

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

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Document:-

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## **55<sup>th</sup> 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)*

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 1980, 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. ENGO (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 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

had requested the two main groups concerned to hold consultations and let him know how they wished the negotiations to be conducted in future. He invited them to take an early decision so that the problem could be settled without further delay.

10. Mr. ARIAS SCHREIBER (Peru) said that, in the first place, he supported the broad outline of the calendar of work proposed by the President of the Conference. If, for any reason, the negotiations were not completed by 15 August, an additional day, namely 18 August, could be made available. The reports of the main committees and the report on the work of the informal meetings of the plenary Conference could then be submitted on 19 August, and the general debate could begin either immediately afterwards or at the latest on 20 August and continue for four days, i.e. until Saturday, 23 August inclusive. On Sunday 24 and Monday 25, the Collegium could prepare the final text of the third revision of the negotiating text, which should then be made available in all languages by 26 August at the latest. In that way, the days of 26, 27 and 28 August could be used for consideration of that new revised text and of other questions which were not included therein, such as the question of the Preparatory Commission, and on Friday 29 it would remain for the participants to decide on the need to hold a new session.

11. With regard to the work on the final clauses and general provisions which was being carried out in informal plenary meeting, he believed it could be concluded by 15 August unless the question of participation was discussed, in which case an additional period might be required. Participants must, however, remember that the further consideration of that question—which was both technical and political—was delayed, the more numerous would be the problems to be solved. It would therefore be desirable to reach a decision on that subject.

12. With regard to the amendments suggested by the language groups and the Drafting Committee, he felt that they should be referred to the Second Committee, which was competent to decide whether or not they affected substance. Those suggestions would involve, not a reopening of questions which had already been exhaustively dealt with, but merely the consideration of a few proposed amendments, such as those submitted by his delegation (C.2/Informal Meeting/64). In his view, consideration of those amendments would not prevent the Second Committee from submitting its report by the date specified by the President of the Conference.

13. The CHAIRMAN endorsed the proposals made by the representative of Peru concerning the programme of work until the end of the current session. On the question of participation, he felt that a preliminary exchange of views could be held before the end of the session, but if it did not prove possible to reach agreement, consideration of that question would have to be deferred until the next session. The same would have to be done with questions relating to the Preparatory Commission and the protection of investments, but that should in no way prevent the negotiations on substantive issues from being successfully concluded.

14. The Chairmen of the Drafting Committee and the three committees had agreed to hold consultations to co-ordinate effectively the work of those bodies and to ensure that it was rapidly concluded. In that connexion, he wished to warn delegations against the temptation to submit to the Drafting Committee amendments which were allegedly of a drafting character but might actually relate to substance. It was absolutely essential to avoid that pitfall.

15. Mr. RICHARDSON (United States of America) also supported the suggestions made by the representative of Peru with regard to the organization of work until the end of the current session. In reply to the representative of Kenya, he pointed out that, in the past, cases had already occurred in which it had been found necessary to extend the negotiations, but in all such cases the Conference had used the additional period allotted to it to settle a number of questions and to make gradual progress towards a consensus. Thus, a broad measure of agreement had been

reached on the texts which had been worked out in the Second and Third Committees after painstaking efforts and those two Committees could be considered to have practically completed their work on substantive issues. Similarly, the negotiations on final clauses which were taking place at informal plenary meetings were nearing completion. The fact that the Drafting Committee was holding an increasing number of meetings was a further sign that the Conference was nearing its end. In fact, very few questions remained to be settled and the progress made thus far justified the expectation that the Conference would soon reach a successful conclusion.

16. Mr. MARSIT (Tunisia) said that he had no objection to the proposed schedule. With regard to the work of the Second Committee, certain delegations had made proposals, consultations were under way and the delegations concerned were on the verge of reaching agreement on a text which, however, could not be included in the third revision of the negotiating text until it had been considered by the Second Committee. He shared the views expressed by the representative of Kenya, which reflected those of the young African countries.

17. The CHAIRMAN, recapitulating the proposals which had been submitted to the General Committee, said that the negotiations on substantive issues would have to be concluded by 15 or, at the latest, 18 August, and that the general debate, which had been scheduled for 11 August, would be deferred until 18 or possibly 19 August and should be concluded by 23 August. On 24 and 25 August, the Collegium would meet to prepare the third revision of the negotiating text. On the following days, the Conference would consider in plenary meeting that third revised text and the unresolved issues of the protection of investments, the Preparatory Commission and participation. In the event of its being unable to complete consideration of all those questions on 29 August the Conference would have to consider the question of holding another session.

18. Mr. KOZYREV (Union of Soviet Socialist Republics) said that, in his view, only when negotiations on substantive issues had been completed—i.e. 15 August or at the latest 18 August, according to the proposed calendar—should the General Committee take a decision on the date for the opening of the general debate.

19. Apart from that, he shared the views expressed by the representative of Kenya. It appeared to have become a habit of the Conference to postpone negotiations and to defer consideration of certain issues to later sessions. Once decisions had been adopted, they should be adhered to.

20. He took note of the intention of making every effort to ensure that a third revised text which was satisfactory from the drafting standpoint was submitted to the Conference. He shared the Chairmen's opinion regarding the need to avoid reverting, during the general debate, to questions which had already been settled.

21. The CHAIRMAN pointed out that the Chair was not responsible for the fact that deadlines had not been met. That situation was attributable to the negotiators themselves and hence to all delegations. He urged that the negotiations on substantive issues should be completed by 15 August, or at the latest 18 August, as proposed by the representative of Peru. Consideration of the questions of the functions of the Preparatory Commission, the protection of investments and participation would perhaps not be completed, but the Conference should take them up, even though it might be unable to reach full agreement. He invited the members of the General Committee to confirm their agreement on the schedule which he had proposed.

