

Third United Nations Conference on the Law of the Sea

1973-1982

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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

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)

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.1 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.

1. 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 56, 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. AGUIAR 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-

tries, whether coastal, land-locked, or geographically disadvantaged,

Aware of the rapid advances being made in the field of marine science and technology, and the need for the developing countries, whether coastal, land-locked or geographically disadvantaged, to share in these achievements if the aforementioned goals are to be met,

Convinced that, unless urgent measures are taken, the marine scientific and technological gap between the developed and the developing countries will widen further and thus endanger the very foundations of the new régime,

Believing that optimum utilization of the new opportunities for social and economic development offered by the new régime will be facilitated through action at the national and international level aimed at strengthening national capabilities in marine science, technology and ocean services, particularly in the developing countries, with a view to ensuring the rapid absorption and efficient application of technology and scientific knowledge available to them,

Considering that national and regional marine scientific and technological centres would be the principal institutions through which States, and in particular, the developing countries, foster and conduct marine scientific research, and receive and disseminate marine technology,

Recognizing the special role of the competent international organizations envisaged by the Convention on the Law of the Sea, especially in relation to the establishment and development of national and regional marine scientific and technological centres,

Noting that present efforts undertaken within the United Nations system in training, education and assistance in the field of marine science and technology and ocean services are far below current requirements and would be particularly inadequate to meet the demands generated through operation of the Convention on the Law of the Sea,

Welcoming recent initiatives within international organizations to promote and co-ordinate their major international assistance programmes aimed at strengthening marine science infrastructures in developing countries,

1. *Calls upon* all Member States to determine appropriate priorities in their development plans for the strengthening of their marine science, technology and ocean services;

2. *Calls upon* the developing countries to establish programmes for the promotion of technical co-operation among themselves in the field of marine science, technology and ocean service development;

3. *Urges* the industrialized countries to assist the developing countries in the preparation and implementation of their marine science, technology and ocean service development programmes;

4. *Recommends* that the World Bank, the Regional Banks, the United Nations Development Programme, the Interim Fund on Science and Technology and other multilateral funding agencies augment and co-ordinate their operations for the provision of funds to developing countries for the preparation and implementation of major programmes of assistance in strengthening their marine science, technology and ocean services;

5. *Recommends* that all competent international organizations within the United Nations system expand programmes within their respective fields of competence for assistance to developing countries in the field of marine science technology and ocean services and co-ordinate their efforts on a systemwide basis in the implementation of such programmes paying particular attention to the special needs of the developing countries, whether coastal, land-locked or geographically disadvantaged;

6. *Requests* the Secretary-General of the United Nations to transmit this resolution to the General Assembly at its thirty-fifth session.

DOCUMENT A/CONF.62/WS/9

Statement by the delegation of Colombia dated 3 April 1980

[Original: Spanish]
[8 August 1980]

1. Today we are not holding a general debate but are expressing specific opinions about the possibilities of revising the informal composite negotiating text of 28 April 1979 (A/CONF.62/WP.10/Rev.1), bearing in mind the views which have been expressed on it, the reports of the Chairmen of the Committees and working groups, and the positions of the various countries.

2. This entails a kind of review or balance-sheet, and consequently the establishment of a number of fundamental priorities for my delegation.

3. The so-called "rule of silence" for incorporating or amending texts is unacceptable to us. A further point is that within the limitations imposed we are unable to mention a number of subjects, whether because we are in agreement, as is usually the case, with the Group of 77 of which we are a member, or because we are awaiting the opportunity afforded by the general debate, when the Conference will proceed from a revised negotiating text to a negotiated text. This time has not yet come.

4. There are a number of generic factors which may be used as parameters. The first is that for some time now there has been a feeling of weariness and even scepticism with regard to the prolongation of the deliberations of the Conference, a prolongation which, in the opinion of many, is excessive. The second is that the rules of consensus incorporated in the so-called "gentlemen's agreement" of 27 June 1974 must either be completely in force or they lose their *raison d'être*. Thirdly, the essential inter-

ests of States are guaranteed by the rule of consensus, but this cannot serve as a pretext for failing to take decisions when appropriate, in particular with regard to the implementation of paragraphs 10 and 11 of document A/CONF.62/62.¹⁹

5. Because of its special geographical situation and the specific conditions which exist there, Colombia considers that one of its priorities at the Conference is the problem of the delimitation of its marine and submarine areas. We form part of the group of countries which have sponsored document NG7/2/Rev.2 and for this reason we support the statements made by our spokesman, the delegation of Spain.

6. We have followed with keen interest the discussions which took place yesterday and today, and we have noted that many important delegations which are not members of either of the two groups directly concerned have pointed out to the Collegium that on the question of delimitation criteria there is no consensus on the existing negotiating text (art. 74, para. 1 and art. 83, para. 1). In the opinion of these neutral delegations, the proposals by the Chairman of negotiating group 7 (A/CONF.62/L.47)²⁰ constitute a better opportunity of achieving a consensus. Others consider that the negotiating text can by no means be regarded as settled or accepted, and yet others, concerned about the deadlock and even feeling a sense of discouragement, are re-

¹⁹ *Ibid.*, vol. X (United Nations publication, Sales No. E.79.V.4).

²⁰ *Ibid.*, Vol. XIII.