

# **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/SR.121**

## **121<sup>st</sup> Plenary meeting**

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)*

# PLENARY MEETINGS

## 121st meeting

Monday, 3 March 1980, at 11 a.m.

*President:* Mr. H. S. AMERASINGHE

### Opening of the ninth session

1. The PRESIDENT declared open the ninth session of the Third United Nations Conference on the Law of the Sea.

#### Minute of silence for prayer or meditation

*On the proposal of the President, the representatives observed a minute of silence.*

#### Tribute to the memory of Mr. R. D. Hodgson, adviser to the delegation of the United States of America

2. The PRESIDENT paid tribute to the memory of Mr. R. D. Hodgson, a geographer with the United States Department of State and an adviser to that country's delegation, who had recently passed away. He suggested that the Executive Secretary might be authorized to write a letter of condolence on behalf of the Conference to the United States Government and to the late Mr. Hodgson's family.

*It was so decided.*

#### Adoption of the agenda

*The provisional agenda (A/CONF.62/95) was adopted.*

#### Organization of work

3. The PRESIDENT drew attention to document A/CONF.62/L.46, which he had drawn up on the basis of the decisions taken by the Conference at its eighth session with regard to its programme of work. He emphasized the importance of carrying out intensive negotiations during the first three weeks of the session in order to ascertain which issues would require greater attention during the general debate scheduled for the fourth week.

4. As members were aware, the Chairman of the Second Committee had accepted an important assignment from the Secretary-General and was unable to be present at the opening of the session. The Chairman had asked the members of the Second Committee to continue their consultations on outstanding issues during the first week of the session and to convey the results of those consultations to him on his return to New York. At that time the Chairman would resume his efforts to find solutions to outstanding issues for consideration by the Second Committee as a whole.

5. Mr. YANKOV (Bulgaria), speaking as Chairman of the Third Committee, said that marine scientific research was the only Third Committee issue which remained outstanding. As he had indicated in his report on the results of negotiations during the resumed eighth session (A/CONF.62/L.41),<sup>1</sup> articles 242, 247 and 255 of the revised informal composite nego-

tiating text (A/CONF.62/WP.10/Rev.1) had, with some drafting amendments, acquired widespread support and could be considered as generally acceptable. The Committee would, nevertheless, review those three articles at the current session. Articles 246 *bis*, 249, 253 and 264, on the other hand, required further consideration. He hoped that the Third Committee would be able to complete its substantive negotiations on the outstanding articles during the first three weeks of the session. Only one formal meeting of the Committee would be held in the first week. During the second week, three or four informal meetings would be held, followed by one formal meeting towards the end of the week in order to report on the results of the informal consultations. In the third week, two or three informal meetings and two or three formal meetings would be held in order to approve amendments to the outstanding articles for submission to the plenary.

6. The PRESIDENT recalled that at the resumed eighth session the Conference had considered only the report of the Chairman of the Third Committee. He had suggested at that time that the reports of the Chairmen of the other two committees should be considered at the ninth session. On further reflection, however, he had concluded that it was unnecessary to discuss them in any detail since the Conference would have an opportunity to consider all outstanding issues during the fourth week of the session. If there was no objection, he would take it that the Conference agreed to his suggestion.

*It was so decided.*

7. Mr. ZULETA (Special Representative of the Secretary-General) said that, in accordance with the decision taken by the Conference to hold informal negotiations during the first three weeks of the session, the Secretariat had made provision for interpretation services for 14 meetings per day during that period, 10 of which could receive interpretation services in all official languages and the remaining four in English, French and Spanish only. In making those arrangements, the Secretariat had borne in mind the importance of facilitating all kinds of informal consultations, whether within interest groups or between representatives of the various informal groupings which had been active at earlier sessions of the Conference. For the remainder of the session, arrangements had been made to provide servicing for the planned general debate in plenary meetings, including summary record coverage and other services. He appealed to the Chairmen of the main committees, the negotiating groups, and the small informal groups to indicate to the Secretariat their requirements for meeting servicing at their earliest convenience so that the necessary arrangements could be made.

8. The PRESIDENT observed that the Vice-Chairmen of the First Committee had agreed that, in the absence of its Chairman, the representative of the German Democratic Republic should serve as the chief co-ordinator of the working group of 21 and should call a meeting of the working group in order to determine its programme of work for the session.

<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).

9. Mr. KOH (Singapore) observed that the working group of 21 would have to decide on the order on which it would take up the substantive issues within the purview of negotiating groups 1, 2 and 3. As Chairman of negotiating group 2, he would abide by the decision of the working group of 21.

