

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/C.3/SR.1

Summary records of meetings of the Third Committee 1st 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)*

THIRD COMMITTEE

1st meeting

Thursday, 4 July 1974, at 12.10 p.m.

Chairman: Mr. A. YANKOV (Bulgaria).

Organization of work

1. Mr. VAZQUEZ CARRIZOSA (Colombia), announced that his country had been elected to the vice-chairmanship of the Committee and that Mr. Diego Uribe Vargas, a senator and professor of law and Mr. Alvaro Escallón Villa, a senator and economist, had been appointed to assume that office in turn. The appointment of two such eminent persons was indicative of the great importance which Colombia attached to the work of the Committee.

2. The CHAIRMAN thanked the members of the Committee for having elected him to the chairmanship and said that he and the other officers would carry out their functions to the best of their ability.

3. The Third Committee constituted in a way a continuation of Sub-Committee III of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction; that Sub-Committee had been established in 1971 and its terms of reference in relation to the Third Committee were to be found in the work programme based on the list of items and subjects approved by the sea-bed Committee in 1973.

4. The Sub-Committee's work programme had consisted of the following: Preservation of the marine environment (including the sea-bed); Elimination and prevention of pollution of the marine environment (including the sea-bed); Scientific research concerning the marine environment (including the sea-bed); Development and transfer of technology; Other matters. The Sub-Committee had concluded its general discussion on the items falling within its terms of reference during the summer session at Geneva in 1973. In July 1972 the Sub-Committee had established a working group on marine pollution, of which Mr. Vallarta of Mexico had been Chairman. That group had held several meetings in 1972 and 1973 and had submitted to the Sub-Committee a report which appeared in the report of the sea-bed Committee on its work in 1973 (A/9021 and Corr.1 and 3, vol. 1, p. 84). The working group had been able to prepare a number of draft articles on various questions. Several of those articles had been adopted without any reservations, while in the case of others a number of variants had been submitted. In March 1973 the Sub-Committee had established a working group on scientific research with Mr. Olszowka of Poland as its Chairman. Having less time at its disposal, that working group had not been able to go as far in its work as had the working group on marine pollution, but it had submitted some draft articles, which also appeared in the report in question (*ibid.*, pp. 102-105). He sincerely hoped that the Conference would be able to benefit from the accomplishments of the two working groups. On behalf of the Committee, he expressed his sincere thanks to Mr. van der Essen of Belgium, Chairman of Sub-Committee III of the sea-bed Committee, for the way in which he had guided the Sub-Committee's work; he also wished to thank Mr. Vallarta and Mr. Olszowka for their contributions to the achievements of the working groups.

5. Turning to the question of the organization of the Committee's work, he informed the members of certain conclusions reached following the consultations held during the week with the regional groups. It should be noted that those conclusions were merely suggestions submitted by way of information, for the consultations were continuing and the Committee did not have to take any immediate decision on the matter.

6. The Third Committee's agenda for the current session and for any future sessions would be that which appeared in document A/CONF.62/29, items 12 to 14, and related matters. With regard to the structure of the Committee, he said that he had held lengthy consultations with the members of the regional groups and he would like to put before the Committee the different trends which seemed to have emerged.

7. A majority of the participants seemed to be in favour of establishing two working groups, one on marine pollution, which would be Working Group 1, and the other on scientific research, which would be Working Group 2. As to the third item which the Committee was to deal with, namely, the development and transfer of technology, he suggested that it should be studied by Working Group 2, in view of the close relationship between the two subjects. However, if the Committee should, subsequently feel that a separate working group needed to be established for that purpose, that possibility was by no means excluded. Those groups would work unofficially and would be open to all members of the Committee. Also, no meetings, whether of the plenary Committee, Working Group 1 or Working Group 2, would be held simultaneously. He suggested those arrangements so as to enable delegations having only a small number of representatives to attend all meetings. Each of the working groups would have a chairman and, if necessary, a rapporteur. The working groups would meet every day and their chairmen would report once a week to the Committee to enable the latter to follow the development of the work officially. During the consultations the names of Mr. Vallarta of Mexico and Mr. Hela of Finland had been put forward for the chairmanships of Working Groups 1 and 2 respectively and those of Mr. Mbote of Kenya and Mr. Olszowka of Poland to exercise the functions of rapporteur.

