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Report of the President on the work of the informal plenary meeting of the Conference on the question of the preparatory commission

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)

- (ix) The relationship between the Director-General of the Enterprise and the Governing Board, as well as the relationship between the Enterprise and the Authority.

18. The view was also expressed that the proposed financial terms would impose a heavy burden on the contractors. It was also suggested that the scale to be used for determining the contributions of States towards the funds of the Enterprise should be reconsidered, and that the interest-free loans from States should be made in instalments, rather than in one lump sum.

19. On the definition of the term "return on investment", a delegation suggested that the actual net proceeds attributable to the mining sector should be used instead of 25 per cent of the contractor's net proceeds.

20. The view was also expressed that since the figures proposed in paragraphs 5 and 6 of article 10, annex II, were based on exploration and exploitation of manganese nodules, an explicit reference should be made to that effect so as to avoid their application to contracts for exploitation of other categories of resources.

The Assembly and the Council

21. The report I submitted to the First Committee on this issue was clear and, as far as considerations for revision were concerned, the statements of delegations gave no visible reasons for excluding these suggestions from the second revision of the informal negotiating text.

22. However, I feel duty bound to report that, although some delegations had to reject the *ad referendum* understanding on the suggestion I made at the eighth session relating to paragraph 2 (f) of article 160, there was wide support for the idea that it provided a far better basis for further negotiations than the revised negotiating text. I recommend some review in plenary meetings on the subject.

23. With regard to the problems of the Council, I am of the opinion that nothing that was said in the First Committee induced a change of views on my part on the necessity for further negotiations at a later stage.

Settlement of disputes relating to Part XI

24. Generally speaking there were very few comments made in the First Committee on the results obtained in the group of legal experts relating to the settlement of disputes on Part XI. Most of the provisions embodied in the text submitted by the Chairman of this group seemed to be acceptable. It should be noted, however, that some remarks were made concerning certain specific points, in particular the provision contained in paragraph 1 of article 181. Nevertheless, it is felt that

as far as this group is concerned, while the discussions were not considered as being concluded, positive results could be expected in the end.

Seat of the International Sea-Bed Authority— paragraph 3 of article 156

25. The Jamaican delegation raised this question in relation to the second revision of the negotiating text. It was supported by some delegates that no revision could be made on an issue over which there had been no negotiations and the resolution of which did not command substantial support and other conditions contained in A/CONF.62/62.¹ The delegations of Fiji and Malta held the view that the question was to be dealt with in plenary conference on the basis of a resolution already tabled. They were also supported by some delegations in the view that this was a matter for the plenary conference and not the First Committee.

26. I must report that there was obviously no basis for me to conclude that there was widespread support in the First Committee for any change in format regarding this issue. As a resolution has now been tabled before this forum (A/CONF.62/L.48/Rev.1), the Plenary will have to determine whether it is to pass judgement on the substantive issue at this time following the prescribed procedures. The revised negotiating text remains an informal document to which no formal amendments can be made. The plenary conference may wish to determine the appropriate course of action.

27. As Chairman of the First Committee I feel that we have made significant progress in many areas. This, however, does not mean that the solutions proposed are completely satisfactory to all parties concerned, nor does it mean that great efforts are no longer required at the summer session at Geneva. There exists a political will, it seems to me, that we should produce a mini-package on the matters assigned to this Committee. The reports of the co-ordinators clearly suggest that such a package has already emerged and that all the essential elements are already complete. What we need is to improve and to refine these elements.

28. The formal discussions in the First Committee and the informal consultations leave me satisfied that a second revision of the negotiating text, on issues falling within our mandate, based on suggestions made, would present a better basis for further negotiations. More intensive work must be done on the areas I have enumerated in order to achieve greater success. We cannot, even indirectly, tarry or neglect the invitation that success gives us at a time when we need it most.

¹*Ibid.*, vol. X.

DOCUMENT A/CONF.62/L.55*

Report of the President on the work of the informal plenary meeting of the Conference on the question of the preparatory commission

[Original: English]
[1 April 1980]

1. At the commencement of the ninth session the President circulated a note in document PC/1 of 3 March 1980 (annex I) outlining the principal aspects of a proposal for a preparatory commission and setting forth alternative approaches which could be followed. The informal plenary Conference thereafter took up the question of a preparatory commission which would make arrangements for the establishment of the International Sea-Bed Authority. At the outset, it was decided that a separate and full discussion of this item should be carried out in the informal plenary Conference on the basis of the note. It may be noted that the question had been referred to at the resumed eighth session when the informal plenary Conference was considering the question of entry into force of the convention.

