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45th meeting of the Third Committee

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THIRD COMMITTEE

45th meeting

Monday, 18 August 1980, at 11.05 a.m.

Chairman: Mr. A. YANKOV (Bulgaria)

Organization of work

1. The CHAIRMAN said that, in accordance with the terms of reference of the Committee, he would introduce his report (A/CONF.62/C.3/L.34) at a formal meeting with summary records; the annex to the report containing the changes he had proposed (A/CONF.62/C.3/L.34/Add.1 and 2) would be discussed at an informal meeting at which delegates would be able to comment on those changes. The adoption of the report and the annexes would take place at a formal meeting. If there was no objection, he would take it that the Committee was prepared to follow that procedure.

2. Mr. FIGUEIRÊDO BUSTANI (Brazil) said that his delegation agreed with the procedure suggested by the Chairman, but felt that it would be better not to include the drafting changes proposed by the Chairman in the body of the report before the report was adopted by the Committee. Otherwise, the list of proposed amendments would be referred to in the summary record, those amendments would then be discussed off the record and the final list of amendments would be referred to in the record with no explanation of delegations' views on them.

3. The CHAIRMAN said that the representative of Brazil had expressed what he himself had had in mind. He wished to stress that the Committee should not embark upon a detailed discussion of the wording or punctuation of the proposed changes but should rather consider whether they improved the text and harmonized the language used throughout. Until the changes were incorporated in the informal composite negotiating text, they could not be considered as final and the Committees were still free to make suggestions to the Drafting Committee. To date, the Drafting Committee had given indications, recommendations or examples, but had never taken the responsibility of stating that particular words would be incorporated in the text. At the present time, therefore, the Committees were responsible for the text.

Report of the Chairman on the work of the Committee

4. The CHAIRMAN read out his report as contained in document A/CONF.62/C.3/L.34 and Add.1 and 2.

5. Mr. RŮZENTAL (Mexico) noted from paragraph 4 of the report that the annex to that report contained not only suggestions made in the Drafting Committee's reports but also "suggestions made by individual delegations". In that connexion, he wished to place on record the fact that his delegation had not submitted any drafting suggestions to the Chairman because it believed that the Drafting Committee constituted the proper channel for such suggestions. His delegation was, in fact, a member of the Drafting Committee and considered that no drafting suggestions should be made by individual delegations through the chairman of a main committee.

6. The CHAIRMAN said that the point raised by the Mexican representative was in principle correct. At the same time, however, no one could deny any delegation its sovereign right to sub-

mit proposals to any organ of the Conference. In point of fact, only a small number of the amendments proposed in the annex to his report originated from suggestions by individual delegations.

7. Mr. FIGUEIRÊDO BUSTANI (Brazil) said that he fully shared the views of the Mexican representative on the question of relations with the Drafting Committee and requested the Chairman to explain how decisions would be taken on the proposed amendments. He suggested that delegations should be allowed some time to examine those amendments, whose text they had only just received.

8. Mr. DORON (Israel) expressed appreciation for the Chairman's report and endorsed the Brazilian representative's suggestion that the delegations should be given more time in which to study the proposed amendments with all due attention.

9. His delegation would give the closest attention to all the drafting changes proposed. In so far as the Chairman's report proposed amendments which took into account decisions already reached by the Drafting Committee, his delegation would have little to say at the present stage. Apart from that, it would consider each suggestion on its own merits.

10. At the same time, his delegation felt that all texts emanating from the Third Committee must go through the Drafting Committee and its language groups, in the same manner as all other parts of the negotiating text. The Drafting Committee would thus be able to ensure the necessary uniformity of language and interpretation. Accordingly, his delegation did not regard the present exercise as a substitute for the regular procedure called for under the rules or procedure and, in that connexion, it took note of the contents of paragraph 5 of the Chairman's report.

11. Mr. TREVES (Italy) said that his delegation welcomed the opportunity to participate in the informal negotiations which were due to follow the present meeting, negotiations which it hoped would prove fruitful. Its participation, however, did not mean that his delegation would be in any way bound by the interpretation of the procedure given in the Chairman's report.

12. Mr. CAFLISCH (Switzerland) said that he shared the views of the Mexican representative regarding the respective roles of the Third Committee and the Drafting Committee in the drafting of those parts of the negotiating text which were of particular relevance to the Third Committee.

13. He was also concerned about the status of the Chairman's report and its annex, and still more about the relationship between that document (or rather the amendments contained therein) and the later work of the Conference and, in particular, of the Drafting Committee and the various language groups.

14. The CHAIRMAN reminded members that, as he had indicated in his report, all proposals considered in the Committee on the basis of the annex to that report would have to be referred to the Drafting Committee.

