

# **Third United Nations Conference on the Law of the Sea**

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Document:-

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## **Summary records of meetings of the First Committee 1<sup>st</sup> meeting**

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume II (Summary Records of Meetings of the First, Second and Third Committees, Second Session)*

# FIRST COMMITTEE

## 1st meeting

Wednesday, 10 July 1974, at 10.40 a.m.

Chairman: Mr. P. B. ENGO (United Republic of Cameroon).

### Organization of work

1. The CHAIRMAN said that the Caracas meeting was the culmination of a long and arduous effort that had fostered an awareness of the multidimensional importance of the oceans to mankind and of the magnitude and complexity of the problems of their utilization. In the past some attempts at regulation and organization had been made, but had met with little or no success. In recent years, however, a considerable number of new countries had appeared on the scene and they had exerted revolutionary pressures on the existing order, which they had not helped to establish and whose rules they did not always accept, as witnessed by the increasingly frequent disputes over fishing, the unilateral extension of territorial waters and specialized jurisdictions, all symptoms of the need to alter the legal framework governing the oceans.

2. The task of the Conference, and more particularly of the First Committee, was therefore to build a new legal order for the oceans, pragmatic and durable enough to harmonize diverse interests, while taking account of the wider realities of history. The Committee must legislate for posterity, adopting treaty articles that could withstand inevitably changing times. The Conference was fortunate in being equipped with a number of new conceptual elements, and the First Committee would have as its working base the Declaration of Principles Governing the Sea-Bed and the Ocean Floor and the Subsoil Thereof beyond the Limits of National Jurisdiction;<sup>1</sup> it should also take account of the concept that the area and its resources constituted the common heritage of mankind, which transcended the inherent opposition between the doctrines of *res nullius* and *res communis*. That, together with the plan to establish an international régime and machinery to ensure the "orderly and safe development and rational management of the area and its resources" for the benefit of "mankind as a whole", offered a number of new approaches that promised to halt and reverse the descent into chaos. More specifically, the issues to be dealt with related to the status, scope and basic provisions of the régime to be established based on the Declaration of Principles, and the status, scope, functions and powers of the international machinery.

3. Each State or group of States was the best judge of its own needs, interests and priorities. It was therefore important to listen to others and to be heard by them, for there could be no true spirit of compromise without an understanding of what truly hurt others. In international relations it was becoming obvious that economic, political or numerical threats were no longer effective, and that was another important reason for trying to reconcile conflicting views born of the divergency of interests and needs. Every delegation should therefore be imbued with a sense of its responsibility towards its own country and also towards the international community as a whole.

4. Turning to the question of the organization of the work of the Committee, he said that the Conference had only 36 working days left to conclude its work. During that period, the First Committee must negotiate treaty articles and have them included in a larger framework to be submitted for adoption by the Conference as an integral part of the convention on the law of the sea. He therefore appealed to representatives not to waste time on procedural matters and, in organizing their work, to allow sufficient latitude to modify and adapt current positions to future requirements.

5. He also requested representatives to be fully aware of the nature and complexity of the task entrusted to the Committee. The preparatory committee had been able to do no more than assemble widely divergent views in a set of documents, while the task of the First Committee was to negotiate in order to reconcile divergent views and then to draft the actual provisions of a convention. He stressed the fact that the Committee had not only to take political and economic decisions, but to provide the juridical background for the convention as a whole.

6. In connexion with the organization of the work of the Committee, he said that, after consulting with members of the General Committee and geographical groups, he wished to make certain proposals. From those consultations it was clear that it would be prudent to start with a brief period of debate in which representatives would not only merely reiterate their national position, but would comment on fundamental issues, the resolution of which would facilitate a consensus on the main points of disagreement, and in particular would try to eliminate the list of alternatives that appeared in the documents of the preparatory committee. He proposed that the debate should open that same day, that it should be limited to one week, that the list of speakers should be closed on 12 July at 5 p.m., and that statements should be restricted to no more than 10 or 15 minutes at the most.

7. In consultations he had held on issues before the Committee, two problems had aroused strong feelings on the part of some delegations: the economic implications of sea-bed exploitation, and the rules and regulations covering such exploitation. Those two questions could not fruitfully be discussed in detail in the opening debate. The Committee would study them later, but the timing and method of their consideration should be the subject of further consultation.

8. After the short opening debate, the Committee could be converted into an informal body of the whole which would meet for two weeks while it attempted to eliminate unnecessary brackets and alternatives in the documents, thus providing a basis for realistic negotiations later. However, he did not exclude the possibility of eliminating all the brackets and alternatives if the Committee could immediately reach a consensus. After that period, the Committee would hear an oral report on its work. Meanwhile, he would hold further consultations on the next stage of the work of the Committee.

<sup>1</sup>General Assembly resolution 2749 (XXV).

