

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.54

54th meeting of the General Committee

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

GENERAL COMMITTEE

54th meeting

Monday, 28 July 1980, at 3.50 p.m.

Chairman: Mr. H. S. AMERASINGHE

Organization of work

1. The CHAIRMAN emphasized that the second part of the ninth session of the Conference was of decisive importance and that the time available for negotiations was very limited if the agreed time-table was to be followed.

2. The first two weeks would be devoted to negotiations on the outstanding issues. Discussions would take place simultaneously, in closed plenary meetings, on the general clauses, the final clauses and the preparatory commission. The general debate would start at the beginning of the third week and statements would be limited to 15 minutes. He hoped that the discussion would relate exclusively to the outstanding issues and that issues which had already been settled would not be re-opened. That discussion would be followed by a third revision of the text prepared by the Conference. Negotiations could continue during the general debate.

3. He had held consultations with the Chairmen of the three Committees and with the Chairman of the Drafting Committee on the organization of work during the second part of the ninth session. At the first plenary meeting, the Chairman of the Group of 77 was to make a statement on behalf of that Group on the law enacted by the United States of America concerning the exploitation of the resources of the international sea-bed area, which constituted the common heritage of mankind.

4. The negotiations must be conducted on an intensive and practical basis. In order to accelerate the process, delegations must be kept informed of the arrangements made regarding the organization of work and the negotiating framework. The negotiations on outstanding issues would be carried out in *ad hoc* groups. The framework of the working group of 21 would be maintained for questions within the mandate of the First Committee. That Group would have to identify the questions which remained to be negotiated and decide on the best procedure for the relevant negotiations. In the case of any group conducting negotiations, the results of those negotiations would have to be reported at regular intervals—twice a week—to the President of the Conference and to the Chairman of the committee concerned.

5. The final clauses would be considered in closed plenary meeting. At the beginning of the session, Mr. Evensen, the Chairman of the group of legal experts on final clauses, would introduce a report on the negotiations which had taken place. The Conference would then have to decide how those negotiations should be pursued. It would also have to examine a proposal by Argentina relating to the settlement of disputes and a number of proposals relating to the abuse of rights, the peaceful utilization of the seas and oceans and the dissemination of information, as well as certain final clauses. The question of State participation would not be dealt with for the time being in view of the need for prior agreement on the actual substance of the convention. The attention of participants would have to be focused on the functions of the preparatory commission.

6. The Drafting Committee had met from 9 to 27 June 1980 and the report by its Chairman would be circulated as document A/CONF.62/L.57. He also wished to inform members of the Committee that representations had been made regarding the inclusion in the informal composite negotiating text (A/CONF.62/WP.10/Rev.2 and Corr.2-5), of certain provisions concerning, for example, the delimitation of the territorial sea between States with opposite or adjacent coasts. The groups of delegations concerned would have to be given an opportunity to consider the question and to inform the President of the Conference and the Chairman of the appropriate committee of the manner in which negotiations on the subject should be conducted.

7. Whatever decisions might ultimately be taken, the revised informal composite negotiating text was, as its name indicated, a negotiating text and not a negotiated text. Its status was no different from that of the earlier texts.

8. In conclusion, he said he hoped that the co-operative spirit which had always marked the discussions of the Conference would continue to prevail at the resumed ninth session.

9. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, said he hoped that the Chairman's suggestions would not lead to procedural complications and that the institutional arrangements already made would be unaffected, particularly where reporting to the President of the Conference was concerned.

10. The CHAIRMAN explained that the results of the negotiations would not be systematically considered at each meeting. He merely wished to be kept regularly informed of the progress of negotiations.

11. Mr. ORREGO VICUÑA (Chile) said he had two observations to make. Firstly, he hoped that the list which the Chairman had given of questions relating to the general clauses that would have to be examined in plenary meeting was not exhaustive. There were other questions that would have to be examined. Secondly, there were certain questions on which interested delegations should have an opportunity of negotiating with the Chairman of the Committee concerned; the necessary machinery for such consultations would therefore have to be established.

12. The CHAIRMAN said that the list of questions he had mentioned had been illustrative and not exhaustive, and that the necessary machinery for consultations would be provided.

13. Mr. KOZYREV (Union of Soviet Socialist Republics) pointed out that, apart from the working group of 21, there were other groups studying questions within their respective spheres of competence.

14. The CHAIRMAN said that he had only mentioned the working group of 21 by way of an example; in principle the structure of the negotiating groups would be the same as that of the group of 21, although modifications could of course be made.

15. If there were no objections, he would take it that the General Committee accepted the recommendations he had made concerning the organization of work.

It was so decided.

The meeting rose at 4.10 p.m.

55th meeting

Friday, 8 August 1960, at 3.50 p.m.

