

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/L.63/Rev.1

Report of the Drafting 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)*

the area of production of policies, which ought to be given serious consideration. The essential thing will be to get opposing sides in a face to face encounter at the earliest opportunity in order to place in focus the feasibility of the proposals made. These outstanding issues do not appear to me to threaten the package that is being submitted now. I would merely emphasize that their resolution, one way or another, would increase the viability of the treaty provisions with which we engaged.

36. Finally, I should like to seize this opportunity once again to express my profound gratitude to those who have worked with

me in this difficult exercise. Very outstanding among them were Mr. Koh (Singapore), Mr. Wuensche (German Democratic Republic), Mr. Nandan (Fiji) and Mr. Bailey (Australia). I was happy that the misfortunes which hounded the First Committee in the beginning, mainly of ill health, dissipated in the end. I should like also to express deep appreciation to the special representative of the Secretary-General for the characteristic help of the Secretariat team. I have done this in great detail in the First Committee, but I wish to reinforce those sentiments by a repetition here.

DOCUMENT A/CONF.62/L.63/Rev.1*

Report of the Drafting Committee

[Original: English]
[22 October 1980]

1. During the resumed ninth session the Drafting Committee continued its work of harmonization of words and expressions recurring in document A/CONF.62/WP.10/Rev.2 and the preliminary and informal textual review which began during the intersessional meeting held in New York in June 1980. There were 81 meetings of the language groups, 6 meetings of the co-ordinators of the language groups under the direction of the Chairman of the Drafting Committee and one meeting of the Drafting Committee as a whole. Representatives of more than 50 delegations participated in the meetings of the language groups.

2. The principal work of the co-ordinators of the language groups during this session involved continuing the process of harmonization of recurring words, expressions and terminology. The purpose of harmonization is to avoid, as far as possible, the use of different words where the intended meaning appears to be the same. The process of harmonization should be distinguished from the necessity of ensuring concordance of the six language versions of the text.

3. As well as continuing the harmonization process, the language groups continued their own textual review with a view to preparing for participation in the forthcoming article-by-article review to be undertaken by the Drafting Committee. Considerable progress has been made by the language groups on this lengthy task. The reports of the language groups produced during this session will demonstrate this.

4. Annex I of the present report is devoted to specific items considered by the Drafting Committee upon which recommendations are made by the Drafting Committee as well as those which are still under consideration. In accordance with the procedure adopted in the previous reports (A/CONF.62/L.40¹⁸ and A/CONF.62/L.57/Rev.1) each section contains the recommendations of the Drafting Committee and a list of the items still under consideration by the Committee as well as an indication of the application of the recommendations. The recommendations have been discussed extensively in the language groups and by the co-ordinators of the language groups under the direction of the Chairman of the Drafting Committee before submission to and approval by the Drafting Committee. The Drafting Committee has already made recommendations to the Conference in its preceding reports. During the resumed ninth session, the Committees of the Conference began consideration of these recommendations. The Second Committee held one meeting at which the recommendations of the Drafting Committee were discussed. The Third Committee studied various recommendations for draft-

ing changes among which were the recommendations of the Drafting Committee as well as suggestions submitted by the Chairman and by individual delegations. The Drafting Committee welcomes the importance attached by the Second and Third Committees to drafting questions and considers that this work by these Committees constitutes an important contribution. The conclusions were sent by the Chairmen of these Committees to the Chairman of the Drafting Committee (see annex II).

5. It should be recognized that serious drafting problems exist in a text comprised of more than 400 articles, in six official languages, drafted by the three Committees and the Conference in informal plenary meeting. The efforts of the language groups to date confirm the need for further serious and effective work by the Drafting Committee and its organs. Of particular importance will be ensuring the concordance of the six language versions.

6. The secretariat has been considering the problems involved in preparing the six language versions of the text and will continue to do so throughout the intersessional period, with a view to ensuring the concordance of the different language versions. The Drafting Committee urges that translation errors be corrected prior to the intersessional meeting of the Drafting Committee and that a paper setting out all corrections be available to delegates before the beginning of the meeting.