10. Mr. WUENSCHÉ (German Democratic Republic), speaking as Vice-Chairman of the First Committee, said that the working group of 21 would meet immediately following the adjournment of the plenary meeting in order to decide how to organize its work at the current session. The group of legal experts on the settlement of disputes relating to Part XI would begin its work during the first week of the session, dealing first with the controversial question of commercial arbitration.

11. Mr. BEESLEY (Canada), speaking as Chairman of the Drafting Committee, said he wished to meet early in the session with the co-ordinators of the language groups and to hold a meeting of the Drafting Committee on 5 or 6 March. The Drafting Committee would most likely need to hold at least two meetings each week. Much of the work would, of course, continue to be done in the language groups, where all members had an input. It was obviously too early for the Drafting Committee to begin an article-by-article reading of the informal composite negotiating text. If the Conference was successful in its substantive negotiations, however, the Drafting Committee would be under a great deal of pressure later in the session. He therefore appealed to the members of the Committee to begin at the current stage to make preliminary preparations for that reading. In the meantime, the Committee would have to finish work on technical matters, including the harmonization of terminology, to which it would be devoting its attention during the first three weeks of the session.

12. Mr. ARIAS SCHREIBER (Peru) asked whether conference servicing would be available for meetings other than the plenary from the fourth week of the session onwards.

13. Mr. ZULETA (Special Representative of the Secretary-General) said that, as the Conference had decided to hold a general debate during the fourth week, no provision had been made for meetings other than the plenary meetings. If the Conference wished to hold informal meetings during that period in addition to the plenary meetings, it would have to

inform the Secretariat of its intentions at the earliest possible time so that the necessary arrangements could be made.

14. Mr. EITEL (Federal Republic of Germany) said that he fully agreed with the time-table outlined by the President in document A/CONF.62/L.46. He wondered, however, whether the time-limit of 15 minutes for statements during the second stage of the session would be sufficient in view of the decision taken earlier in the meeting not to discuss the reports submitted by the Chairmen of the First and Second Committees on the results of the eighth session.

15. The PRESIDENT said that, as indicated in paragraph 4 of document A/CONF.62/L.46, delegations would also be permitted to present written statements whose contents would appear as part of the official records of the Conference. The 15-minute time-limit would, therefore, seem adequate and should be enforced so as to enable the Conference to adhere to its programme.

16. Mr. EVENSEN (Norway), speaking as Chairman of the group of legal experts on final clauses, said that the group of experts would probably need to hold at least 10 meetings during the first two weeks of the session because it was considerably behindhand in its work. A meeting of the group was planned for that afternoon.

#### Other matters

17. Mr. SEMICHI (Algeria) recalled that the General Assembly in resolution 34/92 had decided to grant full membership in the Conference of the Law of the Sea to Namibia, represented by the United Nations Council for Namibia as the legal Administering Authority of the Territory. He asked what steps had been taken to implement that decision.

18. Mr. PRESIDENT said he had received a communication on that matter from the President of the Council for Namibia only on the evening of 29 February 1980. He wished to consider the matter thoroughly before taking action on it. He apologized for the slight delay, and said that the matter would be resolved as speedily as possible.

*The meeting rose at 11.55 a.m.*

## 122nd meeting

Thursday, 6 March 1980, at 10.50 a.m.

*President: Mr. H. S. AMERASINGHE*

#### Modification of the rules of procedure of the Conference

1. The PRESIDENT drew attention to document A/CONF.62/96, containing his report on the consideration by the General Committee of a letter addressed to him by the President of the United Nations Council for Namibia requesting that arrangements should be made for the Council to represent Namibia at the Conference as a full member in accordance with General Assembly resolution 34/92 C. At the 51st meeting of the General Committee, he had proposed that, in order to accede to the request of the President of the Council for Namibia, rule 62 of the rules of procedure of the Conference, including the subheading attached to it, should be deleted and the subsequent rules renumbered accordingly, and that the Conference should adopt a decision authorizing Namibia, represented by the United Nations Council for Namibia as the legal Administering Authority for the Territory, to participate in the Conference in accordance with the relevant decisions of the General Assembly. The General Committee had concurred

with his proposal and had decided to transmit it to the plenary Conference for approval.

2. At the same meeting of the General Committee, the representative of the 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, had reiterated the reservations expressed on their behalf, on 12 December 1979 in explanation of their votes on General Assembly resolution 34/92 C: 'that statement would be reflected in the official records of the Conference.'

3. If there was no objection, he would take it that the Conference wished to adopt the proposal referred to it by the General Committee.

*It was so decided.*

*The meeting rose at 10.55 a.m.*

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