At that time, the informal paper FC/8 had been prepared by the secretariat giving all relevant precedents for preparatory commissions in United Nations practice.

2. After the initial consideration of the subject, at three meetings of the informal plenary, the President was called upon to prepare a draft text. The informal proposal of the President for a draft resolution on a preparatory commission was presented in document PC/2 of 14 March 1980 (annex II).

3. There had been a general agreement that the preparatory commission should be established and that this could be

*Incorporating document A/CONF.62/L.55/Corr.1 of 8 July 1980.

accomplished by means of a resolution of the Conference. This proposal in document PC/2 draws extensively on the precedent of the interim arrangement for the establishment of the United Nations itself.

4. Two further meetings of the informal plenary Conference were held, at which the discussions were based on the informal proposal. The discussions may conveniently be summarized under the following headings:

(a) *The objectives of the preparatory commission*

The preambular part of the draft resolution sets out the desired objective of enabling the Authority and its organs to function as soon as possible upon the entry into force of the convention. Clear reference is made to the need to expedite the convening of the Law of the Sea Tribunal so as to ensure the efficient functioning of the Authority. Many delegations agreed that the preparatory commission could perform useful functions with respect to preparation for the convening of the Law of the Sea Tribunal. However, a few delegations preferred the functions of the preparatory commission to be limited to preparations for the establishment of the Authority and its organs;

(b) *Establishment of the preparatory commission*

There was general acceptance of operative paragraph 1. However, the point was raised that a specific reference should be made to the Enterprise in this paragraph, and elsewhere as appropriate:

(c) *Composition of the preparatory commission*

The three alternatives presented in PC/1 were considered extensively. Some felt that composition based on signature of the final act was important to ensure broad and representative membership in the preparatory commission. Attention was also drawn to the possibility that some States might encounter delay in the signing of the convention owing to their internal legislative procedures and thereby would be precluded from becoming members of the preparatory commission at an early date.

There were, however, compelling arguments for the need to have a clear declaration of intention to be bound by the convention in order to qualify for participation in the work of the preparatory commission. This could be evidenced by signature and/or ratification of the convention.

Another point made was that the preparatory commission's work should reflect the desires of the States Parties to the convention upon its entry into force and that signature of the convention should, for that reason, be the criterion for membership.

(d) *Convening of the preparatory commission*

Bearing in mind the need to have the commission commence its work as soon as possible and, at the same time, having regard to the need to ensure that it is truly representative, an attempt has been made to combine these two requirements as far as possible by linking the convening of the commission to a minimum membership. In operative paragraph 10, the preparatory commission may begin its work after a specified time period, provided that there are at least 50 signatories of the convention at that time. In this connexion, it would be appropriate also to take account of the need to consult the Secretary-General concerning the convening of the preparatory commission.

In the discussions on PC/2, the view was expressed that the initial membership of the preparatory commission should include a certain percentage of States which have already ratified the convention for the commission to commence its work.

(e) *Rules of procedure of the preparatory commission*

The preparation of rules of procedure by which the preparatory commission would operate is left to the preparatory commission itself under operative paragraph 3, with the stipulation that consideration should be given to the rules of procedure of this Conference. While some desired a stipulation

that all decisions should be taken by consensus, others doubted the need for such specific procedural rules as the preparatory commission's role should be confined to making recommendations.

(f) *Functions of the preparatory commission*

Document PC/1 drew attention to the fact that a distinction could usefully be drawn between the usual preparatory functions and the special functions arising under this convention which the preparatory commission would be called upon to perform. This distinction was acknowledged in the preliminary discussions, and is reflected in PC/2.

As regards those functions which could be considered essential to preparations for any new international organization, the following points were raised with reference to the draft resolution:

- (i) In convening the first meeting of the Assembly (paragraph 4 (a)) the preparatory commission would need to consult with the Secretary-General of the United Nations;
- (ii) The preparatory commission should not be obliged (paragraphs 4 (a) and (b)) to prepare recommendations on all items of the provisional agenda for the Assembly and the Council, but only on those items it considers necessary and desirable to do so;
- (iii) A reference could be added to the financing of the Enterprise under paragraph 4 (d);
- (iv) Questions arose as to the language of paragraph 4 (g) regarding the headquarters of the Authority, and consequentially, that of the Law of the Sea Tribunal. It was suggested that as regards questions concerning the site of these institutions, the preparatory commission could be asked to make recommendations on all matters other than the location of the seat, a decision which would have to be taken by the Conference itself.