7. It is suggested that the language groups continue to meet whenever possible. In addition, however, the Drafting Committee considers that it is essential to hold an informal intersessional meeting before the next session of the Conference, utilizing the language groups in accordance with its usual procedures. The business of the intersessional meeting would be to undertake a complete article-by-article review of the text, and also in so doing, to complete the harmonization and textual concordance process. A time-table is appended (annex III) with a view to ensuring that the time of the informal intersessional meeting be used as efficiently as possible. All delegations are urged to ensure that, in addition to their Drafting Committee experts, other experts be available, on the basis of the time-table, for the discussion of the various parts of the text, particularly for the review of Part XI. Assurances have been given by the special representative of the Secretary-General that fully adequate resources will be made available for the work of the Drafting Committee.

Annex I

The recommendations and items under consideration by the Drafting Committee

SECTION 3*

- (i) "States with special geographical characteristics"

* These sections were listed in Informal Paper 2.

* Incorporating document A/CONF.62/L.63/Rev.1/Corr.1, dated 17 December 1980.

¹⁸ *Ibid.*

- (ii) "land-locked and geographically disadvantaged States"
- (iii) "land-locked and other geographically disadvantaged States"
- (iv) "land-locked or otherwise geographically disadvantaged"

The recommendations of the Drafting Committee and items under consideration

The Committee noted its earlier recommendations appearing in document A/CONF.62/L.40: "Articles 69 and 70 use the phrase 'States with special geographical characteristics' whereas articles 148, 160, 161, 254, 266 and 272 use the phrase 'geographically disadvantaged States'. The Drafting Committee recommended that the Chairman of the Drafting Committee consult with the relevant Chairmen on the question of the harmonization of the use of these items.

Without prejudice to these consultations, the Drafting Committee recommended that the words "other" and "otherwise" should not be used in article 269 (a) and article 12, paragraph 3 (b) (ii) and annex IV and that the question concerning the use of the conjunctions "and" and "or" should be dealt with during the textual review.

The Drafting Committee noted that in the Chinese and French language versions of the text the word "State" will be used in both parts of the expression, e.g. "land-locked States and geographically disadvantaged States".

Application

Article 269, subparagraph (a):

"particularly the developing land-locked and . . . geographically disadvantaged States".

Article 12, paragraph 3 (b) and (ii) of annex IV;

"including the land-locked or . . . geographically disadvantaged among them".

SECTION 4

"State enterprises"

The recommendations of the Drafting Committee

The Committee recommended that "State entities" should be replaced by "State enterprises".

Application

Article 139, paragraph 1:

"whether undertaken by States Parties, or state enterprises or natural or juridical persons".

Article 153, paragraph 2 (b):

"by States Parties, or state enterprises or natural or juridical persons".

Article 187, subparagraph (c):

"Disputes between parties to a contract, being States Parties, the Authority or the Enterprise, state enterprises and natural or juridical persons".

Article 187, subparagraph (e):

"Disputes between the Authority and a State Party, a state enterprise or a natural or juridical person sponsored by a State Party".

SECTION 10

"artificial islands, installations and structures and international navigation"

Items under consideration

The question of harmonizing certain terms used in articles 60, 147 and 261 is under consideration. The Committee will continue to examine the proposed article 147 *bis* ("Installations and structures for the conduct of activities in the Area") in this connexion.

SECTION 15

"due publicity of charts"

The recommendations and items under consideration by the Drafting Committee

The Drafting Committee recommended that paragraph 6 of article 47 should be replaced with the provisions set out below.

The following questions are still under consideration by the Committee, namely whether paragraphs 2, 3 and 4 of article 134 should be de-

leted and whether the passive or active voice should be used in article 22, paragraph 4, article 41, paragraph 6 and article 53, paragraph 10. Thus, the expression "to which due publicity shall be given" will be replaced by "to which they shall give due publicity".

Application

Article 47:

"1. Unchanged.

"2. Unchanged.

"3. Unchanged.

"4. Unchanged.

"5. Unchanged.

"6. Paragraph 7 of article 47.

"7. Paragraph 8 of article 47.

