

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

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## **Summary records of meetings of the Third Committee 2<sup>nd</sup> meeting**

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priate 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-

though the group would have preferred the establishment of two separate working groups, it was ready, in a spirit of co-operation, to accept in their general outline the Chairman's suggestions concerning the organization of work. Since the group had last met, however, certain changes had been made in the suggested organization of work which the group as a whole had not yet had the opportunity to consider or approve. His delegation, for its part, could accept the plan, provided it was sufficiently flexible to ensure that all available expertise would be used when necessary.

15. The CHAIRMAN said that the solution relating to the selection of a chairman to preside over the unofficial meetings had been reached after prolonged discussions, during which the Latin American countries had suggested that Mr. Vallarta might preside over the unofficial meetings of the Committee when item 12 was being considered. He hoped that it would soon be possible to designate a chairman to preside over the Committee for the consideration in unofficial meetings of items 13 and 14.

16. Mr. PAPAGEORGIOU (Greece) said that his delegation had always believed that the questions of pollution and scientific research should be considered separately. He agreed with Chairman's suggestion relating to the selection of a chairman to preside over the unofficial meetings, as well as that relating to documentation.

17. Mr. MBOTE (Kenya) said that his delegation could accept the Chairman's suggestions. However, in view of the extreme importance of the questions of scientific research and the development and transfer of technology, he hoped that the problem of the selection of a chairman to preside over the Committee during its consideration of those items in unofficial meetings would be resolved as soon as possible, and certainly before it began considering them in detail. He also wished to emphasize the need to avoid a proliferation of *ad hoc* working groups.

18. Mr. YTURRIAGA BARBERAN (Spain) supported the Chairman's suggestions with regard to the Committee's organization of work.

19. He thought that both official and unofficial meetings of the Committee should be announced in the *Journal*.

20. In order to avoid possible duplication of work, arrangements should be made for joint meetings with experts from the First and Second Committees.

21. The CHAIRMAN said that announcements about both kinds of meeting would be made in the *Journal*.

22. The co-ordination of the Committee's work with that of other bodies could be achieved through regular meetings of the Chairmen of the various Committees, through the General Committee, through plenary meetings and eventually through the Drafting Committee. The matter of duplication was actually covered by rule 17 of the rules of procedure.

23. Mr. MOORE (United States of America), Mr. HASSAN (Sudan), and Mr. HUSSAIN (Pakistan) endorsed the Chairman's suggestions.

24. Mr. DE ALWIS (Sri Lanka), speaking on behalf of the Asian group, said he wished to express the group's appreciation of the Chairman's untiring efforts to plan the organization of work in such a way as to ensure the effective and expeditious consideration of the items allocated to the Committee. The group was in general agreement with the Chairman's proposals and noted in particular that the task of the Committee was essentially to negotiate rather than to act as a preparatory or drafting committee. It favoured the proposal that the Committee should work through unofficial meetings—as opposed to working groups—to consider alternately item 12 at one meeting and items 13 and 14 at another, under two different chairmen. However, it did not exclude the possibility of establishing small working parties or task forces to consider specific issues in order to expedite the Committee's work. It agreed

with the Chairman's suggestion concerning the documentation to be considered.

25. Miss MARIANI (France) accepted the Chairman's suggestions and said she hoped that the problem of the chairmanship of the unofficial meetings on scientific research and the transfer of technology could be rapidly solved.

26. Mr. DAHMOUCHE (Algeria) said that he too agreed with the Chairman's suggestions. He thought that the reports of the *ad hoc* groups should be made first of all to an unofficial meeting of the Committee.

27. The CHAIRMAN replied that the *ad hoc* groups might, if necessary, report to an official meeting of the Committee. The officers of the Committee would ensure that such groups did not proliferate.

28. Mr. KOVALEV (Union of Soviet Socialist Republics) approved the Chairman's suggestions on the organization of work, documentation, and avoidance of duplication.

29. The CHAIRMAN said he took it that the Committee approved the suggestions he had made.

*It was so decided.*

30. The CHAIRMAN said that, in order to assist the Committee in its work in official meetings the following week he would summarize the preparatory work that had been done on the three items allocated to the Committee in accordance with the decisions taken at the 15th plenary meeting.

31. With regard to item 12, concerning preservation of the marine environment, he said that Working Group 2 of Sub-Committee III of the sea-bed Committee—the Working Group on Marine Pollution—had, at its March 1973 session in New York and its July-August 1973 session at Geneva, examined and prepared a number of texts and alternatives on the basis of formal proposals submitted to Sub-Committee III. Those texts were reproduced in the report of the sea-bed Committee to the twenty-eighth session of the General Assembly (A/9021 and Corr.1 and 3, vol. I, pp. 86–100). They were concerned with the following matters: basic obligations to preserve and protect the marine environment; particular obligations to prevent pollution of the marine environment from any source and the obligation to prevent damage from marine pollution; global and regional co-operation; technical assistance; monitoring; and standards. The Working Group had included in its report to the Sub-Committee a set of alternative texts submitted by Brazil which it had not been able to consider.

32. The Working Group had not been able to complete its consideration of those texts or examine other provisions in the formal draft proposals dealing with the following matters: definition of marine pollution, responsibility and liability, enforcement, immunities, freedom of the high seas, settlement of disputes, relationship to other treaties or conventions and international institutions. It had considered some aspects of those topics, but had not included texts directly relating to them in its report.