8. Another solution would be not to set up working groups but to have the plenary Committee meet, either officially, with summary records, or unofficially, as a working group of the whole, as in the case of the Second Committee. That procedure would make it possible to avoid fragmenting the deliberations on the subject.

9. With regard to methods of work, he observed that as some delegations had not yet had the opportunity to express their views they would doubtless wish to do so in the course of a general statement, but he thought that the number of speakers and the length of their statements should be limited. It would be advisable to adopt the most flexible approach possible and combine official and unofficial meetings of the Committee, of working groups and of any small *ad hoc* groups of sponsors of proposals which might share similar viewpoints or might be

seeking to reconcile divergent points of view. Informal consultations should also be held if necessary. The officers and the plenary Committee would be responsible for co-ordinating and harmonizing the work of the different groups. As to documentation, he referred the members of the Committee to volume I of the report of the sea-bed Committee and drew attention to all the available documents and the proposals submitted by delegations and specialized agencies.

10. Lastly, he invited the members of the Committee to express their opinions and said that it was not imperative to take a decision immediately; however, it should be noted that consideration of questions of substance relevant to the mandate of the Third Committee was to begin the following week.

11. Mr. GALINDO POHL (El Salvador), speaking on behalf of the participants in the meetings of the Latin American States attending the Third United Nations Conference on the Law of the Sea, congratulated the Chairman on his election. The Latin American countries had considered the various suggestions which the Chairman had just mentioned and had reaffirmed their desire to facilitate the work of the Committee with regard both to procedure and to matters of substance.

12. As to the structure of the Committee's work, they felt that the Third Committee, like the Second Committee, should hold either official or unofficial meetings, but that in either case the Chairman of the Committee should preside over the deliberations. He would not enumerate at that stage all the considerations justifying that arrangement, for consultations should be continued.

13. Moreover, the Latin American countries were keenly interested in the transfer of technology, regardless of the structure to be decided upon. The question was of paramount importance for the developing countries and it should be in the forefront of the work not only of the Conference but also of all United Nations bodies.

14. The participants in the meetings of the Latin American States undertook to co-operate fully with the officers of the Committee and were confident that a consensus could be reached.

15. Mr. CISSE (Senegal), speaking on behalf of the group of African States, congratulated the Chairman on his election and welcomed Mr. Vázquez Carrizosa, Minister for External Relations of Colombia, whose presence was an indication of the great importance which that country attached to questions relating to pollution of the seas. He added that the African group was particularly satisfied with the excellent relations of friendship and co-operation existing between Africa and Colombia.

16. At the meeting which it had just held, the group of African States had advocated the solution adopted by the First and Second Committees, partly because the delegations of the African countries were in many cases very small and would have difficulty in attending several meetings at the same time, and partly because the process of establishing new working groups always raised problems of geographical distribution with respect to the election of chairmen and rapporteurs. Thus the most practical solution would be to have a single working group. That would, of course, entail a considerable amount of work for the Chairman, but he could ask the three Vice-Chairmen to assist him. The informal consultations—which were necessary—should not lead to the setting up of *ad hoc* groups.

17. Moreover, the group of African States would like all meetings of the Committee, whether official or unofficial, to be announced in the *Journal*.

18. Mr. MANNER (Finland), speaking on behalf of the group of Western European and other States, congratulated the Chairman on his election and assured him of the readiness of all members of the group to co-operate with him. Concerning the various proposals which had been mentioned, some

members of the group had referred to the need to establish two working groups, open to all members of the Committee, to deal, one with pollution, the other with scientific research, for two entirely different questions were involved. Such appeared to be the attitude of a majority of the members of the group of Western European and other States, but consultations should continue.