"8. The baselines drawn in accordance with article 47 shall be shown on charts of a scale or scales adequate for determining them. Alternatively, lists of geographical co-ordinates or points specifying the geodetic datum may be substituted.

"9. The archipelagic State shall give due publicity to such charts or lists of geographical co-ordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations".

SECTION 19

"transfer of technology"

Examples

Article 144, title and paragraph 2:

"transfer of technology".

Article 144, paragraph 2 (a):

"programmes for the transfer of technology".

Article 150, subparagraph (c):

"transfer of technology to the Enterprise".

Article 266, title:

"transfer of marine technology".

Article 266, paragraph 1:

"transfer of marine science and marine technology".

Articles 266, paragraph 3 and 268, subparagraph (e):

"transfer of marine technology".

Article 269, subparagraph (a):

"transfer of all kinds of marine technology".

Articles 269, subparagraph (c), 270, 272 and 273, title:

"transfer of marine technology".

Article 273:

"transfer...to the Enterprise of skills and technology".

Article 274, title:

"the transfer of marine technology".

Article 274:

"recipients of technology".

Articles 276, paragraph 1 and 277, subparagraph (g):

"the transfer of marine technology".

Annex III, article 5, title, paragraphs 3 (e) and 6:

"transfer of technology".

The recommendations of the Drafting Committee

The Committee recommended that the words "all kinds of" in article 269, subparagraph (a) and "skills and" in article 273 be deleted. It also recommended that the word "marine" be added in articles 273 and 274.

Application

Article 269, subparagraph (a):

"the effective transfer of...marine technology".

Article 273:

"transfer to...and the Enterprise of marine technology".

Article 274:

"recipients of marine technology".

SECTION 20

"international rules and standards"

The recommendations of the Drafting Committee

The Committee reaffirmed its earlier recommendation in document A/CONF.62/L.57/Rev.1 that the phrase "legislative measures" should be replaced by "laws and regulations", except in articles 213, 214, 217, paragraph 1, 220, paragraph 4 and 222 which would read "adopt laws and take other measures necessary". The word "necessary" will not be added in article 220, paragraph 4. In this connexion, the Committee recommended that the phrase "laws and regulations" should replace "laws" or "regulations".

Items under consideration

1. The Drafting Committee is continuing to consider the application of its recommendation that the phrase "laws and regulations" should replace "laws" or "regulations" to a number of articles, including the following:

Articles 27, paragraph 2 and article 28, paragraph 3:
"its laws".

Article 94, paragraph 2 (b):
"its internal law".

Article 104:
"determined by the law of the State".

Article 217, paragraph 6:
"in accordance with their laws".

Articles 220, paragraphs 2 and 6 and 228, paragraph 3:
"its laws".

Article 255:
"internal law".

2. The following questions are still under consideration by the Committee:

(a) Whether it is desirable that the number of different words appearing in the text should be reduced by the use of a term which could be defined in the convention to include rules, standards, regulations, practices and procedures; or by choosing one or more words from among those which now appear in the text?

With respect to the latter, it is under consideration whether the word "standards" or "norms" could be used, or whether the word "standards" could be used in English and the words "normes" and "normas" in French and Spanish.

(b) Whether a distinction should be made between words such as rules, regulations and standards and other words such as practices and procedures.

3. The Committee also has the following proposal under consideration:

Article 42, paragraph 1 (b), 94, paragraph 4 (c), 218, paragraph 1 and 219 should be harmonized with other relevant provisions by substituting the words "generally accepted".

Application

Article 19, paragraph 2 (g):
"contrary to the customs, fiscal, immigration or sanitary laws and regulations".

Article 21, paragraph 1 (e):
"The prevention of infringement of the fisheries laws and regulations of the coastal State".

Article 21, paragraph 1 (h):
"The prevention of infringement of the customs, fiscal, sanitary laws and regulations of the coastal State".

Article 33, paragraph 1 (a):
"Prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations".

Article 33, paragraph 1 (b):
"Punish infringement of the above laws and regulations".

Article 42, paragraph 1 (b):
"in contravention of the customs, fiscal, immigration or sanitary laws and regulations".