With regard to the special functions arising from the convention which the preparatory commission would be called upon to perform, a difference of views was encountered in respect of the preparation of draft rules, regulations and procedures of the Authority, as set out in article 16 of annex II of the convention. In particular, the question arose as to the status which those rules, regulations and procedures would command before action could be taken upon them by the Authority. Paragraph 9 clearly provides that these shall have a draft status and that they would be transmitted to the Authority. In the view of many delegations, such drafts, when transmitted to the Authority, would require a decision to be taken on them. However, others held strongly to the view that such rules, regulations and procedures should have provisional effect until the Authority decides otherwise, so that there could be a measure of certainty regarding the manner in which the system of exploration and exploitation would function initially.

The question of how such provisional effect could be given to draft rules, regulations and procedures would have to be resolved within the context of the convention itself. On the other hand, it was emphasized that to give the rules, regulations and procedures such provisional effect would contravene the exclusive powers and functions of the Authority and its organs.

(g) *Subsidiary bodies of the preparatory commission*

In PC/1, the question was raised as to the necessity for expressly establishing an executive body of the preparatory commission. Preliminary discussions revealed that, although there may be a need for such a body at some point during the work of the preparatory commission, it might not be essential to provide expressly for its establishment at the outset. It was thought better to allow for flexibility by providing that the commission may establish subsidiary bodies as it deems necessary. Provision to this effect appears in paragraph 6 of

PC/2. The possibility is not ruled out that a subsidiary body could be modelled on the Council of the Authority.

(h) *Final report of the preparatory commission*

It became clear from the discussions that the commission should prepare a final report, thus enabling it to conduct a review of its work. It was proposed in document PC/2 that the commission should, in this connexion, actually adopt certain of the draft rules, regulations and procedures which it has prepared, in order to give greater emphasis to their importance as a possible working basis for the initial functioning of the Authority. Due note was taken of the fact that this provision could help mitigate problems which may be encountered as a result of changes in membership which could occur over the duration of the preparatory commission.

(i) *Duration of the preparatory commission*

Operative paragraph 11 provides for the commission to continue until the Assembly and Council have convened. Should the Assembly decide that the commission can carry out further work, such as preparatory work for the Enterprise and other organs, then that option is also left open under this paragraph. In this connexion, the view was expressed that the work of the commission could, in the first instance, be limited to preparations for the Authority itself. It was also pointed out that the commission could perform useful functions with respect to preparation for the Law of the Sea Tribunal and other dispute settlement mechanisms provided for in the convention at an appropriate time.

(j) *Financing of the preparatory commission and provision of secretariat services*

In the discussions of PC/1, it became apparent that the financing and provision of the secretariat services should be in conformity with United Nations practice. Paragraphs 12 and 13 of PC/2 reflect this.

5. It is recommended that this item be taken up at the resumed ninth session. However, if it is decided that inter-sessional consultations should be held, the proposal for a preparatory commission could also be conveniently considered at that time.

ANNEX I

Note by the President

PROPOSED PREPARATORY COMMISSION

1. The question of the preparatory commission was treated in document FC/1 as linked to the controversial item (iv) "Entry into force". The Chairman of the contact group on final clauses of the Group of 77, however, pointed out that the preparatory commission should be treated as a distinct item in the discussion in the informal plenary Conference. It is clearly not related exclusively to final clauses subjects and issues. The plenary Conference, therefore, decided that it should be given separate and full consideration.

It may be added that it is primarily an administrative and not a legal question.

So far, the informal plenary Conference has only examined those aspects which affect entry into force problems (including provisional or partial application of the convention).

2. In document FC/8 and the United Nations interim arrangements appended to it, prepared by the secretariat at the request of the delegation of the Soviet Union, the most relevant precedents in United Nations practice for preparatory bodies have been included, with the exception of provisional arrangements.

In regard to interim arrangements, one important consideration is that an effective preparatory commission could prove to be an incentive to ratification.

3. The principal aspects are:

(a) *The objectives of the preparatory commission*

The primary objective would be to enable the Authority and its principal organs to function as soon as possible after entry into force. This would cover arrangements for the establishment of the main organs—Assembly, Council, Law of the Sea Tribunal, Sea Bed Disputes Chamber—and give effect to the provisions for conciliation (annex V),

arbitration (annex VI) and special arbitration procedure (annex VII).

