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Report of the Chairman of the Second 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)*

coastal State to the Commission on the Limits of the Continental Shelf set up under annex . . . on the basis of equitable geographic representation. The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State taking into account these recommendations shall be final and binding.

6. The coastal State shall deposit with the Secretary-General of the United Nations charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf. The Secretary-General shall give due publicity thereto.

7. The provisions of this article are without prejudice to the question of delimitation of the continental shelf between opposite or adjacent States.

*Article 78 bis. Exercise of the rights
of the coastal State*

The exercise of the rights of the coastal State over the continental shelf must not infringe, or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for in the present Convention.

*Article 82. Payments and contributions with respect to the
exploitation of the continental shelf beyond 200 miles*

1. The coastal State shall make payments or contributions in kind in respect of the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

2. The payments and contributions shall be made annually with respect to all production at a site after the first five years of production at that site. For the sixth year, the rate of payment or contribution shall be 1 per cent of the value or volume of production at the site. The rate shall increase by 1 per cent for each subsequent year until the twelfth year and shall remain at 7 per cent thereafter. Production does not include resources used in connexion with exploitation.

3. A developing country which is a net importer of a mineral resource produced from its continental shelf is exempt from making such payments or contributions in respect of that mineral resource.

4. The payments or contributions shall be made through the Authority, which shall distribute them to States Parties to the present Convention, on the basis of equitable sharing criteria, taking into account the interests and needs of developing countries, particularly the least developed and the land-locked amongst them.

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Report of the Chairman of the Second Committee

[Original: Spanish]
[27 April 1979]

1. Three of the negotiating groups established in accordance with the organization of work adopted by the Conference (ACONF.62/62)³⁸ deal with issues falling wholly or partly within the mandate of the Second Committee. They are negotiating groups 4, 6 and 7.

2. Negotiating group 4, under the chairmanship of Mr. Nandan, of Fiji, deals with the right of access of land-locked States and certain developing coastal States in a subregion or region—or geographically disadvantaged States—to the living resources of the exclusive economic zone.

3. Negotiating group 7, under the chairmanship of Mr. Manner, of Finland, deals with the definition of maritime boundaries between adjacent and opposite States—a Second Committee issue—and settlement of disputes thereon, which is dealt with by the plenary Conference.

4. Negotiating group 6, under my chairmanship, deals with the definition of the outer limit of the continental shelf and the question of payments and contributions with respect to the exploitation of the continental shelf beyond 200 miles, and with the question of revenue sharing.

5. At its 57th and 58th meetings, on 24 April 1979, the Second Committee heard the reports from the Chairmen of the three negotiating groups relating to their work during the eighth session.

6. In the case of negotiating group 4, the debate focused on the question whether the Chairman's proposals (document NG4/9/Rev.2)³⁹ concerning article 62, paragraph 2, article 69 and article 70 met the requirement laid down in document A/CONF.62/62, recommendation 10, by offering a substantially improved prospect of a consensus. The debate

showed that the general feeling in the Committee was that they did, and I would accordingly recommend their inclusion in any revision or modification of the informal composite negotiating text.⁴⁰ The comments on and objections voiced with regard to the compromise proposals of the Chairman of negotiating group 4 are, of course, reported in the summary records of the meeting.

7. The report of the Chairman of negotiating group 7 on the work of that group is contained in document NG7/39. As stated there, except for two drafting amendments to article 15, none of the proposals for revision of the informal composite negotiating text offered a substantially improved prospect of a consensus.

8. I wish to place on record my gratitude to Mr. Nandan and Mr. Manner for their dedication and their contribution to the Committee's work.

9. With regard to negotiating group 6, I shall not repeat here my report to the Second Committee, which appears in document A/CONF.62/C.2/L.100. As I said in the closing paragraph of that report, I have held intensive consultations over the last few days with a number of delegations which have been most active in the group's discussions. The results of these efforts to achieve what may be a decisive breakthrough resolving Second Committee issues, and perhaps issues of the Conference itself, are set out in document A/CONF.62/L.37. I know that there are delegations which will have reservations or objections to my suggestions, but I hope they understand that the negotiations are open-ended and that they will have an opportunity to put forward their own views in our future negotiations. The suggestions I am making for inclusion in any revision of the composite negotiating text are self-explanatory. I am convinced that

³⁸Official Records of the Third United Nations Conference on the Law of the Sea, vol. X (United Nations publication, Sales No. E.79.V.4).

³⁹*Ibid.*, p. 93.