Article 60, paragraph 2:
"jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations".

Article 62, paragraph 2:
"conditions, laws and regulations referred to in paragraph 4".

Article 62, paragraph 4:
"established in the laws and regulations of the coastal State".
"These laws and regulations".

Article 62, paragraph 5:
"Coastal States shall give due notice of conservation and management laws and regulations".

Article 66, paragraph 3 (d):
"Enforcement of laws and regulations".

Article 73, paragraph 3:
"violations of fisheries laws and regulations".

Article 240, subparagraph (d):
"relevant laws and regulations".

Article 296, paragraph 3 (a):
"in its conservation and management laws and regulations".

Annex III, article 21, paragraph 2:
"or other laws and regulations to sea-bed miners".

ANNEX II

A. Drafting changes accepted by the Third Committee

PART XII. PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Article 194, paragraph 3 (a): replace "harmful and noxious" by "harmful or noxious".

Article 194, paragraphs 3 (b), (c) and (d): replace "in particular for preventing" by "particular measures for preventing".

Article 194, paragraph 4: replace "the rights and duties of other States exercised" by "rights exercised and the duties performed by other States".

Article 194, paragraph 5: replace "other marine life" by "other forms of marine life".

Article 198: replace "A State" by "when a State" and "by pollution shall" by "pollution, it shall".

Article 199, line 1, add a comma after "198"; in line 4, replace "Towards that end," by "To this end," and in line 5, replace "promote and develop" by "develop and promote".

Articles 200, and 201: put the expression "directly or through competent international organizations" within commas.

Article 200: replace "extent of pollution and the pathways and risks of exposure to and the remedies for" by "extent of pollution, the exposure to it, its pathways, risks and remedies".

Articles 201 and 203: replace "prevention of pollution" by "prevention, reduction and control of pollution".

Article 202, subparagraph (b): replace "in the marine" by "of the marine".

Article 203: replace "prevention of pollution" by "prevention, reduction and control of pollution".

Article 204, paragraph 1: add a comma after "organizations".

Article 204, paragraph 2: replace "the effect" "by the effects".

Article 205: replace "obtained relating to risks or effects of pollution of the marine environment, or provide" by "obtained pursuant to article 204, or provide".

Article 207, paragraph 2: delete "also".

Article 207, paragraph 5: replace "possible extent," by "extent possible".

Article 207, paragraph 5: replace "harmful and noxious" by "harmful or noxious".

Article 208, paragraph 2: delete "also".

Article 209, paragraph 2: replace "to other relevant provisions" by "to the relevant provisions" and, after "registry", add "or operating under their authority as the case may be".

Article 210, paragraph 1: replace "from dumping" by "by dumping".

Article 210, paragraph 2: delete "also".

Article 210, paragraph 6: replace "pollution from dumping" by "pollution of the marine environment by dumping".

Article 211, paragraph 2, line 3: delete "vessels".

Article 211, paragraphs 2 and 5: replace "or diplomatic conference" by "or general diplomatic conference".