(b) *Membership of the commission*

- (i) Signatories of the final act;
- (ii) Signatories of the convention;
- (iii) States consenting to be bound by the convention through ratification.

The membership will have to be open up to the point of entry into force.

(c) *Manner of establishment of the preparatory commission*

Precedents are:

- (i) Resolution of the Conference;
- (ii) Separate instrument;
- (iii) Provisions in the convention itself.

The functioning of the preparatory commission should not await entry into force but must follow immediately on the adoption of the convention so that it may start work without any delay.

(d) *Structure of the commission*

An executive body may be needed to facilitate and expedite the work of the commission, especially in regard to every detail that could not possibly engage the attention of the entire commission.

(e) *Functions of the commission*

These will fall into two categories: the usual functions essential to preparations for any new international organization; and other special functions arising out of the decision to create an international sea bed Authority with powers and duties as prescribed in part XI and annex II.

Most of the functions will fall into the first category and include:

- (i) Election of its chairman and other officers;
- (ii) Election of members of the executive body of the commission;
- (iii) Adoption of the commission's rules of procedure (the adoption of this Conference's rules of procedure, either in whole or in part, could be considered);
- (iv) Convening of the first session of the Assembly and perhaps of the Council as well;
- (v) Preparation of the provisional agenda for the first sessions of the Assembly and the Council, including preparation of recommendations on the items on the agenda;
- (vi) Preparation of budgetary recommendations for the first financial period of the Authority;
- (vii) Preparation (in the form of recommendations) of draft agreements governing the relationship between the Authority on the one hand and the United Nations, and member organs of the United Nations system on the other hand;
- (viii) Arrangements in regard to the establishment of the secretariat of the Authority, including preparation of recommendations as regards draft staff regulations, regard being given to the provisions of part XI concerning the secretariat of the Authority.

The second category of functions derives from the unique character of the provisions of Part XI and annex II and might, therefore, include:

- (ix) Preparation of draft rules of procedure for the Assembly and the Council;
- (x) Preparation of draft financial regulations;
- (xi) Preparation of draft rules, regulations and procedures as contemplated in article 16, paragraph 1 of annex II which refers *inter alia* to: administrative procedures relating to prospecting, exploration and exploitation in the area; operations; and financial matters.

This work would be of a highly technical nature and the commission might have to determine which of the rules, regulations

and procedures enumerated in article 16 of annex II would be indispensable during the initial period of the Authority's existence.

- (xii) Such other functions as may be considered appropriate. (Some of the more general functions are listed in FC/8.)

(f) *An executive body*

If it is decided that there should be an executive body, the two main problems to be considered by the commission are its composition and its procedural rules. The extent to which the executive body should reflect the pattern of membership and composition of the Council of the Authority merits consideration. The main aspects of this item would, therefore, be:

- (i) Composition of the executive body:
- (ii) Its organization and rules of procedure:
- (iii) Its functions:
- (iv) Its use of subsidiary expert bodies or specialists.

Part XI would serve as a guide to the determination of these issues.

(g) *Meetings of the commission and its executive body*

Questions to be considered are:

- (i) The date, after the conclusion of the Conference, when the commission will be convened:
- (ii) The frequency of their meetings:
- (iii) The frequency of the meetings of the executive body and the commission (the necessary financial arrangements would depend on the relative frequency of such meetings):
- (iv) Venue of these meetings.

(h) *Duration of the commission*

The life of the commission should last at least until entry into force of the convention and until the first meetings of the Assembly and the Council are convened.

(i) *Financing of the preparatory commission and provision for secretariat services*

According to United Nations practice, such expenses are met by a loan provided by the United Nations under arrangements for repayment of the loan by the future organization. These arrangements also require the Secretary-General of the United Nations to service the preparatory commission.

There are also precedents for government advances to be made against future contributions to the organization where funds are insufficient.

4. If these proposals are generally acceptable, the consideration of the question of the preparatory commission could commence on this basis in the informal plenary. As these items do not involve legal technicalities requiring the attention of legal experts, the entire question could be dealt with in the informal plenary itself.

ANNEX II

Informal proposal of the President of the Conference

INTRODUCTORY NOTE

The question of the preparatory commission has been discussed in informal plenary conference at three meetings.

During the discussions there was agreement that a preparatory commission was an indispensable requirement in the case of an international treaty which provides for the establishment of institutions to give effect to certain provisions of the treaty. Many precedents exist for the establishment of such a preparatory commission but the most apposite so far as the proposed convention on the law of the sea is concerned is the preparatory commission of the United Nations. Using that as a model and having due regard to the tenor of the discussions in the informal plenary Conference, the President has prepared a draft for a resolution which he now presents for consideration by the Conference.