19. Mr. PINTO (Sri Lanka), speaking on behalf of the group of Asian States, congratulated the Chairman and other officers on their election. The Asian group assured the officers of the Committee of its support. Having been informed of the proposals made concerning the structure of the Committee, he, in his capacity as Chairman of the Asian group, had consulted the various delegations which were members of the group. With a few exceptions they apparently did not wish to modify in any way the method of work used in Sub-Committee III of the sea-bed Committee. However, when the group of Asian States had met, a majority had favoured a structure similar to that of the Second Committee, while pointing out that no criticism of the working groups of the Sub-Committee or of their officers was involved. The main reason for that development was that most delegations were very small and not properly equipped to deal with several technical questions at the same time. However, it should be said that such was the opinion expressed at that stage and it involved no commitment for the future; the Asian countries did not wish to exclude the possibility of establishing working groups at a later date. On the other hand, if the majority of members of the Committee did not share their view, they would like to have the opportunity of expressing their ideas again on the question.

20. As the Chairman had pointed out in his introductory statement, at that stage only suggestions were involved, and there was no need for any immediate decision; it would be better to hold further consultations first.

21. Mr. BEESLEY (Canada) congratulated the Chairman on his election and said he favoured the structure which had been established in Sub-Committee III. After hearing the points of view which had been expressed, he felt that considerable further consultation would be necessary. Certainly the danger of having too many meetings which the smaller delegations would find it difficult to attend should be avoided. However, the views which had been advanced almost amounted to arguments against the very existence of the Third Committee. The Committee would inevitably have to deal with a number of technical questions, while the Second Committee would be concerned more with political matters. For that reason it was not necessarily advisable to adopt the same structure in both cases.

22. He thought it desirable as a first step to establish a working group on pollution, similar to that of Sub-Committee III, the chairman of which would be the representative of a Latin American country. A second working group, to deal with scientific research, would be presided over by the Chairman of the Committee, or one of its Vice-Chairman. Naturally the two working groups should not meet at the same time. Such an arrangement would show whether it was necessary to appoint a chairman for the second working group, or whether a third group would have to be established to study questions of the transfer of technology. The various points to be examined varied considerably, but all were technical. They would be no less technical if no working groups were established. The only solution in that case would be to abolish the Committee.

23. Mr. MOORE (United States of America) congratulated the Chairman on his election and said he thought that informal discussions would be necessary in order to reconcile the different views which had been expressed. However, it was essential to bear in mind that the object of the Conference was not to conduct a lengthy exchange of views, but to conclude a convention and to that end to draw up draft articles. His delegation was ready to discuss a possible Caracas convention. The Third Committee would have to decide on the most appro-

appropriate structure to help it formulate articles on pollution, scientific research and the transfer of technology. In addition, members of the Committee were fortunate enough to have had an effective structure in Sub-Committee III; it was an institutional framework which should enable the Committee to work rapidly.

24. Mr. MIRCEA (Romania) speaking on behalf of the group of Eastern European States, congratulated the Chairman on his election. He said he did not think it should be difficult to adopt the proposals which had been made regarding working methods, consultations and documentation. Concerning the structure, the attitude of the group of Eastern

European States was very flexible. In principle it would favour the first suggestion, namely to create working groups open to all members of the Committee.

25. The CHAIRMAN thanked the delegations which had assured him of their support. Consultations would continue on the basis of the views expressed and of the first suggestions which had been made.

26. Mr. CISSE (Senegal) noted that at a forthcoming meeting of the Group of 77 the countries of Latin America, Africa and Asia would seek to co-ordinate their views.

The meeting rose at 1.30 p.m.

2nd meeting

Thursday, 11 July 1974, at 3.50 p.m.