- Article 211, paragraph 3: replace “or a call at their off-shore terminal” by “or for calling at their off-shore terminals”.
- Article 211, paragraph 3: add a comma after “arrangements”.
- Article 211, paragraph 4: replace “from vessels” by “from foreign vessels”.
- Article 211, paragraph 4: add a comma after “Part II”.
- Article 211, paragraph 5: add a comma after “section 6” and in line 6 add “general” before “diplomatic conference”.
- Article 211, paragraph 7: add a comma after “incidents and casualties”.
- Article 212, paragraph 1: replace “within air space” by “within the air space”.
- Article 212, paragraph 2: delete “also”.
- Article 212, paragraph 3: add a comma after “conference”.
- Articles 213 and 214: replace “adopt the necessary legislative, administrative and other measures” by “adopt laws and regulations and take other measures necessary”.
- Article 216, paragraph 1: replace “from dumping” by “by dumping”.
- Article 216, paragraph 1 (b): after “flying its flag” add “or of its registry”.
- Article 217, paragraph 1: delete “vessels” in “vessels of their registry”.
- Article 217, paragraph 1: replace “necessary legislative, administrative and other measures” by “laws and regulations and take other measures necessary”.
- Article 217, paragraph 2, lines 1 and 2: replace “Flag States” by “States” and delete “vessels” in “vessels of their registry”.
- Article 217, paragraph 4: replace “diplomatic conference” by “general diplomatic conference”.
- Article 217, paragraph 5: replace “Flag States may seek in conducting investigation of the violation” by “Flag States in conducting an investigation of the violation may request”.
- Article 217, paragraph 8: replace “Penalties specified under the legislation of flag States” by “Penalties provided for by the laws and regulations of flag States”.
- Article 218, paragraph 1: replace “diplomatic conference” by “general diplomatic conference”.
- Article 218, paragraph 3, lines 1 to 4: replace by the following, “When a vessel is voluntarily within a port, or at an off-shore terminal, that State shall, as far as practicable, comply with requests from any State for investigation of a discharge violation referred to in paragraph 1, believed to have occurred in, caused, or threatened damage”.
- Article 218, paragraph 3, line 6: after “practicable”, add a comma; in line 7, replace “violations” by “a violation” and in line 8, replace “violations” by “violation”.
- Article 219, line 4: replace “vessel” by “vessels”.
- Article 220, paragraph 1: add a comma after “section 7”.
- Article 220, paragraph 1: replace “national laws” by “its laws”.
- Article 220, paragraph 2: replace “violated national laws and regulations” by “violated laws and regulations of that State”.
- Article 220, paragraphs 3, 5 and 6: replace “national laws and regulations” by “laws and regulations of that State”.
- Article 220, paragraph 4: replace “shall take legislative, administrative and other measures” by “shall adopt laws and regulations and take other measures”.
- Article 220, paragraph 6, line 6: replace “in discharge” by “a discharge”.
- Article 221, paragraph 2: in line 2, replace “ships” by “vessels” and in lines 3 and 4, “ship” by “vessel”.
- Article 222: replace “States shall, within air space” by “States shall enforce, within the air space” and in line 2, delete “enforce”.
- Article 222: replace “adopt the necessary legislative, administrative and other measures” by “adopt laws and regulations and take other measures necessary”.
- Article 223: replace “shall enjoy such rights” by “shall have such rights”.
- Article 224: after “warships”, delete “or” and add a comma.
- Article 225: modify the text as follows: “In the exercise under this Convention their powers of enforcement against foreign vessels, States shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk”.
- Article 226, line 2: replace “of investigation” by “of the investigations”; in line 13 add a comma after “environment” and in line 15, replace “ships” by “vessels”.
- Article 228, paragraph 1, line 14: delete “firmly” and in paragraph 2, line 2, delete “of a period”.
- Article 228, paragraph 3: replace “adopt any measures, including the taking of proceedings” by “to take any measures, including proceedings”.
- Article 229: replace “affect” by “affects”.
- Article 230, in paragraphs 1 and 2: replace “Only monetary penalties” by “Monetary penalties only” and, in paragraph 2, delete the comma after “standards”.
- Article 230, paragraph 3: modify the text as follows: “In the conduct of proceedings in respect of such violations committed by a foreign vessel which may result in the imposition of penalties, recognised rights shall be observed”.