9. In view of the consultations he had held on the subject, he proposed that Mr. Pinto of Sri Lanka should head the informal body.
10. Mr. GALINDO POHL (El Salvador) paid tribute to the Chairman, whose experience was known to all. He had been asked by the Latin American countries to express their support of the statement just made by the Chairman. The Latin American countries approved the division of the work of the Committee into official and informal meetings, and the nomination of Mr. Pinto as Chairman for the latter. They also approved the suggestion to conduct the general debate within the limits suggested by the Chairman, on the understanding that they represented not a rigid time-table, but an appeal to the delegations to show due restraint, and that the general debate would be sufficiently flexible to enable new participants in particular to express their views. The Latin American countries also agreed to proceed as soon as possible to the stage of informal discussions and to begin real negotiations. The appropriate starting-point for those negotiations appeared to be a third reading of the existing texts, in order to remove the square brackets which still remained and to identify the key points for negotiation.
11. Mr. ILLANES (Chile) wished to underline the importance of the question of the economic impact of the exploitation of mineral resources of the sea-bed on the production of countries, in particular of developing countries, which exploited land-based deposits of the same minerals. In addition to the report of the Secretary-General (A/CONF.62/25), there were also a number of documents prepared by the United Nations Conference on Trade and Development (UNCTAD) on that subject which merited careful examination. It would be most useful if a representative of that organization were able to attend to present those documents.
12. Mr. HYERA (United Republic of Tanzania) approved the proposals made by the Chairman and merely wished to say that, in his opinion, the primary task of the informal discussions should be to examine questions of substance; he did not think that it would be possible to overcome the existing difficulties in the course of official meetings.
13. Mr. MANNER (Finland), speaking on behalf of the group of Western European and other countries, welcomed the appointment of Mr. Engo as Chairman of the discussions. The group approved the Chairman's proposals as a basis for organizing the work of the Committee.
14. Mr. ADEDE (Kenya) supported the Chairman's proposals and pointed out that, while delegations which had not yet had an opportunity to express their views should be given an opportunity to do so, the discussions should be directed towards a search for solutions, without spending any time on policy statements which were already known. He endorsed the opinion of the representative of the United Republic of Tanzania on the importance of informal negotiations. It was to be hoped that a third reading of the text would enable a new document to be prepared which removed existing differences.
15. Mr. FONSECA TRUQUE (Colombia) said he agreed entirely with the Chairman's proposals and suggested that the text should be published in full.
16. Mr. DE SOTO (Peru) agreed with the representative of Chile that the Committee should be able to examine in depth the economic impact of the exploitation of mineral resources from the sea-bed on the land-based production of the same minerals by developing countries. With regard to documents prepared by UNCTAD, he wished to know what those documents were and whether a representative of UNCTAD could attend in order to present them.
17. Mr. LEVY (Secretary of the Committee) explained, in reply to the question raised by the representatives of Chile and Peru, that there were, in addition to the report of the Secretary-General on the economic implications of sea-bed mineral development in the international area (A/CONF.62/25), several documents prepared by UNCTAD, a list of which was given in document A/CONF.62/26. A representative of UNCTAD was expected on 15 July, but it was not yet known how long he would stay in Caracas.
18. Mr. PINTO (Sri Lanka) congratulated the Chairman and assured him of the support of the Asian group for the proposals he had just made. He wished to draw attention to the importance of the question of the economic impact of sea-bed mineral development on the land-based production of minerals, and of the question of the general principles which should govern the exploitation of the sea-bed. He thought it would be difficult to ask delegations to refrain from discussing the subject. He endorsed the opinion of the representative of Colombia that the Chairman's statement should be published in full.
19. Mr. JEANNEL (France) said he was particularly glad to have Mr. Engo as Chairman of the Committee. His delegation thought that the methods suggested were excellent. The Committee should dispense with theoretical discussions and come to grips with the concrete problems. His delegation welcomed the very valuable support which Mr. Pinto would give.
20. Mr. PALACIOS (Bolivia) said he fully agreed with the Chairman's proposals and would merely stress the need to make the work of the Committee as flexible as possible.
21. Mr. KEDADI (Tunisia) fully endorsed the Chairman's proposals. In particular, the general debate should be limited as much as possible, while States which had not participated in the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction should be given an opportunity to express their views. He also endorsed the opinion of the representative of the United Republic of Tanzania that absolute priority be given to the negotiations, in order to reconcile different points of view. He also supported the suggestion of the representative of Chile that the Committee should examine the documents prepared by UNCTAD and hear a representative of that body.
22. His delegation would like to know whether a document existed or was being considered on the problem of the distribution of the profits from the exploitation of the international zone. If the Secretary-General's report and the UNCTAD documents were not sufficiently specific on that point and did not provide the necessary background information, he asked whether the Secretariat could not prepare a working document on the subject.
23. Mr. LEVY (Secretary of the Committee) noted that the sea-bed Committee had examined the question of the distribution of profits from the development of the sea-bed and that documents had been prepared on it by the Secretariat in 1970 and 1971. No new document by the Secretariat on the subject existed and it was not possible to express an opinion on the suggestion without further details from the representative of Tunisia.
24. The CHAIRMAN said that, if there were no objections, he would consider that the Committee approved the proposals made in his initial statement, having regard to the observations which had been made subsequently, and decided to have the text of the statement published in full.

*It was so decided.<sup>2</sup>*

*The meeting rose at 11.55 a.m.*

<sup>2</sup>The full text of the Chairman's statement has been issued as document A/CONF.62/C.1/L.1.