22. Mr. KOZYREV (Union of Soviet Socialist Republics) said that he fully agreed to an extension of the negotiations until 15 or 18 August. He maintained his view, however, that it was only after those negotiations that the General Committee would know the position and be able to determine when the general debate should be opened.

23. The CHAIRMAN said that, to his regret, it seemed impos-

sible to reconcile the proposal by the USSR representative with the desire expressed by all the other participants to complete the negotiations by 15 or 18 August.

24. Mr. ARIAS SCHREIBER (Peru) pointed out that the decision to hold a general debate before the third and last revision of the text had already been taken and the Conference should not go back on it. The Conference must abide by what had been decided and not reopen the question of holding a general debate.

25. The CHAIRMAN said that the Collegium could not take the responsibility of drafting the third revised version of the ICNT without having heard the views of the various delegations in the general debate.

26. Mr. KOZYREV (Union of Soviet Socialist Republics) said that he was not proposing a reversal of the decision to hold a general debate; he simply felt that only when the negotiations had been completed would the General Committee be in a position to decide on the opening of the general debate.

27. The CHAIRMAN pointed out that the general debate would inevitably follow upon the conclusion of the negotiations on substantive issues which were due to be completed on 15 or 18 August. He urged the USSR representative not to press his proposal. He recapitulated the calendar of work already proposed and repeated his request to the members of the General Committee to approve the recommendations submitted.

28. Mr. KOZYREV (Union of Soviet Socialist Republics) said that he saw no need to make provision, at the end of the present session, for a decision of the Conference concerning a new session.

29. The CHAIRMAN pointed out that a decision on that point would be taken only if the Conference had not completed its work.

30. Mr. ARIAS SCHREIBER (Peru) said that, if the third and last revision of the negotiating text was ready on 26 August, the

Conference could examine on 27 and 28 August the questions of the Preparatory Commission, the protection of investments and participation. It was necessary, however, to allow for the possibility that the Drafting Committee might need to co-ordinate the work of the Conference, which would then have to consider the co-ordinated text. The holding of a new session was therefore inevitable.

31. Mr. ZHELYAZKOV (Bulgaria) said that the Conference should abide by the decision taken at New York during the first part of the ninth session regarding the second part of that session.

32. The CHAIRMAN said that, in any event the negotiations on substantive issues would have to be completed by 15 or 18 August.

33. Mr. ENGO (United Republic of Cameroon) appealed to the General Committee to conclude consideration of the question before it.

34. The CHAIRMAN said that, if there was no objection, he would take it that the General Committee adopted the recommendations on the organization of work which he had submitted.

*It was so decided.*

35. Mr. ZULETA (Representative of the Secretary-General) pointed out that, in accordance with the relevant General Assembly resolutions, the Secretariat was required to report to the General Committee on the use made of the resources placed at the disposal of the Conference. It was the Secretariat's understanding that the use of those resources was dependent upon circumstances which were often beyond the control of the President of the Conference or the Chairmen of the three main committees and the various working groups. During the period between 4 and 7 August 1980, the Conference had made use of 49½ hours of interpretation out of the 144 available to it.

*The meeting rose at 5.10 p.m.*

## 56th meeting

Thursday, 21 August 1980, at 9.50 a.m.

*Chairman: Mr. H. S. AMERASINGHE*

### Organization of work

1. The CHAIRMAN said that it had been found necessary to convene the present meeting in order to agree on a change in the Conference's schedule. The negotiations were making very satisfactory progress and it would be unwise to arrest that process solely in order to adhere to a schedule which had been drawn up when circumstances had been different.

He had consulted the chairman of the committees, the Drafting Committee, the regional groups and the Group of 77, and they had all agreed on the need to postpone the opening of the general debate until Monday, 25 August. That arrangement would give the regional groups, the Group of 77, the working group of 21 and the First Committee time to consider the results of the negotiations and to endorse them. If the documents were ready, the regional groups could meet that same afternoon; otherwise, the co-ordinators of the various language groups of the Drafting Committee could profitably use the available time and facilities. He suggested that the Committee should approve the proposed change of schedule and recommend it to the Conference.

2. Mr. RICHARDSON (United States of America) said he accepted the Chairman's suggestion but wished to know its implications regarding the opportunity for the Collegium to meet after the general debate to discuss the programme of work for the next session of the Conference and to consider the status of the third revision of the informal composite negotiating text. It was desir-

able that the Conference should learn the results of the Collegium's deliberations before the adjournment of the session.

3. The CHAIRMAN said that the point raised was a very valid one. With the proposed new schedule, the general debate should take up Monday, 25 and Tuesday, 26 August—with eight and one-half hours of meetings per day—and, if necessary, part of Wednesday, 27 August. Upon the conclusion of the general debate, the Collegium would meet to prepare the third revision of the negotiating text. The last day of the present session, namely Friday, 29 August, would serve to determine the Conference's future programme of work. For that purpose, the text of the third revision was necessary and it was hoped that it would be ready in time.

4. At least one day would be set aside for the discussion of other outstanding issues. It was not expected that work on all those issues would be completed in the time available, and any remaining issues would be deferred until the next session of the Conference.

5. Mr. KOZYREV (Union of Soviet Socialist Republics) said that if the Conference was going to defer certain issues until its next session, he doubted whether it was expedient to raise at the present stage the question of the status of the third revision of the negotiating text.

6. The CHAIRMAN replied that the third revision would be the outcome of the negotiations on the substantive issues which constituted the essential ingredients of the package. As to such