

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

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Document:-

**A/CONF.62/BUR/SR.52**

## **52<sup>nd</sup> meeting of the General Committee**

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

# GENERAL COMMITTEE

## 51st meeting

Wednesday, 5 March 1980, at 10.55 a.m.

*Chairman:* Mr. H. S. AMERASINGHE

### Application of General Assembly resolution 34/92

1. The CHAIRMAN said that, in his capacity as President of the Conference, he had received a letter from the President of the United Nations Council for Namibia citing General Assembly resolution 34/92 C, by which, *inter alia*, the Assembly had decided to grant full membership in the Conference to Namibia, represented by the Council for Namibia as the legal Administering Authority for the Territory. The President of the Council requested that the sign "NAMIBIA" should be placed amongst the signs of Member States in alphabetical order at the ninth session of the Conference.

2. In order to give effect to the General Assembly's resolution and to comply with the request of the President of the Council, it would be necessary to delete rule 62 of the rules of procedure of the Conference and to place on record that Namibia, represented by the United Nations Council for Namibia as the legal Administering Authority for the Territory, should participate in the Conference in accordance with the relevant decisions of the General Assembly. If there was no objection, he would take it that the Committee wished to endorse that course of action.

*It was so decided.*

3. Mr. RICHARDSON (United States of America), speaking

on behalf of the delegations of Canada, France, the Federal Republic of Germany, the United Kingdom and the United States, said that the views of the Governments of those countries with respect to Namibia were well known. He simply wished to reaffirm that they maintained the reservations expressed on their behalf on 12 December 1979 in explanation of their votes on resolution 34/92 C.<sup>1</sup> If the question before the Committee had been brought to a vote, the five delegations for which he spoke would have abstained.

4. Mr. SEMICHI (Algeria), speaking on behalf of his delegation and of the United Nations Council for Namibia, thanked the Committee for its historic decision to recognize the Council's right to participate in conferences held under United Nations auspices. Since the United Nations had direct responsibility for Namibia, it was appropriate that the Committee should acknowledge the Council's right to representation at the Conference.

*The meeting rose at 11.05 a.m.*

<sup>1</sup> See *Official Records of the General Assembly, Thirty-fourth Session, Plenary Meetings*, 100th meeting.

## 52nd meeting

Monday, 24 March 1980, at 11 a.m.

*Chairman:* Mr. H. S. AMERASINGHE

### Organization of work

1. The CHAIRMAN said that, from the consultations he had held with the Chairmen of the committees, the Drafting Committee, the negotiating groups and the groups of legal experts, it had become clear that a minor modification would be necessary in the programme of work for the second stage described in paragraph 10 of document A/CONF.62/88.<sup>1</sup> In that connexion, the secretariat was making an effort to obtain the necessary conference facilities: since they would be limited it was important that the secretariat should receive prior warning of any proposed changes.

2. He suggested that the General Committee should recommend to the plenary conference the extension of the work of the first stage until 25 March, thereby allowing the Secretariat more time for the translation and circulation of the reports of

the various committees and groups in all official languages. Those reports should be in the hands of the secretariat as soon as they were ready, and certainly not later than 9 p.m. on 25 March. In his opinion, the formal discussions in the second stage should be confined to matters concerned with the second revision of the negotiating text (A/CONF.62/WP.10/Rev.1). The procedure for the formal discussions would be as set out in paragraph 10 of document A/CONF.62/88, except that they would commence on 27 March instead of at the beginning of the fourth week.

3. As mentioned in paragraph 4 of his note (A/CONF.62/L.46), delegations should refrain from reopening issues which had already been discussed at length but had not found sufficiently wide acceptance to appear in the precise form in which they had originally been presented to merit inclusion in the negotiating text. He earnestly requested delegations to concentrate on the most urgent tasks and thereby assist the collegium in preparing the second revision of the text. Future opportunities would be provided to discuss the constituent elements of the package and delegations could, of course,

<sup>1</sup> See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XII (United Nations publication, Sales No. E. 80. V. 12).

present written statements, which should, however, be as concise as possible. He suggested that such written statements might deal with general matters, while the specific examination of proposed changes in the revised text would take the form of oral statements. If delegations had already prepared lengthy general statements, they might well be deferred to a later date, to allow discussion to concentrate on the immediate task of the second revision of the negotiating text.

4. Mr. ARIAS SCHREIBER (Peru) said that his delegation has been among those which had insisted on the need for a formal debate at the current session to evaluate both the results of the negotiating and the text as a whole before there was any further revision or formalization of the draft convention. Given that, despite all the efforts that had been made, the committees and negotiating groups had not concluded their negotiations, there would seem little point in beginning the general debate on 27 March. It should be deferred until the outcome of the negotiations was known. He believed that three further days should be allowed for the completion of those negotiations when the General Committee met on 28 March; it could then take a decision with respect to the time-table.

