

Third United Nations Conference on the Law of the Sea

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A/CONF.62/81

Letter dated 15 August 1979 from the representative of Costa Rica to the President of the Conference

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

DOCUMENT A/CONF.62/80

Resolution 16 (Cg-VIII) adopted by the World Meteorological Organization at its eighth congress at Geneva in April/May 1979*

[Original: English/French
Russian/Spanish]
[9 August 1979]

The Congress,
Noting

(1) Resolution 2750 C (XXV), of the United Nations General Assembly, of 17 December 1970, by which the United Nations decided to convene the Third United Nations Conference on the Law of the Sea,

(2) The informal composite negotiating text prepared by the Conference, in particular part XIII, entitled "Marine scientific research",

(3) Action taken by the Executive Committee and the Secretary-General to ensure that the meteorological interests are adequately safeguarded during the consideration of relevant articles of the negotiating text,

Realizing that activities of the members of the World Meteorological Organization in the oceans fall under the following two major categories:

(1) Operational activities such as the collection of meteorological information from voluntary observing ships, buoys, other ocean platforms, aircraft and meteorological satellites,

(2) Research activities, both meteorological and oceanographic, such as those carried out during the Global Weather Experiment,

*Circulated at the request of the Secretary General of the World Meteorological Organization.

Considering

(1) That an adequate marine meteorological data coverage from ocean areas, in particular from those areas in the so-called "exclusive economic zone", is indispensable for the issue of timely and accurate storm warnings for the safety of life at sea and the protection of life and property in coastal and off-shore areas,

(2) That the International Convention for the Safety of Life at Sea, of 1960 specifies that the contracting Governments undertake, *inter alia*, to issue warnings of gales, storms and tropical storms and to arrange for selected ships to take meteorological observations,

(3) That members of the World Meteorological Organization have undertaken the responsibility of issuing warnings for the high seas and coastal waters according to internationally agreed procedures,

Expresses the hope that the legal provisions specified in the informal composite negotiating text which govern marine scientific research will not result in restrictions to operational meteorological and related oceanographic observational activities carried out in accordance with international programmes such as World Weather and the integrated Global Ocean Station System;

Appeals to members to ensure that their delegations to the United Nations Conference on the Law of the Sea are made aware of the vital need for observational data from sea areas for the timely issue of weather forecasts and storm warnings,

Requests the Secretary-General to follow closely the developments in the Conference, in particular by ensuring representation at sessions of the Conference, as appropriate.

DOCUMENT A/CONF.62/81

Letter dated 15 August 1979 from the representative of Costa Rica to the President of the Conference

[Original: Spanish]
[15 August 1979]

On instructions from my Government, I have the honour to transmit to you herewith—with the request that you have it circulated to the delegations participating in the Third United Nations Conference on the Law of the Sea—the communiqué issued yesterday by the Government of Costa Rica in response to the decision by the United States Government to disregard the sovereignty of States over their territorial sea when the latter exceeds the 3-mile limit:

"Late last week, according to international dispatches, the United States Government ordered its Air Force and Navy to enter national territorial waters which exceed the 3-mile limit.

"The Government of Costa Rica objects to the unilateral decision by the United States Government, which implies disrespect for the legal position taken by a majority of countries, which set the limit of territorial waters at 12 miles and claim an exclusive economic zone extending 200 miles; this decision also represents a retreat in the matter of the law of the sea and revives ideas which have been made obsolete by international practice, doctrine and justice.

"There is no general norm of international treaty or customary law which sets a maximum limit to the breadth of the territorial sea just as there are no international norms

which clearly and specifically limit the traditional authority of States to determine the breadth of the territorial sea freely and on a universal basis. However, this absence of international agreement should not prompt any country to take unilateral action that has no legal basis and is not sanctioned by international practice for the purpose of defending its own interests to the detriment of the majority.

"Legal doctrine is unanimous in recognizing the traditional authority of countries freely to determine these limits, and the great majority of States favour a 12-mile limit for their territorial waters in addition to an adjacent zone of special jurisdiction extending 200 miles.

"By virtue of this authority, article 6 of the Costa Rican Constitution provides that the Costa Rican State exercises full and exclusive sovereignty in its territorial waters to a distance of 12 miles and special jurisdiction over the seas adjacent to its territory in an area extending 200 miles known as the patrimonial sea or exclusive economic zone.

"The Government of Costa Rica is guided by the provisions of its Constitution and cannot in any manner tolerate interference by any other nation or nations in its internal decisions to the detriment of its sovereignty and its economic interests.

