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Report of the Chairman of the Drafting Committee

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XVI (Summary Records, Plenary, First and Second Committees, as well as Documents of the Conference, Eleventh Session)*

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Report of the Chairman of the Drafting Committee

[Original: English]
[5 March 1982]

1. An intersessional meeting of the Drafting Committee was held in New York from 18 January to 26 February 1982 in accordance with the decision taken by the Conference at its 153rd plenary meeting,[18] on 24 August 1981.

2. From the opening days of the meeting the language groups, the co-ordinators and the Drafting Committee maintained an intensive schedule of meetings in the early morning hours, evenings, weekends, holidays and luncheon periods in addition to the regular meetings during United Nations working hours.

3. The language groups submitted a series of proposals on annexes III and IV. The co-ordinators completed consideration of Part XI, but were unable to give consideration in the time available to annexes III and IV provided for in the timetable decided on by the Conference.

4. The Drafting Committee is now submitting a series of proposals to the informal plenary meetings on articles 147 to 185 of Part XI. These recommendations are set out in addenda 1 to 8 to this report. Other matters regarding this Part are still under review.

5. There were 273 meetings of the language groups, 18 meetings of the co-ordinators of the language groups open to all delegations, under the direction of the Chairman of the Drafting Committee, and 7 meetings of the Drafting Committee. Representatives of 38 delegations participated in the

[18] See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XV (United Nations publication, Sales No. E.83.V.4).

meetings. The Drafting Committee maintained its previously established informal working methods, with informal consultations continuing to play an increasingly significant role.

6. In accordance with the timetable proposed at the 154th plenary meeting, the Drafting Committee gave priority to Part XI and annexes III and IV. The volume, importance and complexity of these provisions, which create new legal concepts and new international institutions, are without precedent in international law, and have made it impossible for the Committee to complete consideration of all items on its agenda, in accordance with the timetable set by the Conference. As an indication of the number and range of issues addressed, the Drafting Committee has formulated 1,143 recommendations concerning Part XI during the intersessional meeting, as compared to a total of approximately 1,500 recommendations relating to all other Parts of the draft convention to date.

7. It is recommended that the language groups of the Drafting Committee meet as frequently as possible during the first weeks of the eleventh session of the conference with a view to early completion of their work on annexes III, IV, VI, VII and VIII, Parts XVI and XVII, preamble, article 1 and transitional provision, followed by the necessary meetings of the co-ordinators of the language groups and the Drafting Committee.

8. It is recommended also that sufficient time and the necessary facilities be provided for the Drafting Committee to enable it to carry out its work during the eleventh session.

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Report of the President on the question of participation in the convention

[Original: English]
[26 March 1982]

1. The President held many informal meetings and consultations on the question of participation in the convention, during the first three weeks of the eleventh session. He reiterated the understanding that the question of participation was a package. The consultations commenced by examining the President's draft texts on the question of participation by international organizations, contained in annex 2 of document FC/27. The discussion of the President's text was undertaken on an article-by-article basis. The revised text, based upon these discussions, is contained in annex 1 to this report.

Intergovernmental organizations

2. The first article to be considered was paragraph 1 (d) of article 305, concerning signature by international organizations. This was discussed in conjunction with article 1, paragraph 1, of annex IX, which contained the definition of international organizations for the purpose of participation in the convention. The view was expressed that it would not be necessary to repeat the qualifying criteria for participation, in the context of signature requirements, as long as they were already contained in the definition. Some also felt that there

was a lack of symmetry between paragraph 1 (d) of article 305, which requires that at least one member State of the organization be a signatory to the convention before the organization may sign, and article 3, paragraph 1 of annex IX, which requires that a majority of States members of the organization be Parties to the convention before the organization may become a Party. It therefore appeared that it would be adequate to include a mere cross-reference to the definition contained in article 1, paragraph 1 of annex IX, and to include requirements regarding signature in a separate article of the annex.

Signature of the convention

3. The new article 2 of annex IX requires that a majority of the member States of the international organization sign the convention before the organization can sign.

Definition of international organizations

4. Also in connection with article 1, paragraph 1 of annex IX, several colleagues felt that it would be desirable to specify more clearly the kind of international organizations contemplated. In particular, the view was expressed that the intergovernmental nature of these organizations should be clearly

*Incorporating document A/CONF.62/L.86/Corr.1 of 29 March 1982.