33. During the Committee's official meetings, members would be invited to speak on all matters raised, whether or not they had been considered by Sub-Committee III. There were various ways of proceeding, but he felt that it should concentrate on those items that Sub-Committee III had considered only partially or not at all. He hoped that its discussions would produce guidance for future work.

34. With regard to item 13, on scientific research, and item 14, on the development and transfer of technology, he said that Working Group 3 of Sub-Committee III of the sea-bed Committee—the Working Group on Marine Scientific Research and Transfer of Technology—had discussed matters relating to the definition and objectives of marine scientific research and the conduct, promotion and prerequisites of such research in the light of formal draft proposals submitted to Sub-Committee III. It had prepared alternative texts on those items, which appeared in the report of the sea-bed Committee

to the twenty-eighth session of the General Assembly (*ibid.*, pp. 103–105). It had not considered the following topics, which were covered in the formal proposals submitted to Sub-Committee III: consent, participation and obligations of coastal States; general conditions for the conduct of marine scientific research; international and regional co-operation for marine scientific research, including exchange and publication of scientific data; international institutions; status of scientific equipment in the marine environment; responsibility and liability; settlement of disputes; and obligations under the United Nations Charter and international treaties.

35. The Working Group had not been able to start consideration of the subject of the transfer of technology.

36. The preparatory work on scientific research and the transfer of technology had not progressed beyond its very early stages and the Committee would have to begin more or less at the beginning. The proposals, texts and alternatives would, however, provide a broad basis for discussion.

37. Mr. LEGAULT (Canada) said that two important items, concerning special measures by coastal States to prevent pollution in the light of geographical or ecological conditions and the zonal approach to the prevention of marine pollution, seemed to have been omitted from the Chairman's list of topics not examined or completed by the working groups of Sub-Committee III. He suggested that the two items, which had appeared in a number of proposals, including the working paper submitted by his own and several other delegations (A/AC.138/SC.III/L.56), should be added to the list of issues to be discussed by the Committee in official and unofficial meetings.

38. He supported the Chairman's suggestion that the Committee should concentrate on the items considered only partially or not at all by Sub-Committee III.

39. The CHAIRMAN said that, as he understood it, the two items referred to by the Canadian representative would be covered by other items, such as standards and enforcement.

40. Mr. LEGAULT (Canada) said his only concern was that the two issues should be considered separately and should be included among the items which had not been fully or partially considered; otherwise they would have lower priority.

41. Mr. BUSTANI (Brazil) suggested that the Committee should start by a second reading of the Geneva texts, with a view to narrowing differences. The Canadian representative's points could be included in the rereading of the texts on standards.

42. Mr. LEGAULT (Canada) said that if the Committee was going to identify issues not considered or completed, it would be logical to list separately the two issues he had mentioned.

43. Mr. KIRWAN (Ireland) said that the Chairman's lists were merely indicative and therefore not binding.

44. Mr. LEGAULT (Canada) remarked that an indicative list could not be helpful if it excluded two of the most important, controversial and difficult issues before the Committee.

45. Mr. JAIN (India) suggested that in the Committee's unofficial meetings representatives might be allowed to add or highlight issues which they felt had not been sufficiently emphasized in the lists.

46. Furthermore, if the work of the two working groups of Sub-Committee III was to be reviewed for the benefit of delegations which had not participated in the work of the sea-bed Committee, it would be better not to limit discussion to the items not fully or partially considered by the working groups, so that representatives of those delegations could comment on all issues.

47. The CHAIRMAN said that he wished to make it clear that there would be a flexible approach and that his lists of items were not intended to be preclusive or exhaustive. The Committee would consider all proposals submitted to it. He requested that proposals concerning subjects or issues to be discussed should be submitted to him in writing by Wednesday, 17 July, at the latest.

*The meeting rose at 6.00 p.m.*

### 3rd meeting

Monday, 15 July 1974, at 3.20 p.m.

*Chairman:* Mr. A. YANKOV (Bulgaria).

#### Preservation of the marine environment

[*Agenda item 12*]

1. The CHAIRMAN invited members of the Committee to comment on the question of pollution. He appealed to them not to repeat general statements that had been made in plenary meetings.

2. Mr. BRAUNE (German Democratic Republic) said that since his delegation had not been represented on the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction, he would like to explain its position on the main questions before the Committee.

3. In the first place, it was essential for special attention to be paid to the prevention of marine pollution and the safeguarding of free maritime research in the framework of the general task of the Conference, namely, the codification and progressive development of the international law of the sea.

4. The problems of marine pollution were now of universal importance and the prevention of a further increase in marine pollution and the gradual reduction of the strain on the seas

were part of the fundamental task of maintaining and improving the natural conditions of life for the current and future generations.

5. It was natural that countries—especially those of Africa, Asia and Latin America—whose supply of animal proteins depended on fishing were concerned about preserving or re-establishing an ecological balance of the seas which would help them to solve their economic problems more rapidly. Combating pollution of the high seas and conducting marine research for peaceful purposes required the effective co-operation of all States. The existing climate of détente and the strengthening of international peace and security were conducive to the expansion of international co-operation in those important fields.

6. A number of bilateral, regional or specific agreements already existed for protecting the marine environment and others were being drawn up but the problem could really be solved only by a universal convention covering all fields. Different and piecemeal measures for coastal zones were of little use: internationally agreed standards were needed which would be universally implemented. The sea suffered pollution from a variety of