Chairman: Mr. A. YANKOV (Bulgaria).

Organization of work

1. The CHAIRMAN said he wished to place before the Committee for its consideration a number of general points of agreement that had emerged from extensive consultations that he had held since the previous meeting.

2. First, the Committee would hold both official and unofficial meetings.

3. Secondly, during the following week the Committee would hold only official meetings in order, *inter alia*, to review the work of the working groups of Sub-Committee III of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, especially for the benefit of those delegations that had not been members of the latter, and to enable delegations to make general statements on the three items allocated to the Third Committee. For the first three days, delegations should concentrate on item 12, concerning the preservation of the marine environment and, for the following two days, on items 13, concerning scientific research, and 14, concerning development and transfer of technology. He hoped that their statements would be short and that only those delegations that had not made statements in the sea-bed Committee would speak. After all general statements had been made, the Committee would hold official meetings once a week, or when the Chairman deemed it appropriate, to enable delegations to submit proposals formally and to hear progress reports on the unofficial meetings.

4. Thirdly, the Committee would, in the course of its unofficial meetings, consider alternately item 12 at one meeting and items 13 and 14 at the following meeting. Those meetings would be on a daily basis. He suggested that the Committee, when considering item 12 in unofficial meetings, should be under the chairmanship of Mr. Vallarta of Mexico, who had been proposed by the Latin American countries and supported by the various regional groups. During the consideration of items 13 and 14, he himself would preside over the unofficial meetings until he found it feasible to designate a chairman, in consultation with the regional groups.

5. Fourthly, informal *ad hoc* working groups might occasionally be established to consider specific items, and might be under the chairmanship of persons other than the regular chairmen of the unofficial meetings. Such persons would be appointed by the Chairman of the Third Committee in consultation with the regional groups.

6. Fifthly, all of the proposals which had been submitted to Sub-Committee III of the sea-bed Committee, together with those submitted during the current session of the Conference,

would be placed before the Third Committee. It should consider all texts prepared by the working groups of Sub-Committee III, including proposals that had not been dealt with by that Sub-Committee. The main function of the unofficial meetings would be to negotiate on substantive issues, while most of the drafting work could be undertaken by the *ad hoc* working groups if and when they were set up.

7. Sixthly, it had been suggested that the Secretariat should bring up to date the unofficial comparative table of proposals submitted by Working Group 2 of Sub-Committee III, giving special attention to those proposals that had not been included in the original tables and to new proposals submitted during the current session of the Conference. Those amended tables, which the Secretariat was urged to produce as soon as possible, would be for use during the unofficial meetings.

8. Mr. CISSE (Senegal), speaking on behalf of the group of African States, said that the members of the group with which he had had an opportunity to consult generally approved of the Chairman's suggestions.

9. Mr. GAMBOA (Chile) said that, although his delegation opposed the establishment of working groups, it was ready to support the Chairman's compromise formula. However, in order to avoid creating difficulties for smaller delegations, none of the meetings should be held simultaneously. Furthermore, all meetings should be provided with interpretation.

10. The CHAIRMAN assured the representative of Chile that his wishes would be complied with.

11. Mr. RODRIGUEZ (Venezuela) said that his delegation generally approved of the Chairman's suggestions. However, he hoped that, in order to meet the needs of the smaller delegations, the suggested *ad hoc* working groups would not hold many meetings.

12. The CHAIRMAN gave his assurance that the *ad hoc* working groups would be established only occasionally, as and when the Committee deemed it necessary. They would be established for the purpose of bringing together either the sponsors of similar proposals or the sponsors of different proposals with a view to increasing the area of common ground. Such a procedure was designed to assist all delegations, large and small.

13. Mr. KORCHEVSKY (Byelorussian Soviet Socialist Republic), speaking on behalf of the group of Eastern European States, supported the Chairman's suggestions.

14. Mr. MANNER (Finland), speaking on behalf of the group of Western European and other States, said that, al-