“The Government has sent instructions to its delegation to the United Nations Conference on the Law of the Sea to acquaint delegations to the Conference with the position taken by Costa Rica in the face of this unilateral action by the United States Government.

“The Government of Costa Rica believes that, instead of taking unilateral action which discourages the search for

a consensus on the matter, every possible international effort should be made to find a suitable solution based on international practice, doctrine and justice.”

(Signed) L. A. VARELA
Chargé d'affaires, delegation of Costa Rica
to the Third United Nations Conference
on the Law of the Sea

DOCUMENT A/CONF.62/82

Manpower requirements of the Authority and related training needs: preliminary report of the Secretary-General
(Original: English)
[17 August 1979]

Introduction

1. At the 110th plenary meeting, the Chairman of the First Committee suggested that the Secretary-General might prepare an analysis of the manpower requirements of the Authority in the first five years of its existence in order to ascertain what the training needs of developing country personnel will be, particularly in the relevant scientific and technical fields. The Chairman of the First Committee also suggested that the Secretary-General might compile a list of the institutions that could offer education and training in the appropriate fields. These studies were suggested as preliminary steps toward the establishment of a special United Nations training programme.

2. At the 115th plenary meeting, the delegation of the United Kingdom suggested that, immediately following signature of the convention, a provisional training fund should be established, financed by voluntary contributions, to provide training awards for qualified students in the disciplines identified as being relevant to the needs of the Authority and the Enterprise.

3. The brief discussion that was held at the 115th and 116th meetings on the question of training showed that a sustained effort and organization would be required and the first objective was to define requirements so that they could be met in a consistent and orderly manner, employing all available resources and means as efficiently as possible.

4. It may be noted that the request of the Chairman of the First Committee focused on a particular aspect of training, namely manpower needs of the Authority at the early stage, and before the full impact of the provisions of the convention dealing with training and related issues would be felt. This would be the short-term or immediate aspect to the long-term development of manpower resources associated with “the expanding of opportunities for participation” in the activities of the Area and the rational management of its resources. The question of training relates not only to the manpower requirements of the Authority but also to its functions, and the responsibilities of the Authority will not be limited to on-the-job training in marine mining operations. According to the provisions of part XIV of the revised informal composite negotiating text (A/CONF.62/WP.10/Rev.1), the Authority will also be required to furnish technical assistance to developing countries, to promote and conduct marine scientific research, and to facilitate information exchange on marine science and technology. All such activities may be viewed as essential components of the transfer of technology process, but this relationship would not change or in any way lessen the responsibilities of the Authority in these areas. Training programmes of the future, whether initiated or conducted or partially supported by the Authority, would therefore be expected to encompass a wide range of activities and educational processes and institutions. There might be seminars and specialized conferences,

expert meetings, fellowship schemes, information programmes, programmes to develop special curricula, formal training courses, as well as on-the-job training for managerial, research and technical staff. Future programmes would also co-ordinate relevant programmes conducted at national, bilateral, regional and international levels. While the requirements of the Authority and Enterprise call for special focus on education and training in deep-sea mineral development, the Authority would also become involved with more general training programmes in marine science and technology and marine affairs.

5. The general question of training has, in a sense, been before the Conference for a number of years. In addition to the two previous reports of the Secretary-General which concern, in part, the manning requirements of the future Authority—the first on alternative means of financing the Enterprise (A/CONF.62/C.1/L.17),² and the second on costs of the Authority and contractual means of financing its activities (A/CONF.62/C.1/L.19)³—there are comments and recommendations concerning training in earlier reports of the Secretary-General. A report on a study on international machinery submitted to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction⁴ listed training as one of five main functions for the future body, noting that ocean-based industries would require a variety of specialists in a wide range of basic scientific disciplines as well as in many engineering fields and that there was a world-wide weakness in most of these professions, particularly in developing countries. This early report suggested that a sustained training effort would be necessary if these countries were to be associated with activities in the area. The following tasks that were suggested for the Authority are still pertinent:

“(a) Organizing and implementing training programmes. These could be organized in various ways as, for example, in co-operation with Governments concerned, with regional organizations or groups, with authorized operators, as well as with those bodies within the United Nations system implementing projects in this field;

“(b) Ensuring that operators authorized under the international régime fulfil their obligations with respect to the training of personnel;

“(c) Allocating part of any funds which may become available to the international machinery from the proceeds of economic sea-bed activities to finance such training programmes when deemed feasible;

²Official Records of the Third United Nations Conference on the Law of the Sea, vol. VI (United Nations publication, Sales No. E.77.V.2).

³Ibid., vol. VII (United Nations publication, Sales No. E.78.V.3).

⁴See Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 21, annex III.