The initial consideration will, following the usual practice, be held in informal meetings of the plenary Conference.

RESOLUTION TO BE ADOPTED BY THE CONFERENCE PROVIDING INTERIM ARRANGEMENTS FOR THE INTERNATIONAL SEA-BED AUTHORITY AND THE LAW OF THE SEA TRIBUNAL

The States represented at the Third United Nations Conference on the Law of the Sea at Caracas,

Having this day adopted the Convention on the Law of the Sea, and *Having* thereby determined that an international organization to be known as the International Sea Bed Authority shall be established, and

Having determined that they will take all possible measures to accomplish expeditiously the entry into effective operation of the International Sea-Bed Authority, and to provide the necessary arrangements for the commencement of its functions and duties, and

Having determined to that end that they will also take all possible measures to convene the Law of the Sea Tribunal and establish the other organs provided under the Convention for the effective functioning of the Authority, and

Having decided that, pending the entry into force of the Convention and the establishment of the International Sea Bed Authority and the convening of the Law of the Sea Tribunal, a preparatory commission should be established for the performance of certain functions and duties.

AGREE as follows:

1. There is hereby established a Preparatory Commission of the International Sea Bed Authority for the purpose of making arrangements for the first session of the Assembly and of the Council, for the establishment of the secretariat and for the convening of the Law of the Sea Tribunal.

2. The Commission shall consist of one representative of each State signatory to the Convention and of each State having acceded to or having otherwise accepted the Convention.

3. The Commission shall elect its Chairman and other officers and shall determine its own rules of procedure taking into consideration the rules of procedure of the Third United Nations Conference on the Law of the Sea.

4. The Commission shall:

(a) Convoke the Assembly of the Authority in its first session and prepare its provisional agenda and recommendations relating to all items thereon:

(b) Prepare the provisional agenda for the first session of the Council and recommendations relating to all items thereon;

(c) Prepare draft rules of procedure and draft financial regulations for the Assembly and the Council;

(d) Make studies and prepare recommendations concerning the budget for the first financial period of the Authority;

(e) Prepare recommendations concerning the establishment of the relationship between the United Nations, its specialized organizations and agencies, and the Authority;

(f) Prepare recommendations concerning the arrangements for the Secretariat of the Authority, including draft staff regulations; and

(g) Make studies, as necessary, concerning the establishment of the headquarters of the Authority, and prepare recommendations relating thereto.

5. The Commission shall make studies, and prepare such draft rules, regulations and procedures relating to article 16 of annex II to the Convention, as it deems necessary to enable the Authority to initiate activities in the International Sea-Bed Area.

6. The Commission may establish such subsidiary committees as it deems necessary for the performance of its functions, and shall determine their functions and rules of procedure. It may also make use of persons of special knowledge and experience to facilitate the work of any technical or specialized committees so established.

7. The Commission shall make arrangements for the convening of the Law of the Sea Tribunal, and such other arrangements as may be required for the establishment of lists of conciliators and arbitrators as provided under annexes IV, VI and VII to the Convention.

8. The Commission may deal with any other matter falling within its sphere of action, including ...

9. The Commission shall prepare a final report for presentation to the Assembly at its first session. For the purposes of its final report, the Commission shall review the studies, recommendations and draft rules, regulations and procedures it has prepared and shall adopt such draft

rules, regulations and procedures as referred to in paragraph 5 above and any other draft rules, regulations and procedures as it deems essential for the commencement of operations by the Authority. Such draft rules, regulations and procedures shall be transmitted to the Authority with the report.

10. The Commission shall be convened as soon as possible after the lapse of 60 days since the opening of the Convention for signature, provided that not less than 50 States have signed, ratified, acceded to or otherwise accepted the Convention, failing which, it shall be convened as soon as possible after 30 days have elapsed since the receipt of the fiftieth signature to the Convention, instrument of ratification, accession or acceptance. The Commission shall meet as often as necessary, and determine its own place of meeting.

11. The Commission shall remain in existence until the Convention enters into force and thereafter until the Assembly and Council have convened, unless the Assembly otherwise decides.

12. The expenses of the Preparatory Commission shall be met by a loan provided by the United Nations and, for this purpose, the Preparatory Commission shall make the necessary arrangements with the appropriate authorities of the United Nations, including arrangements for the repayment of the loan by the Authority.

