

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

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

**A/CONF.62/BUR/SR.47**

## **47<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 XII (Summary Records, Plenary, General Committee, First and Third Committees, as well as Documents of the Conference, Resumed Eighth Session)*

# GENERAL COMMITTEE

## 47th meeting

Monday, 13 August 1979, at 9.55 a.m.

Chairman: Mr. H. S. AMERASINGHE

### Organization of work

1. The CHAIRMAN said that he had received a request from the Chairman of the Group of 77, the representative of Honduras, who was not a member of the Committee, to be allowed to attend the Committee's meetings. If he heard no objection, he would take it that the Committee agreed to grant that request.

*It was so decided.*

2. The CHAIRMAN suggested that the Chairmen of negotiating groups 5 and 7, the representatives of Greece and Finland respectively, who were not members of the Committee either, should be allowed to participate in the work of the Committee.

*It was so decided.*

3. The CHAIRMAN stated that one of the negotiating groups would be unable to complete its work by 15 August, as originally planned, which meant that the results of the discussions in the negotiating groups could not be taken up in the committees on 16 and 17 August. He therefore suggested that all the negotiating groups be free to continue with their work until the afternoon of 17 August, if necessary.

4. With regard to the procedure to be followed in making a further revision of the informal composite negotiating text, he reminded the Committee that the decision adopted by the Conference as referred to in document A/CONF.62/62<sup>1</sup> had empowered the collegium to decide whether proposed revisions of the text satisfied the criteria established for their incorporation in the text. Of course, the Conference would have to determine the procedure it wished to follow in the case of a second revision; however, he believed that the procedure applied in the preparation of the first revision (A/CONF.62/WP.10/Rev.1) had proved to be efficient and expeditious.

5. Any new texts for inclusion in the second revision would have to be submitted in good time, and it was doubtful whether the revised text could be produced before the end of the current session. It was possible, however, that the paper could be produced just after the end of the session.

6. It had been suggested that the current session should be the last at which "hard-core" issues were negotiated. The view had been expressed that the second revision should be submitted to the plenary Conference for consideration and improvement, in the form of negotiated changes, before the "formalization" of the text, that is, acceptance of the draft text as a formal document, to which amendments could be proposed only in a formal manner through negotiations con-

ducted at the plenary level. The forthcoming revision would thus be treated as a final draft convention, but the decision to treat it as such would have to be taken by consensus if progress was to be made at the desired rate.

7. In his view, the Committee should not set its sights too high. It should aim at examining the revised text during the first week of the following session and then considering the final clauses so that the final draft would be ready by the end of the second week. Even after a final, formal draft had been prepared, however, the negotiating procedure should continue.

8. Regarding the following session, the view had been advanced that, if that session was to be the final one, ample time should be allowed. A session of eight or even 12 weeks had been suggested. The secretariat was not yet in a position to provide any details of possible venues.

9. Since the Chairmen of the regional groups must have time to ascertain their members' views on his suggestions, he further suggested that consultations be allowed to take place during the following two days, after which he would meet with the Chairmen and establish a date for the next meeting of the General Committee.

10. Mr. ARIAS SCHREIBER (Peru) asked whether the process of "formalization" referred to by the Chairmen would preclude further negotiations in the committees.

11. The CHAIRMAN said that the arrangements he had outlined would not rule out the possibility of amendments being moved and decided upon in the committees.

12. Mr. CALERO RODRIGUES (Brazil) asked how the time remaining in the current session would be spent, and what course the Chairman would follow if it proved that the regional groups had objections to the arrangements he had proposed.

13. The CHAIRMAN said that, if there were objections to his suggestions, he would convene a meeting of the General Committee on the morning of 17 August.

14. Assuming that his suggestions were accepted, negotiations in the negotiating groups would be concluded by Friday, 17 August. The first two days of the following week would be devoted to the committees, which would be receiving the reports from the negotiating groups and taking action on them; then the plenary Conference would meet to consider the reports from the committees. Work on such matters as the settlement of disputes, and final clauses, would continue throughout.

15. Mr. CARÍAS (Honduras), speaking on behalf of the Group of 77, said that he had taken note of the Chairman's suggestions concerning the organization of work for the remainder of the current session. The Group of 77 was concerned to ensure that the impetus which the negotiations had

<sup>1</sup>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).

gained at the current stage would not be lost. Delicate negotiations were still under way, particularly with regard to part XI of the draft convention. The Group therefore agreed

that the deadline for the negotiating groups should be extended by two days.

*The meeting rose at 10.20 a.m.*

## 48th meeting

Wednesday, 22 August 1979, at 10.15 a.m.

