

Third United Nations Conference on the Law of the Sea

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A/CONF.62/103

Letter dated 30 July 1980 from the representative of the United States of America to the President of the Conference

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this matter would be taken up at the very start of the resumed session.

I emphasized in the General Committee that the time at our disposal was very limited and that we had a very strict schedule. If we were to adhere to it we must make the best use of the time available for continued negotiations on outstanding and unresolved issues and that meant proceeding forthwith to negotiate.

I had the opportunity of consulting with the Chairmen of the Committees and the Chairman of the Drafting Committee regarding the organization of our work at this resumed session.

Before going into these details I informed the General Committee that the Chairman of the Group of 77 had informed me that he wished to make a statement on behalf of this Group concerning the unilateral legislation enacted for the regulation of exploration and exploitation of the mineral resources of the international area of the sea-bed by the United States of America.

If we are to attempt to comply with our time-table we have only 10 working days for negotiations before the start of the general debate at the end of which the Collegium would have to effect the third revision. The general debate would be conducted at the end of the fourth week.

If the negotiations and consultations are to be expedited it is necessary that delegations be made aware of the proposed arrangements with specific information of the organization of

work, including the negotiating framework, the issues to be dealt with, in what order and when.

The organization of our work should be adapted to suit the prevailing circumstances in regard to each of the outstanding issues and the status of the negotiations on the issue in question. All negotiations would best be conducted in an appropriate forum and manner with due regard to the need to ensure the involvement of the parties principally concerned but without excluding any others interested in participation. Any group should be representative of all the main interests but should be compact enough to permit of smooth, workmanlike and speedy progress.

As for the First Committee all groups are agreed that the established negotiating forum, the Working Group of 21, should be retained. It will identify the outstanding questions and thereafter decide how best to continue the negotiations on outstanding questions. The results of such negotiations, as of all the negotiations of a similar character, should be reported at regular intervals to the President and to the Chairman of the Main Committee concerned or, if so required by the circumstances, by the Chairman himself to the President. This is not intended to be a formal report but is meant to keep the President informed of the progress of the negotiation and to help him with the task of co-ordinating the work of the Conference.

The other two Committees will proceed similarly to the extent they deem fit and necessary.

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[Original: English]
[1 August 1980]

I have the honour to request that the attached statement, which I delivered at the 130th Plenary Meeting on 28 July 1980, be reproduced as an official document of the Conference

(Signed) E. RICHARDSON
Head of the Delegation
of the United States of America
to the Third United Nations Conference
on the Law of the Sea

STATEMENT MADE BY THE REPRESENTATIVE OF THE UNITED STATES AT THE 130TH MEETING

Mr. President, I appreciate the early opportunity to reply to the statement of the distinguished Chairman of the Group of 77.

My government remains committed to pursuing in good faith the goal of an early and successful outcome of this Conference. We hold steadfastly to the view that a broadly accepted law of the sea convention is by far the preferred legal framework for the conduct of deep sea-bed mining and other activities in the oceans.

The deep sea-bed mining law enacted by the United States is consistent with that objective. It is expressly interim in nature. When a treaty enters into force with respect to the United States, it will automatically supersede the legislation. Moreover, the law places a moratorium on commercial recovery until 1 January 1988, some 20 years after the United Nations first began to deal with this subject. This moratorium should allow ample time for the convention to come into force.

United States legislation was enacted at this time in order to prevent a further decline or a complete disintegration of the United States deep sea-bed mining industry. Were such an out-

come to occur, a decade or more would surely be required to regain the level of technology needed for commercial recovery. Keeping the industry alive is clearly in the common interest. Unless the development of technology continues, the benefits that we all seek from sea-bed mining under a convention will be postponed into the far distant future.

I do not regard it useful to debate again the legality of deep sea-bed mining under international law. I have stated the position of the United States several times over the past two and one-half years: namely, that sea-bed mining beyond areas of recognized national jurisdiction remains a freedom of the high seas until and unless circumscribed by an international agreement in force. I refer all my colleagues to earlier statements for the detailed arguments. As their delegations have already made clear, a number of other countries whose nationals are presently engaged in developing deep sea-bed mining technology share this legal position.

Disagreement over the principles of international law that would apply in the absence of a broadly accepted law of the sea convention must not be allowed to stand in the way of this Conference's efforts to extend the rule of law over more than two thirds of the earth's surface. If we succeed, the practical question of commercial recovery of minerals outside the treaty régime need never arise. My delegation will continue to direct all of its energies toward this end. Our negotiating objectives remain precisely as they were prior to the enactment of our legislation. They will not be hardened or increased, nor will they be abandoned. And we will support provisions that encourage the earliest practicable entry into force of the convention.

We stand ready to join all delegations in redoubling our efforts to conclude a comprehensive convention on the law of the sea that we all can ratify and that will assure the wise and orderly management of the world's ocean resources for the benefit of all mankind.