⁴⁰*Ibid.*, vol. VIII (United Nations publication, Sales No. E.78.V.4).

they will improve the prospect of a consensus. I shall confine myself to two comments on my proposal:

(a) The question of establishing the starting-point from which the distance specified in paragraph 3 *bis* applies, that is to say, the baseline from which the breadth of the territorial sea or the outer limit of the exclusive economic zone is measured, is still a controversial issue which may require further negotiations;

(b) It is clear to me from the negotiations and consultations on the subject of the continental shelf that the question of scientific research is an important element in any over-all compromise on the issue of jurisdiction of the coastal State vis-à-vis other States. Judging from the consultations I have held, I believe that final acceptance of the formulae I am now presenting will depend on a settlement of this question. I therefore hope that the Third Committee will find a suitable formula concerning scientific research on the continental shelf so that a solution satisfactory to all delegations concerned may be achieved.

10. I reiterate the recommendation I made in paragraph 13 of my report to the plenary Conference at the conclusion of the first part of the seventh session,⁴¹ concerning suggestions which had widespread support in the Second Committee. To these may be added the Belgian delegation's suggestion that the words "or for the safety of ships" should be added at the end of the first sentence of article 25, paragraph 3.

11. With regard to another issue, I have continued to hold consultations on the provisions for improved protection of marine mammals.

12. In conclusion, I wish to reiterate my thanks to all delegations which have participated in the work of the Second Committee and to the efficient secretariat staff. I am gratified at the will displayed by participating States in successfully completing consideration of the long list of very complex and important items and issues assigned to the Second Committee.

⁴¹*Ibid.*, vol. X, p. 94.

DOCUMENT A/CONF.62/L.39

Report of the Chairman of the Drafting Committee

[Original: English]
[15 June 1979]

1. At this session, the Drafting Committee held three meetings. At its 15th informal meeting on 29 March 1979, the Committee organized its work for the current session and approved informal paper 3 containing recommendations on the structure of the convention. The Committee also requested that I communicate to the Chairman of the committee and of the negotiating groups the results of the discussions to date in the Committee, particularly with respect to the internal references in the convention.

2. During this session, the bulk of the work of the Committee has been carried out in the language groups. The Arabic, Chinese, English, French, Russian and Spanish language groups have been holding meetings frequently. The co-ordinators of the language groups have also held a series of consultations with each other.

3. The discussions of the language groups have centred mainly on informal paper 2 and informal paper 2/Add.1, which contains two preliminary lists of recurring words and expressions. The language groups submitted at this session and at the seventh session preliminary reports on the first list of recurring words and expressions. A compilation of these preliminary reports has been prepared by the Secretariat of the Committee in informal paper 4. The French, English and Spanish language groups have submitted preliminary reports to the Drafting Committee on the second list of recurring words and expressions. It is expected that the other language groups will submit similar reports before the next session.

4. Informal paper 4 has formed at this session the basis of the consultations amongst the co-ordinators of the language groups. The purpose of these consultations was to arrive at recommendations on the recurring list and expressions which would be generally acceptable to the Drafting Committee and to the Conference as a whole. In the light of these consultations, which have proven extremely useful, a paper will be prepared by the secretariat pointing out the areas where harmonization could be undertaken by the Conference. This paper will also incorporate the comments made by the various language groups during this session.

5. A concordance text, which may need to be revised, has been distributed to all delegations attending the Confer-

ence. It will no doubt prove to be a most useful working tool for the Committee and for the Conference as a whole. The secretariat is studying the possibility of issuing the necessary revisions to this concordance text in a loose-leaf format in order to keep up with the amendments originating from the Conference. The secretariat will also issue a list indicating where changes have been made in the informal composite negotiating text. The language groups will study the concordance text in order to ensure that all versions reflect the results achieved by the Conference so far. The Arabic language group, for example, has informed the Drafting Committee that it intends to review the Arabic translation of the whole of the current text in order to improve the quality of the Arabic version. This task is exceedingly difficult, particularly in view of the fact that the Arabic language was not used in prior law of the sea conferences. It is encouraging that the Arabic language group had decided to undertake this project on behalf of the Conference.

6. It was mentioned at the seventh session that the secretariat will study the availability of computers to the Drafting Committee. There might be financial difficulties for the secretariat to make computer facilities available to the Committee. In view of the enormous task facing the Drafting Committee, the secretariat should nevertheless be encouraged to study the matter further and, if necessary, to make some co-operative arrangements with outside organizations which might be willing to lend some support in that area.

7. The Drafting Committee agreed that the co-ordinators of the language groups should meet at the outset of the next session for some days to discuss those areas already studied by the language groups which might be usefully harmonized, and the most efficacious method of ensuring the input of the linguistic groups into the work of the Drafting Committee.

8. I am quite encouraged by the results achieved so far by the Drafting Committee on behalf of the Conference as a whole, on account particularly of the excellent work of the language groups and of the leadership of the co-ordinators. I am grateful for their co-operation and expect to rely upon their continued co-operation in the future.