5. While delegations would, undoubtedly, heed the Chairman's exhortation, there should be no change in the decision taken at the resumed eighth session (A/CONF.62/88); delegations should be free to comment on the reports and on the draft as a whole. In confining their statements to the allotted 15 minutes, delegations should be free to use that time in whatever way they deemed fit.

6. The CHAIRMAN said that the General Committee was not required to include his exhortation in its recommendations to the plenary Conference. As long as delegations confined themselves to the 15-minute time-limit, they were free to make whatever statements they wished. The minor modification being suggested in the programme of work was the outcome of consultations he had held with the Chairmen of the various committees and groups, and he believed that an extension until the evening of 25 March would give them time to complete their reports. Obviously any further changes would require a decision by the plenary Conference on the basis of recommendations from the General Committee, either by consensus or by a two-thirds majority of those present and voting.

7. Mr. RICHARDSON (United States of America) explained that his paramount concern was to ensure enough time for negotiations on the outstanding issues. The number of issues pending in the First Committee alone led his delegation to believe that, at the very least, the period for negotiation should be extended until the evening of 26 March, on the understanding that the General Committee would meet again on 27 March, and would make a recommendation to the plenary Conference in the light of the availability of the necessary reports. The importance of reaching a consensus on the complex remaining issues that were being discussed in negotiating group 3 and the extent to which agreement on them was crucial to the successful outcome of the Conference had to be recognized. In such circumstances, it would seem inappropriate, merely for the sake of the time-table adopted at the resumed eighth session, not to allot the time necessary to bring the negotiations to a successful conclusion.

8. An alternative to deferring the commencement of the discussions in plenary meeting might be to focus discussion on the report of each committee in turn. If within the 15-minute time-limit delegations had to deal with the recommendations of all the negotiating groups, it might create confusion for the collegium. He believed that it might even be possible to begin discussion of the reports that were ready as early as 25 March.

9. The CHAIRMAN pointed out that the purpose of the second revision of the negotiating text was to record the progress made to date. It should, of course, be substantial enough to make such a revision worth while. On the other hand, he was afraid that the longer the time allotted, the longer the negotia-

tions would take. He believed that discussion of the separate reports would defeat the purpose of enabling the Conference to examine the proposed drafts as a package.

10. Mr. CALERO RODRIGUES (Brazil) supported the United States proposal that negotiations should be extended up to the evening of 26 March, and that when the General Committee met on 27 March, it should decide how to proceed. A protracted debate on the future organization of work at the current stage would only delay completion of the negotiations.

11. The CHAIRMAN concurred with that view.

12. Mr. BRENNAN (Australia) endorsed the comments made by the representative of Brazil. The aims of the formal debate were, first, to meet the requirements set forth in document A/CONF.62/62<sup>2</sup> and, secondly, to discuss the package, all elements of which had to be visible and present, before the Conference proceeded to the second revision of the negotiating text. A decision on whether both those tasks should be tackled together could best be taken at the next meeting.

13. Mr. RICHARDSON (United States of America) explained, in reply to a request for clarification from the Chairman, that his alternative proposal to consider the reports one by one would not require a formal record of the proceedings and would preclude the need for an additional debate on the package as a whole. Any formal statement in that respect could be made when the Conference reached the stage of discussing the draft Convention.

14. Mr. CHAO (Singapore) said that there was a danger, if no deadline was set, that negotiations would drag on interminably. In that respect, his delegation supported the Chairman's suggestion, but it also believed that the negotiating groups required three extra days to complete their work. The general debate would be more manageable and probably more meaningful if discussion was confined to the revisions suggested in the reports of the various negotiating groups and committees. Logically, it would be better if the general debate on the entire package took place after the second revision of the negotiating text, or even when the Conference reached the stage of formalizing the text as a draft convention.

15. Mr. KOZYREV (Union of Soviet Socialist Republics) said that his delegation had no objection to allowing three more days for the completion of negotiations on the important issues that were still outstanding. It could not, however, agree to any further extension beyond that.

16. He was opposed to any modification of the procedure that had already been decided and set forth in document A/CONF.62/62. Discussion of the reports of the negotiating groups and committees should be confined to any new provisions. Delegations should be allowed to speak on one or more of the reports simultaneously.

17. Mr. GOERNER (German Democratic Republic) agreed with the proposal that negotiations should continue for a further three days and that the discussions in plenary meeting should be confined to the urgent task of making a second revision of the negotiating text. To save time, all the reports should be discussed together and, as previously agreed, delegations should not reintroduce proposals which had previously failed to win support from the broad majority; otherwise the objective of the Conference to complete substantive negotiations as soon as possible might be jeopardized. Delegations should set forth their positions on the package in general, in written statements which would appear in the official records.