PART XIII. MARINE SCIENTIFIC RESEARCH

- Article 240, subparagraph (d): replace “regulations established” by “regulations adopted”.
- Article 242, paragraph 2, line 2: add a comma after “State”, “Part”, “provide”, and “as appropriate”.
- Article 243: delete “with one another”.
- Article 244, paragraph 1: after “make available” add “by publication and dissemination through appropriate channels” and delete this phrase at the end of the sentence.
- Article 244, paragraph 2, line 1: replace “States shall” by “States, both individually...organizations, shall actively promote”.
- Article 244, paragraph 2: replace “to develop States” by “to developing States”.
- Article 246, paragraph 6, lines 4 to 6: modify the text as follows: “with the provisions of this Part on the continental shelf, beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, outside those specific areas which coastal States”.
- Article 247: modify the text as follows:
 “A coastal State which is a member of an international organization or has a bilateral agreement with such an organization, and in whose ‘exclusive economic’ zone or on whose continental shelf the organization wants to carry out, ‘directly or under its auspices,’ a marine scientific research project, shall be deemed to have authorized the project to be carried out in conformity with the agreed specifications if that State approved the detailed project when the decision was made by the organization for the undertaking of the project, or is willing to participate in it, and has not expressed any objection within four months of notification of the project by the organization to the coastal State”.
- Article 248, line 4: replace “the research project” by “the marine scientific research project”.
- Article 248, subparagraphs (a) (e) and (f): delete “research”.
- Article 248, subparagraph (c): replace “activities are” by “project is”.
- Article 249, paragraph 1, line 3: add a colon after “conditions”; in paragraph 1 (a) to (g), begin with lower case letters; in line 1 of paragraph 1 (a), replace “rights” by “right”; in paragraph 1 (a) and 1 (c), before “research” add “marine scientific research”; in line 5, delete “research”, and in paragraph 1 (c) add “marine scientific” before “research project”.
- Article 249, paragraph 1 (d): delete the comma after “samples”.
- Article 250, title to read, “Communications concerning marine scientific research projects”, and replace “concerning the research project” by “concerning marine scientific research projects”.
- Article 252, line 1: replace “research” by “marine scientific research”.
- Article 252, subparagraph (b): delete “research” and in subparagraph (d): replace “research project” by “marine scientific research project”.
- Article 253, paragraph 1 (b): replace “project” by “marine scientific research project”.
- Article 254, paragraph 2: replace “such proposed research” by “Such a proposed marine scientific research”.
- Article 254, paragraph 2, line 4: replace “marine scientific research” by “such a project”; in line 6 replace “article” by “articles”.
- Article 254, paragraph 3, line 3: replace “proposed research” by “proposed marine scientific research”, and in line 5, delete “research”.
- Article 255: replace “their internal law” by “laws and regulations”.
- Article 258, line 4: replace “in such area” by “in any such area”.

Article 259, line 3: replace "seas" by "sea".

Article 262: replace "principles established" by "rules and standards established".

Article 263, paragraph 2, line 2: replace "undertake" by "take", and in line 3, delete "on their behalf".

PART XIV. DEVELOPMENT AND TRANSFER
OF MARINE TECHNOLOGY

Article 266: title to read, "Promotion of the development"

Article 268, subparagraph (d): after the semicolon delete "and".

Article 269: replace "inter alia, endeavour to" by "shall endeavour, inter alia, to"; in subparagraph (a), line 3, delete "other"; in line 6, delete "the" before "marine resources" and in subparagraph (d), replace "technologists" by "technological".

Article 270: replace "marine technology shall, where feasible and appropriate, be carried out" by "marine technology shall be carried out, where feasible and appropriate,"; in line 4, delete "and" and add a comma after "research", and in line 5, add a comma after "new fields".

Article 272, line 2: delete "in this field".

Article 274: replace "the Authority shall, with regard to activities within the Area, ensure" by "the Authority, with regard to activities in the Area, shall ensure that"; in subparagraphs (a) to (d) delete "that"; in subparagraph (a), line 4, replace "undertaking" by "undertakings", and in subparagraph (c), line 3, add a comma after "States".

Article 275, paragraph 1: replace "specially in developing" by "particularly in developing".

Article 275, paragraph 1: replace "and strengthening" by "and the strengthening"; in line 6, replace "strengthen" by "enhance"; add a comma after "Authority"; and in paragraph 2, replace "for the provision of advance training facilities" by "so as to provide for advanced training facilities".

Article 276, paragraph 1, line 1: delete "shall" and in line 3 replace "promote the establishment, especially in developing States" by "shall promote the establishment, particularly in developing States".

Article 277, subparagraph (g): replace the period with a semicolon.

B. Letter dated 26 August 1980 from the Chairman of the Second Committee to the Chairman of the Drafting Committee

At the 133rd informal meeting of the Second Committee held on 19 August 1980, I directed the attention of the Committee to the recommendations of the Drafting Committee on Informal Paper 2 and Add. I which do not appear in document A/CONF.62/WP.10/Rev.2.

