been kept idle. The consideration of other outstanding issues should not be neglected. As could be seen from paragraph 6 of document A/CONF.62/62,<sup>1</sup> the Conference had agreed that the régime of islands, enclosed and semi-enclosed seas and the preamble and final clauses were also very important items. Consequently, the first three weeks of the resumed session could be used not only for First Committee issues but also for those topics, which it had not been possible to discuss in depth at the current session.

17. Mr. YANKOV (Bulgaria) said that his delegation fully agreed with the statement by the Chairman of the group of Eastern European States regarding the dates, duration, venue, organization of work and main objectives of the resumed session. As to the tentative time-table, he assumed that, if the first two or three weeks of the resumed session were to be devoted to First and Second Committee issues, the remaining weeks should be used to deal with Third Committee issues.

18. In view of the very important results achieved in the negotiations on Third Committee matters, he wished to reiterate what he had said in his report as Chairman of the Third Committee (A/CONF.62/L.34), i.e., that the substantive negotiations on part XII of the informal composite negotiat-

<sup>1</sup> See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. X (United Nations publication, Sales No. E.79.V.4).

ing text<sup>2</sup> (Protection and preservation of the marine environment) could be considered as completed. He had also reached the same conclusion in respect of part XIV (Development and transfer of marine technology). In the same report he had also expressed his personal view that, at a later stage and in the light of negotiations in the other Committees, an attempt might be made at an appropriate time to broaden the basis for agreement on other issues pending in connexion with part XIII (Marine scientific research); it was very important not to preclude the option for another attempt to improve the prospect of a consensus with regard to part XIII.

19. Accordingly, he suggested that the period from 6 August—or perhaps even from 3 August—to 22 August should be used to concentrate on the consideration and negotiation of proposals relating to marine scientific research.

20. Mr. BENCHIKH (Algeria) said that his delegation fully supported the comments made by the Chairman of the group of African States but considered that it would have been advisable to state explicitly the reasons for deciding to hold a resumed rather than a new session.

21. Clearly, the Conference must continue to deal with issues that had not been discussed sufficiently at the present session, which had largely been devoted to First Committee matters. It had seemed, at least from the moment when the group of 21 had listened to the views of all delegations, that a number of proposals by the Group of 77 had been received coldly and some delegations from the industrialized countries had asserted that the proposals in question, more particularly those pertaining to the transfer of technology with regard to the processing of nodules, were not negotiable. The issue was one of fundamental importance to the Group of 77 and, in view of the serious difference between the parties concerned, it had been apparent from the meetings of the group of 21 that little progress had been accomplished during the current session. Suddenly, as if a spell had been cast over the Conference, it was now being claimed that enormous progress had been made, that the informal composite negotiating text could be revised and that little work remained to be done before the formalization of the text. His delegation would have preferred the progress made—if any—to be discussed in depth, more especially since there had been a clear understanding that the results of the negotiations in the group of 21 were to be treated as *ad referendum*. One might well ask in which group or body substantial progress had been made at the present session.

22. Yet another problem was that of the membership of the group of 21. His delegation had certain reservations, not with regard to continuation of the work of the group of 21 but with regard to the idea that several weeks should be devoted exclusively to its work, although other very important issues were still pending and a consensus could not be achieved until substantial progress had been made on problems such as the continental shelf and the issues mentioned earlier by the representative of Turkey. The idea had also been advanced that negotiations on certain matters might be confined to an even smaller number of States than was the case in the group of 21. Such a course would lead to the constitution of virtually secret groups, set up under the pretext of achieving greater efficiency in dealing with major issues at the Conference. Naturally, his delegation was completely opposed to that idea.

<sup>2</sup>*Ibid.*, vol. VIII (United Nations publication, Sales No. E.78.V.4).

23. Mr. ARIAS SCHREIBER (Peru) pointed out that paragraph 6 of document A/CONF.62/62 referred also to consideration of the preamble and final clauses. Since those issues were to be discussed first by the plenary meeting acting as a committee, and then in the plenary acting as such, arrangements must be made to schedule meetings for that purpose at the resumed session. The matter was especially important, since all delegations hoped that the forthcoming revision of the negotiating text would lead to the formalization of the text.

24. Further, there had not yet been any opportunity to discuss certain proposals which had been submitted to the plenary, for example his own delegation's proposal concerning an international commission on the law of the sea (A/CONF.62/L.22),<sup>3</sup> and meetings of the plenary must be scheduled at the resumed session to deal with those matters.

25. Mr. LOHANI (Nepal) pointed out that his delegation had also submitted a proposal at the previous session. It had not been discussed and he expressed the hope that the Conference would consider it in due course.

26. Mr. CARÍAS (Honduras), speaking as the Chairman of the Group of 77, expressed his gratitude for the understanding shown by the members of the Committee with regard to the request that three days should be allocated for meetings by the contact group of the Group of 77 before the official opening of the resumed session or, in any event, during the period from 16 to 18 July. In addition, he wished to request that meetings of the group of 21 should be scheduled in a flexible manner, so that they alternated with meetings of the Group of 77 and other regional groupings. For example, the mornings might be left free for consultations among groups and the group of 21 might meet in the afternoons.

27. The CHAIRMAN said that, if the first three weeks of the resumed session were used to concentrate on First Committee issues, discussion of other matters would not be precluded. An opportunity would be provided for consideration of all outstanding proposals. As pointed out by the representative of Peru, it was quite clear that the future work of the Conference could not proceed without discussion of the preamble and the final clauses. In preparing the schedule of meetings, no difficulty would be encountered in meeting the request of the Chairman of the Group of 77.

28. It was apparent that the Committee had reached a consensus to the effect that a resumed eighth session of the Conference should be held in New York from 19 July to 24 August 1979. However, the resumed session would commence informally on 16 July, so as to allow for meetings by the Group of 77 and any other regional groupings. The structure for negotiations at the Conference—namely, the negotiating groups and the group of 21—would be retained and provision made for any meetings that they wished to hold. He too had been somewhat surprised at the stiff and formal functioning of the group of 21, but rotation of the membership of the group had been envisaged from the outset and it was for participants themselves to decide what the representation should be when a particular issue was being discussed.

29. If he heard no objection, he would take it that the Committee wished him to report to the Conference accordingly.

*It was so decided.*

*The meeting rose at 11.55 a.m.*

<sup>3</sup>*Ibid.*, vol. IX (United Nations publication, Sales No. E.79.V.3).