*Chairman: Mr. H. S. AMERASINGHE*

### Organization of work

1. The CHAIRMAN invited the representative of Finland, as Chairman of negotiating group 7, the representative of Greece, as Chairman of negotiating group 5, and the representative of Honduras, as Chairman of the Group of 77, to take part in the meeting.

2. He read out a note which he had prepared concerning the programme of work of the Conference for the rest of its eighth session and concerning proposals in regard to the work of the ninth session (A/CONF.62/BUR.12), and drew attention to an error in paragraph 3, where the words "the seventh session" should be replaced by "the first part of the eighth session". He suggested that the Committee consider the note paragraph by paragraph and comment on whether the second revision of the informal composite negotiating text should be effected at the end of the current session or immediately thereafter.

3. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, said that that Committee still had to meet to consider the results of the consultations and negotiations which had been held. As it seemed to him difficult to decide whether the second revision should be effected at the end of the current session or immediately afterwards, he proposed that no decision be taken until more information was available.

4. The CHAIRMAN said that the Conference could take a decision on the question on Friday, 24 August.

5. Mr. KOZYREY (Union of Soviet Socialist Republics) supported the Chairman's suggestion and pointed out that it was unlikely that the second revision of the negotiating text could be completed at the current session. The results which had been achieved, including those in the First Committee and the group of 21, did not constitute an adequate basis for effecting the revision, and issues had been raised which, if not resolved, might destroy everything that had been agreed on. Instead of dealing with the second revision of the text in the General Committee, it would be better if that task were entrusted to the President of the Conference and the Chairmen of the Committees. Lastly, paragraph 5 of document A/CONF.62/BUR.12 should be deleted.

6. Mr. THOMPSON-FLORES (Brazil) said the contact group of the Group of 77 for the First Committee had concluded that at the current stage it lacked the information it would need in order to submit a proposal to the First Committee. Moreover, although the proposals submitted in the group of 21 were interesting, some of them were extremely complicated and more time was needed to consider them before expressing an opinion as to whether they should be included. Consequently, the text should not be revised at the current session.

7. Mr. SEALY (Trinidad and Tobago) said that the Group of 77 had not decided on its position with regard to the procedure proposed in the last sentence of paragraph 8 of document A/CONF.62/BUR.12. In addition, a number of countries, including some of the industrialized countries, had said that they needed more time to study the proposals put for-

ward in the group of 21. That being so, he did not think it was possible to determine which of the revised formulations satisfied the criteria specified in paragraph 10 of document A/CONF.62/62.<sup>1</sup>

8. He emphasized the importance of preserving such results as had been achieved so far, and said that the next discussion should be of a purely preliminary nature, so that each Government could study the proposals of other countries or groups. Existing proposals should not be regarded as the only possible basis for the inevitably brief debates during the remainder of the current session.

9. Mr. ADIO (Nigeria) supported the text of paragraph 8 of document A/CONF.62/BUR.12.

10. Mr. EVRIVIADES (Cyprus) said that the second revision of the negotiating text could be effected by the procedure proposed in paragraph 8. Any revision should take into account paragraphs 10 and 11 of document A/CONF.62/62.

11. Mr. UL-HAQUE (Pakistan) supported the views expressed by the representatives of Trinidad and Tobago and Brazil. Discussions in plenary meetings of the Conference were not sufficient to enable the presidential team to determine which of the proposals that had been made commanded general support in the Conference. In his view, all the proposals should be set out in an annex without specifying which of them were acceptable, and he therefore proposed that the words "that satisfy the criteria specified in paragraph 10 of A/CONF.62/62" should be deleted from paragraph 8.

12. As for the possibility that the Chairmen of the committees might, with the agreement of their respective committees, indicate in their reports that certain proposals satisfied the criteria mentioned in document A/CONF.62/62, he pointed out that the Group of 77 was unable to take a position on any of the texts which had been proposed but felt that the requirements for drawing up an acceptable set of provisions had not been met.

13. Mr. KOH (Singapore) said that he was in general agreement with the statements made by the representatives of Pakistan, Trinidad and Tobago and Brazil and with the proposal that no reference should be made to the criteria specified in document A/CONF.62/62, paragraph 10.

14. Mr. RAOELINA (Madagascar) said that the work of the First Committee had been particularly difficult, and his delegation would oppose giving any formal status to the proposals put forward in the group of 21. All proposals should be included in the President's report for consideration at the next session.

15. Mr. BERSLEY (Canada), speaking as Chairman of the Drafting Committee, said it must be made clear at what point in the proposed plan for the ninth session the Drafting Committee was to begin work. In the time-table proposed in doc-

<sup>1</sup>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).