Only those recommendations covering articles falling within the mandate of the Second Committee and touching, in some manner, upon the substance of the text, were put before the Committee for its consideration. The list of articles contained in Informal Paper 14, dated 18 August 1980, of the Drafting Committee, was used as a reference.

I. RECOMMENDATIONS SUBMITTED BY THE CHAIRMAN
TO THE COMMITTEE

(a) Article 22, paragraph 3 (a): the recommendation to replace the phrase "recommendations of competent international organizations" by "recommendation of the competent international organization", was accepted.

(b) Article 58, paragraph 2: the recommendation to replace the phrase "other pertinent rules of international law" by "other rules of international law", was not accepted.

(c) Article 60, paragraph 5: the recommendation to replace the phrase "the appropriate international organizations" by "the competent international organization", was accepted.

(d) Article 60, paragraph 8: With regard to the recommendation to replace the expression "artificial islands, installations and structures have no territorial sea of their own" by "artificial islands, installations and structures, do not possess the status of islands. They have no territorial sea of their own", some delegations expressed their preference for the present text, although the majority supported the suggestion made by the Drafting Committee. However, this support was subject to the deletion of the phrase "They have no territorial sea of their own", which was considered superfluous.

(e) Article 91, paragraph 1: there was no agreement on the recommendation to replace the expression "ships have the nationality of the State whose flag they are entitled to fly" by "ships have the nationality of States whose flag they are authorized to fly". This also applied to the recommendations on article 1, paragraph 6; article 90; article 98, paragraph 1, and article 99. Therefore, no change is being made on these texts at this stage.

II. OTHER POINTS RAISED BY DELEGATIONS

During and after the meeting some delegations made representations on the recommendations on article 17, article 38, paragraph 1; article 52, paragraph 1; and article 53, paragraph 2, to replace the phrase "enjoy the right" by "have the right". These delegations felt that these changes could in some way alter the substance of these texts and therefore supported the present text in the negotiating text. As a result, I decided not to incorporate these changes at the present stage.

III. DRAFTING CHANGES

No comments were made regarding the recommendations contained in Informal Paper 14 on article 1, paragraphs 7 and 8; article 2, title; article 10, paragraphs 4 and 5; article 21, paragraph 1; article 24, paragraph 1; article 27, paragraph 5; article 34, title; article 42, paragraph 1; article 49, title; article 58, paragraph 3; article 61, paragraph 2; article 61, paragraph 4; article 61, paragraph 5; article 73, paragraph 1; article 99 (regarding replacement of the phrase "shall adopt effective measures" by "shall take effective measures"; article 113, article 114, article 115, article 117, article 119 and article 125, paragraph 3. Therefore, these recommendations should be incorporated in the third revision of the negotiating text.

(Signed) A. AGUILAR M.
Chairman of the Second Committee

ANNEX III

Proposed timetable for a 7-week informal intersessional meeting of the Drafting Committee

Week 1: Parts II-VI and annexes I and II.

Week 2: Parts VII-X.

Week 3: Part XII.

Week 4: Parts XIII-XIV.

Week 5: Part I, Parts XV-XVI, the Preamble, annexes V-VIII.

Weeks 6 and 7: Part XI and annexes III, IV.

DOCUMENT A/CONF.62/L.64

Algeria, Libyan Arab Jamahiriya, Mauritius, Philippines, Sri Lanka, Trinidad and Tobago, Uruguay and Yugoslavia: draft resolution on development of national marine science, technology and ocean service infrastructures

[Original: English]
[23 September 1980]

The Third United Nations Conference on the Law of the Sea.
Recognizing that the Convention on the Law of the Sea is intended to establish a new régime for the seas and oceans which will contribute to the realization of a just and equitable international economic order through making provision for the peaceful

use of ocean space, the equitable and efficient management and utilization of its resources, and the study, protection and preservation of the marine environment.

Bearing in mind that the new régime must take in account, in particular, the special needs and interests of the developing coun-