18. Mr. WAPENYI (Uganda) said that he had consulted the officers and some other members of the Group of 77. While the Group had no objection to extending the negotiations for three days, it could not accept any further extension beyond that. The General Committee should meet again on 27 March, so that the

<sup>2</sup> *Ibid.*, vol. X (United Nations publication, Sales No. E. 79. V. 4).

discussions could begin in plenary meeting at the end of the week.

19. Mr. NAKAGAWA (Japan) said that his delegation shared the view that it would be advisable for negotiations to continue for a further three days and for the General Committee to meet on 27 March to agree on procedures for future work. He stressed that an opportunity should be given to every delegation to give its opinion on the various reports.

20. Mr. AL-WITRI (Iraq) concurred with the view that the negotiations should be extended for three days but no longer. At its meeting on 27 March the General Committee should decide how discussions would proceed on the second revision of the negotiating text. All delegations should be afforded an opportunity to explain their position on the reports of the

Chairmen of the three committees, so that their views could be reflected in the official records.

21. The CHAIRMAN said that, if he heard no objection, he would take it that the General Committee wished to recommend that the first stage of the programme of work for the ninth session should be extended up to and include 26 March, that the General Committee should meet again on 27 March, and that, unless the General Committee recommended and the Conference approved further modifications, the second stage, consisting of statements by delegations concerning the changes proposed to the first revision of the informal composite negotiating text, would commence on the morning of 28 March.

*It was so decided.*

*The meeting rose at 11.45 a.m.*

## 53rd meeting

Thursday, 27 March 1980, at 11.10 a.m.

Chairman: Mr. H. S. AMERASINGHE

### Organization of work

1. The CHAIRMAN said that it was clear from the discussions he had had with the Chairmen of the Committees, negotiating groups and the group of legal experts that the modified schedule which the General Committee had agreed to at its previous meeting could not be adhered to. Although the Second and Third Committees would be able to complete their work the following day, the First Committee would not be able to do so. Accordingly, he suggested that the General Committee should recommend to the plenary Conference that the current negotiations should be continued until the evening of 28 March. The documents resulting from those negotiations would then be ready in all languages on the morning of 31 March, and that day could be devoted to meetings of the regional groups, the Group of 77 and the First Committee. One or more plenary meetings could then be held on the following day in which case it might be feasible for the collegium to produce a second revision to the informal composite negotiating text before delegations left New York, although it would not be possible to include the final clauses. The immediate objective was to produce the second revision; the plenary discussions must therefore be confined to those revisions which satisfied the criteria set forth in paragraph 10 of document A/CONF.62/62.<sup>1</sup>

2. Mr. WAPENYI (Uganda), speaking as Chairman of the Group of 77, said that the changes proposed in the programme of work were acceptable to the Group; however, the members of the Group would like to have an opportunity to air their views before the discussion in plenary meeting. He assumed that the whole of 31 March could be taken up by meetings of the regional groups and the Group of 77; the First Committee could meet in the evening.

3. Mr. ARIAS SCHREIBER (Peru) said that his delegation had no objection to the time-table outlined by the Chairman. However, the General Committee should suggest in its recommendation to the plenary Conference that the general debate

on the negotiating text as a whole should begin at the start of the resumed session in Geneva.

4. The CHAIRMAN took note of the suggestion.

5. Mr. JAYAKUMAR (Singapore), supported by Mr. WAPENYI (Uganda), said that, while it was in order to give priority to the meetings of the Group of 77 and its constituent units and to meetings of the other regional groups, facilities should be made available, as they had in the past, for meetings of special-interest groups.

6. Mr. ZULETA (Special Representative of the Secretary-General) said that he had taken note of the General Committee's recommendation to the plenary Conference concerning the various bodies which were to meet the following Monday. The Secretariat would be able to provide no more than four interpretation teams that day, and he therefore appealed to the Chairmen of the various regional groups to consult with one another so that they could provide guidance to the Secretariat as to which meetings should be given priority; that was a matter outside the competence of the Secretariat.

7. Mr. DREHER (Federal Republic of Germany) said that his delegation agreed to the Chairman's suggestions. In connexion with the plenary discussion, he said that it was his understanding that delegations would have an opportunity to briefly express their views and also to submit a written statement expanding those views.

8. The CHAIRMAN suggested that, wherever possible, the submission of written statements should be postponed until the Geneva phase.

9. He further suggested that statements in the discussion on 2 April should be limited to 10 minutes.

*It was so decided.*

10. The CHAIRMAN said that, if he heard no objection, he would take it that the General Committee agreed to make the recommendations which he had suggested at the beginning of the meeting and further agreed that a reference should be made to the understanding that the general debate would be held at the start of the resumed session at Geneva.

*It was so decided.*

*The meeting rose at 11.35 a.m.*

<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).