13. The Secretary-General of the United Nations shall provide secretariat services to the Preparatory Commission.

14. The States represented at this Conference agree that this resolution shall have effect as from the date of its adoption.

DOCUMENT A/CONF.62/L.56*

Report of the Chairman of the Drafting Committee

[Original: English]
[3 April 1980]

1. It will be recalled that, at the seventh session, the Drafting Committee was requested to begin work by addressing itself to the various provisions of the informal composite negotiating text and to ensure uniformity of terminology by recommending changes that were considered necessary from a technical and drafting point of view.

2. As I have mentioned on previous occasions, at the request of the Drafting Committee, the secretariat prepared lists of recurring words and expressions in the negotiating text which might be harmonized. These were embodied in two documents (Informal Paper 2 and Add.1).

3. The preliminary studies of the issues were carried out in the language groups of the Drafting Committee. On the basis of the work of these groups, the co-ordinators made certain recommendations. At the eighth session of the Conference the Drafting Committee approved these recommendations at its 19th informal meeting. The recommendations of the Drafting Committee now appear in my report to the Conference at the end of the eighth session in New York (A/CONF.62/L.40).¹ I trust that these recommendations will be incorporated in any new revision of the text.

4. There is yet another list of recurring words and expressions contained in Informal Paper 2/Add.1 to be dealt with by the Committee. The language groups have submitted reports on this paper. At this session the co-ordinators of the language groups have focused their attention on this report. There have already been five meetings of the co-ordinators on these reports. It must be pointed out here that the paper referred to above has thrown into clear relief the difficulty of the task which lies ahead for the Drafting Committee.

5. There were approximately 28 meetings of the language groups. These groups, which have greatly facilitated the work of the Drafting Committee, have been engaged in improving the translations of the text, correcting mistranslations and omissions. I cannot over-emphasize the importance of their work. At great personal cost to all members of these language groups, they continue to labour in difficult circumstances on behalf of the Conference as a whole. The great credit which is due them is due in even greater measure to the co-ordinators of the English, French, Spanish, Arabic, Russian and Chinese language groups.

6. The Committee was pleased to hear that work on the computerization of the text has already begun. A computerized text will be of immense value to the Committee. In the first place, it will enable the Committee to do a more accurate analysis of the text thus ensuring correct and uniform usage of the terminology and phrases throughout the negotiating text. In the second place, once the text is in computer readable form,

editorial or substantive codification can be made readily and uniformly to the text. It will also help in subsequent publications of the text. The secretariat has started with the English text and it is the intention of the secretariat to have the text computerized, to the extent possible, in the other authentic languages of the convention.

7. The future tasks of the Drafting Committee fall into two parts. In the first place, the work of the Drafting Committee on the other list of recurring words and expressions contained in Informal Paper 2/Add.1 is as yet unfinished. At this session the co-ordinators have not been able to complete their recommendations on this paper due to competing meetings devoted to substantive negotiations which have had the dual effects of requiring the language co-ordinators to give their time to competing commitments while at the same time making it very difficult to obtain conference rooms and interpretation facilities when the co-ordinators are free to meet. In the second place, a preliminary article-by-article review of the negotiating text, the normal and more formal work of any drafting committee in any law-making conference, still remains to be carried out by the Committee.

8. One of the major difficulties arises out of hurried drafting during the closing hours of lengthy and intensive negotiations. Another arises out of the many translation errors in all languages, making the work of the language groups other than English extremely difficult. Another one of the factors which has rendered the work of the Drafting Committee extremely complex arises from the fact that the provisions of the convention emanate from various sources. They come from various sources, for instance, first, important conventions, such as the Geneva conventions on the law of the sea of 1958, the Convention on the Dumping of Wastes at Sea, of 1978, the International Convention for the Prevention of Pollution from Ships, of 1973, among others; secondly, provisions which have been the object of lengthy, difficult and delicate negotiations and which now reflect a certain delicate balance; and, thirdly, provisions which have been formulated by technical experts who are not necessarily lawyers, such as hydrographers, geologists or economists, or by lawyers on technical subjects without the participation of such experts.

9. With texts coming from such disparate sources it is quite clear that the provisions of the convention as they now stand reflect a wide diversity in use of language and particularly in terminology, with the same words and phrases used in some cases with different meanings, while in other cases widely differing terms are used with the intent of conveying the same meaning. The cumulative effect is that the interpretation of the

**Ibid.*, vol. XII.

¹Incorporating document A/CONF.62/L.56/Corr.1 of 14 April 1980.