15. Close co-operation was always maintained between the Drafting Committee and the chairmen of the committees. Whenever the Drafting Committee deemed such action necessary, it referred a particular matter to the chairman of the appropriate committee. Thus the Third Committee was called upon to deal with those matters within its province on which the Drafting Committee had not been able to take any action. It was his understanding that every effort should be made to avoid any overlapping of work, or parallel work, with the Drafting Committee or any other organ of the Conference. Ultimately, all questions of drafting would come before a single body, namely, the Drafting Committee. The work that was at present being done in the Third Committee would certainly be of assistance to the Drafting Committee, and his impression was that the Drafting Committee welcomed that assistance. He reminded members that he had addressed a full meeting of the Drafting Committee at which he had explained the procedure outlined in his report.

16. Mr. FERRERO COSTA (Peru) endorsed the Brazilian representative's request that the record should show the manner in which the Third Committee intended to adopt the amendments proposed in the Chairman's report.

17. He shared the views of other representatives on the need for more time in which to study the proposed amendments.

18. Mr. ABD-RABOU (Egypt) asked whether the amendments proposed by the Chairman were merely of a drafting nature or whether some of them were substantive.

19. The CHAIRMAN said that he had been concerned to avoid upsetting the delicate balance achieved over the past years, particularly on critical issues. The proposals he had made, therefore, were drafting changes designed to harmonize and improve the text, and not changes of substance on important issues.

20. Mr. SREENIVASA RAO (India) suggested that the editorial changes should be referred to the Drafting Committee in the first instance. If difficult issues then emerged, they might be referred back to the Committee at a later stage.

21. Mrs. BREATHNACH (Ireland) said that it would be desirable for the Committee to consider certain drafting changes related to sensitive issues. Her delegation intended to introduce such a drafting change at an appropriate time.

22. Mr. TIKHONOV (Union of Soviet Socialist Republics), supporting the procedure proposed by the Chairman and the Irish representative, said that it was entirely appropriate for the Committee to consider the proposed changes.

23. Mr. KOPAL (Czechoslovakia) said that the proposed changes should be discussed in the Committee. It was sometimes impossible to draw a dividing line between drafting changes and substantive changes. All delegations should have an opportunity to express their views on the proposed amendments, and not all of them were represented in the Drafting Committee. A discussion in the Third Committee would save time and facilitate the work of the Conference in its final stages.

24. Mr. WULF (United States of America) pointed out that the Drafting Committee had followed the rule that if any delegation viewed a particular change as substantive, that change should not be accepted. The Committee might usefully adopt the same procedure.

25. Mr. BACH BAOUAB (Tunisia) said that his delegation had had insufficient time to study the proposed changes in order to determine whether any of them were of a substantive nature. He therefore supported the proposal that consideration should be deferred to allow time for further study.

26. The CHAIRMAN said that he could accept that proposal. The Committee's exchange of views had been useful in clarifying both procedure and the eventual outcome of the Committee's work. Efforts were being made to co-ordinate the work of the Drafting Committee and the Third Committee. In that respect he drew attention to the letter dated 26 March 1980 from the Chairman of the Drafting Committee and to his reply of 29 April 1980. It was entirely appropriate for the Committee to consider drafting suggestions. The Conference had its own specific methods of negotiating and treaty-making, and there could be no mechanical analogies with other Conferences. The Committee would meet informally that afternoon, when its main purpose would be to ascertain whether the proposals before it should be incorporated in the text.

The meeting rose at 12.15 p.m.

46th meeting

Wednesday, 20 August 1980, at 5.50 p.m.

Chairman: Mr. A. YANKOV (Bulgaria)

Report of the Chairman on the work of the Committee (concluded)

1. The CHAIRMAN thanked all the members of the Committee for their co-operation and said that the informal discussions on the documents containing the drafting changes he had proposed (A/CONF.62/C.3/L.34/Add.1 and 2) had been successful. Those changes on which agreement had not been reached would not be incorporated in the third revision of the negotiating text; only the drafting changes proposed in the two above-mentioned documents would be included. He was pleased that that difficult task had been completed and that the Committee had concluded consideration of the articles.

2. Of course, the Committee's work was not perfect, but the reading of the articles had been useful, and, for the first time, thanks to the Committee, it had been possible to undertake codification on the protection and preservation of the marine environment. Although various organizations had already studied the question in a piecemeal manner, that had been the first time that a comprehensive approach had been taken to the codification of provisions relating to those questions. Furthermore, some Gov-

ernments had already referred to the text under consideration, although it was still only an informal composite negotiating text.

3. Similarly, the provisions relating to marine scientific research represented the first attempt to formulate a complete set of legal rules on the international régime for that activity. The Committee had therefore made an important contribution to the work of the Conference.

4. He announced that he had received from the World Meteorological Organization a letter in which it referred in particular to the work of the Eighth World Meteorological Congress held in Geneva. On that occasion, the organization had expressed its interest in research activities conducted in the oceans and, in particular, in the "exclusive economic zone". In a resolution which had been adopted by the Congress and had been distributed to the participants in the Conference (A/CONF.62/80), the organization had referred to some of its activities, including the collection of meteorological information from voluntary observing ships, and meteorological and oceanographic observational activities carried out in accordance with international programmes such as the World Weather Watch and Integrated Global Ocean Station Sys-