

# **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.56**

## **56<sup>th</sup> meeting of the General Committee**

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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

outstanding issues as the final clauses and participation, they might require further time for negotiations but the status of the third revision was not dependent on them.

7. Mr. KOZYREV (Union of Soviet Socialist Republics) said that he could not agree with that view. It would be for the Conference itself to decide whether a particular issue was important or secondary in character. Besides, on any question that was felt to be important, delegations would need to obtain instructions from their Governments. He urged that the question of the status of the third revision should be postponed until the conclusion of the general debate.

8. The CHAIRMAN said that the definition of the status of the third revision must be left to the Conference itself, in the light of the substance of the text.

9. If there was no objection, he would take it that the General Committee adopted his suggestion that the general debate should be scheduled to commence on the morning of Monday, 25 August and continue on Tuesday, 26 and, if necessary, part of Wednesday, 27 August.

*It was so decided.*

*The meeting rose at 11 a.m.*

## 57th meeting

Thursday, 28 August, 1980 at 11.10 a.m.

Chairman: Mr. H. S. AMERASINGHE

### Organization of work for the tenth session

1. The CHAIRMAN outlined the programme of work for the current session (A/CONF.62/91) which had been adopted at the 118th plenary meeting. Various circumstances, in particular the difficulty encountered in one of the committees in resolving important issues, had prevented the Conference from keeping to that schedule and had compelled it to prolong the final negotiations and accept the need for a third revision of the informal composite negotiating text. Negotiations had commenced at the beginning of the resumed session on certain aspects of the system for exploration and exploitation, production policy, the financial arrangements of the Authority, the financing of the Enterprise, the decision-making procedure in the Council, the final clauses, general provisions and settlement of disputes, together with the delimitation of maritime zones between States with adjacent or opposite coasts and the settlement of disputes thereon. A satisfactory solution on the latter issue had not been found but it was gratifying to note that the two main interest groups had shown a genuine willingness to arrive at a mutually acceptable compromise text.

2. Negotiations on First Committee issues had improved the prospects of a consensus and the Collegium had noted the results of the negotiations and the observations made during the general debate. The Collegium's conclusions were reflected in the third revision of the negotiating text.

3. The time had come for the Conference to consider and decide upon its programme of work for the tenth session, on the understanding that the ninth session must be regarded as the last negotiating session except on issues on which agreement had not yet been reached. The programme of work for the tenth session must provide for the adoption of the convention during 1981 and the signature of the final act at a date to be determined in consultation with the Government of Venezuela. In the absence of a definite programme which the Conference accepted as binding, there was a serious risk that final decisions might be deferred in the belief that more time was available. Before the Conference could reach the stage of formal decisions, the Drafting Committee must be given time to review the text article by article and complete the harmonization and textual concordance process, in accordance with rule 53 of the rules of procedure.

4. When the Conference resumed its work at the tenth session, some outstanding issues would have to be considered, including participation; the mandate of the preparatory commission, including recommendations which would enable the system of exploration and exploitation to be initiated and ensure that the Enterprise operated efficiently as early as possible after the convention entered into force; and the treatment to be accorded to preparatory investments made before the convention entered into force, pro-

vided that such investments were compatible with the convention and would not defeat its object and purpose.

5. At the same session, the committees and the Conference would have to examine the recommendations of the Drafting Committee and consultations would have to take place between delegations in an effort to bring the Conference as close as possible to consensus on issues for which adequate solutions had not been found in the third revision of the negotiating text. At the end of the third week of the tenth session, the Conference would have to decide what status to give to the text, as finally drafted, bearing in mind that in that form it would supersede all formal proposals previously submitted, without prejudice to the right of every participating delegation to submit formal amendments in accordance with the rules of procedure. If amendments proved unavoidable, the Conference would have to establish a time-limit for their presentation, taking into account the fact that the application of rules 37 and 39 of the rules of procedure called for a period of deferment of up to five calendar days in the case of the main committees and up to 10 calendar days in the case of the plenary Conference. In reaching that decision, the Conference would have to bear in mind that the purpose of those rules was to ensure that the convention could be adopted in the spirit of the gentlemen's agreement, so that it could command the broadest possible support.

6. His statement superseded document A/CONF.62/BUR./13, which should be disregarded. He had made no specific reference to the timing or venue of the tenth session or the intersessional meetings of the Drafting Committee; the regional groups could make suggestions on the matter to the plenary Conference on 29 August 1980.

7. Mr. ARIAS SCHREIBER (Peru) said that the Conference must do three things at its tenth session: it must complete negotiations on outstanding issues, it must prepare a final text and it must take a decision on the draft convention. In his view, up to three weeks would be required to complete negotiations on outstanding issues. During that time, the Drafting Committee could harmonize the text, which should take about a week. The committees and the plenary Conference would then have to consider the Drafting Committee's text, which might take over a week, after which the Conference must consider whether to give the text the status of a draft convention and the Secretariat must be given time to prepare the final draft of the text. Delegations should then have an opportunity to state whether they agreed with the text or whether they had difficulties which would prevent a consensus. If a consensus could not be reached, delegations had the right under the rules of procedure to present formal amendments. However, he hoped that all members would try to avoid the voting procedure. If all went well and no voting was required, the latter stage would take one to two weeks. Thus in