Chairman: Mr. H. S. AMERASINGHE

Organization of work

1. The CHAIRMAN reminded the Committee that, at the beginning of the second part of the session, he had said that an effort must be made to complete the negotiations on substantive issues so that a general debate could be held and a third revised version of the informal composite negotiating text subsequently prepared for adoption as the Conference's basic document. Unfortunately, the negotiations had not progressed as he had hoped, and it might be premature to open the general debate on 11 August as he had initially intended. He therefore proposed that the negotiations should be extended by one week and that the opening of the general debate be postponed until Monday, 18 August or Tuesday, 19 August at the latest. The negotiations on substantive issues should therefore be completed by 15 August, or 18 August at the latest, so that the reports of the committees and the report on the work of the informal plenary Conference could be prepared in good time for consideration during the general debate which should close on Saturday, 23 August. Sunday, 24 and Monday, 25 August could then be devoted to preparing the third revised version of the informal composite negotiating text. Bearing in mind the time needed for issuing that text in all languages, plenary meetings could be held on 26 and 27 August to consider other outstanding issues such as the preparatory commission, the protection of investments and participation. Lastly, on 29 August the Conference should decide whether a further session should be held, and if so, determine its duration and venue.

2. Mr. MUDHO (Kenya) said it was regrettable that it should once again be necessary to request an extension of the negotiations and to consider the possibility of holding of a further session. The habit was becoming tedious: the Conference should adhere to its initial decision, namely, that the present session should be the last. The organization of each new session entailed considerable expenditure and many countries were unable to bear such a financial burden indefinitely. While continuing to negotiate as the Chairman had suggested, participants should ask themselves whether the present negotiating structure could really pave the way for an agreement on the outstanding issues. Personally, he considered that the present session should be the last. He hoped that by 29 August the Conference would be in a position to pronounce on the status to be given to the third revised version of the negotiating text and that there would be no need for a further session.

3. The CHAIRMAN said that, although he understood the views expressed by the Kenyan representative, the Conference would not, in his opinion, be able to complete its work before the end of the present session and might have to defer consideration of a number of major issues until a future session. In the meantime, the question before the Committee was simply whether the opening of the general debate should be postponed for a few days on the understanding that, during that debate, delegations would have to give priority to examining the informal composite negotiating text (A/CONF.62/WP.10/Rev.2 and Corr.1-5) together with the results of the negotiations conducted since the resumption of the ninth session.

4. Mr. CALERO RODRIGUES (Brazil) said that before deciding to extend the negotiations until Friday, 15 August, the Con-

ference must be absolutely certain that they could be completed by that date. That seemed likely in the case of the negotiations on the final clauses and the settlement of disputes, which were taking place at the informal meetings of the plenary Conference. The First Committee also seemed likely to reach a consensus before that date, it being a question not so much of time as of will. As to the Second Committee, however, he was not sure whether it would be able to complete its work in time. In case it could not, it should be granted forthwith an additional period of two or three days. In his opinion it would be better to take such a decision without further ado, since the important point was to be realistic and to fix a deadline which could definitely be met.

5. The CHAIRMAN said with regard to the negotiations being conducted under his responsibility that the outstanding issues could reasonably be expected to be settled by 15 August, with the possible exception of those relating to the Preparatory Commission and the protection of investments. The Chairman of the Third Committee intended to convene that Committee to consider certain drafting questions, but in any event that work should be completed by 15 August. It would be useful if the chairmen of the other two main committees could report on the stage reached in the negotiations in each committee so as to ensure that the members of the General Committee had all the information they required.

6. Mr. ENDO (United Republic of Cameroon), speaking as Chairman of the First Committee, said that it seemed reasonable to expect the negotiations on substantive issues to be completed by the date suggested, even though the First Committee also had to consider a number of other issues referred to it by the plenary Conference: for instance, there was the question of the preparatory commission, which could not be decided at an informal meeting of the plenary Conference until it had been considered by the First Committee. Consequently, the First Committee would probably be in a position to submit its report on substantive issues by the date indicated, but it would certainly need more time to study the other issues.

7. The CHAIRMAN expressed the hope that the First Committee would find time to consider those issues during the following week so as to enable the plenary Conference at an informal meeting to take a decision which could be embodied in the third revised version of the negotiating text.

8. Mr. AGUILAR (Venezuela), speaking as Chairman of the Second Committee, said that the only issue remaining to be negotiated within his Committee was that of the fundamental criteria for delimitation. In that respect, he understood that the parties concerned and the President of the Conference were at present holding consultations to decide how the negotiations could be speeded up. It would be neither prudent nor desirable to resume consideration of issues which had been thoroughly discussed at other sessions of the Conference. Accordingly, the Second Committee should have no difficulty in submitting its report by the date suggested by the Chairman.

9. The CHAIRMAN agreed that it would not be desirable to revive issues which had already been discussed at length in past years. As to the problem of the delimitation of the exclusive economic zone between States with opposite or adjacent coasts, he