

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

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**A/CONF.62/29**

## **Organization of the second session of the Conference and allocation of items: decisions taken by the Conference at its 15th meeting on 21 June 1974**

Extract from the *Official Records of the Third United Nations Conference on the Law of  
the Sea, Volume III (Documents of the Conference, First and Second Sessions)*

"While each sub-committee will have the right to discuss and record its conclusions on the question of limits so far as it is relevant to the subjects allocated to it, the main Committee will not reach a decision on the final recommendation with regard to limits until the recommendations of Sub-Committee II on the precise definition of the area have been

received, which should constitute basic proposals for the consideration of the main Committee."

It is therefore recommended that the same understanding should be carried forward in respect of the Main Committees of the Conference, preliminary to the adoption of the pertinent final provisions by the Conference.

## DOCUMENT A/CONF.62/29

### Organization of the second session of the Conference and allocation of items: decisions taken by the Conference at its 15th meeting on 21 June 1974

[Original: English]  
[2 July 1974]

#### I. Introduction

1. On the basis of the recommendations made by the General Committee in its first report to the Conference (A/CONF.62/28) following its consideration of the memorandum of the Secretary-General A/CONF.62/BUR/1), the Conference at its 15th meeting decided on the organization of work for the second session and the allocation of subjects and issues to the Plenary and the three Main Committees, as set out in the following paragraphs.

#### II. Organization of the session

##### *Schedule of meetings*

2. Plenary and Committee meetings will begin at 10.30 a.m. and 3 p.m.; the Conference will work a five-day week, on the understanding that meetings on Saturdays, as well as night meetings, may be scheduled if necessary.

3. In this connexion, the Conference stressed the need for punctuality in opening meetings and called attention to the text of rule 21 of the rules of procedure,<sup>171</sup> whereby the President of the Conference or the Chairman of a Main Committee may declare a meeting open and permit the debate to proceed when at least one third of the members are present.

##### *General statements*

4. In view of the interest expressed by delegations in having time allotted for general statements in the Plenary, the Conference decided:

(a) That it will begin hearing general statements immediately after the adoption of the rules of procedure, and for a period not exceeding six days;

(b) That delegations wishing to make general statements hand in their names to the Executive Secretary by 26 June, and that the list of such speakers will be closed at 6 p.m. on that date;

(c) That representatives speak in the order of their inscription on the list of speakers, on the understanding that those prevented from doing so would normally be moved to the end of the list, unless they have arranged to change places with other representatives.

5. Aware of the need to devote as much time as possible to the discussion of concrete issues in the Main Committees, the Conference decided to schedule extra meetings of the Plenary and concurrent meetings of one or more Main Committees during that period as required. In this same connexion, the Conference appealed to delegations to restrict the length of their general statements as much as possible.

##### *Closing date of the session*

6. In accordance with paragraph 4 of General Assembly resolution 3067 (XXVIII), the closing date of the Conference will be Thursday, 29 August 1974.

##### *Seating arrangements*

7. The Conference took note of the seating arrangements to be observed in the Plenary and in the Main Committees.

##### *Invitations to interested non-governmental organizations having consultative status with the Economic and Social Council*

8. The Conference requested the Secretary-General to extend invitations forthwith to the non-governmental organizations listed in A/CONF.62/L.2, in accordance with paragraph 9 of resolution 3029 (XXVII) and resolution 3067 (XXVIII).

#### III. Allocation of items

9. The Conference decided that subjects and issues will be allocated to the Plenary and to the three Main Committees in the following manner, bearing in mind the introductory note<sup>169</sup> to the list of subjects and issues:

##### *The Plenary*

##### *Items to be considered directly by the Plenary*

- Item 22. *Peaceful uses of the ocean space; zones of peace and security*  
Item 25. *Enhancing the universal participation of States in multilateral conventions relating to the law of the sea*

##### *All Main Committees*

##### *Items to be dealt with by each Main Committee in so far as they are relevant to their mandates*

- Item 15. *Regional arrangements*  
Item 20. *Responsibility and liability for damage resulting from the use of the marine environment*  
Item 21. *Settlement of disputes*  
Item 22. *Peaceful uses of the ocean space; zones of peace and security*

##### *First Committee*

##### *Items to be considered by the First Committee*

- Item 1. *International régime for the sea-bed and ocean floor beyond national jurisdiction*  
1.1 Nature and characteristics  
1.2 International machinery: structure, functions, powers  
1.3 Economic implications  
1.4 Equitable sharing of benefits bearing in mind the special interests and needs of the developing countries whether coastal or land-locked

<sup>171</sup> United Nations publication, Sales No. E.74.I.18.

- 1.5 Definition and limits of the area
- 1.6 Use exclusively for peaceful purposes
- Item 23. *Archaeological and historical treasures on the sea-bed and ocean floor beyond the limits of national jurisdiction*

### *Second Committee*

#### *Items to be considered by the Second Committee*

- Item 2. *Territorial sea*
  - 2.1 Nature and characteristics, including the question of the unity or plurality of régimes in the territorial sea
  - 2.2 Historic waters
  - 2.3 Limits
    - 2.3.1 Question of the delimitation of the territorial sea; various aspects involved
    - 2.3.2 Breadth of the territorial sea. Global or regional criteria. Open seas and oceans, semi-enclosed seas and enclosed seas
  - 2.4 Innocent passage in the territorial sea
  - 2.5 Freedom of navigation and overflight resulting from the question of plurality of régimes in the territorial sea
- Item 3. *Contiguous zone*
  - 3.1 Nature and characteristics
  - 3.2 Limits
  - 3.3 Rights of coastal States with regard to national security, customs and fiscal control, sanitation and immigration regulations
- Item 4. *Straits used for international navigation*
  - 4.1 Innocent passage
  - 4.2 Other related matters including the question of the right of transit
- Item 5. *Continental shelf*
  - 5.1 Nature and scope of the sovereign rights of coastal States over the continental shelf. Duties of States
  - 5.2 Outer limit of the continental shelf: applicable criteria
  - 5.3 Question of the delimitation between States; various aspects involved
  - 5.4 Natural resources of the continental shelf
  - 5.5 Régime for waters superjacent to the continental shelf
  - 5.6 Scientific research
- Item 6. *Exclusive economic zone beyond the territorial sea*
  - 6.1 Nature and characteristics including rights and jurisdiction of coastal States in relation to resources, pollution control and scientific research in the zone. Duties of States
  - 6.2 Resources of the zone
  - 6.3 Freedom of navigation and overflight
  - 6.4 Regional arrangements
  - 6.5 Limits: applicable criteria
  - 6.6 Fisheries
    - 6.6.1 Exclusive fishery zone
    - 6.6.2 Preferential rights of coastal States
    - 6.6.3 Management and conservation
    - 6.6.4 Protection of coastal States' fisheries in enclosed and semi-enclosed seas.
    - 6.6.5 Régime of islands under foreign domination and control in relation to zones of exclusive fishing jurisdiction
  - 6.7 Sea-bed within national jurisdiction
    - 6.7.1 Nature and characteristics
    - 6.7.2 Delineation between adjacent and opposite States
    - 6.7.3 Sovereign rights over natural resources
    - 6.7.4 Limits: applicable criteria
  - 6.8 Prevention and control of pollution and other hazards to the marine environment
    - 6.8.1 Rights and responsibilities of coastal States
  - 6.9 Scientific research
- Item 7. *Coastal State preferential rights or other non-exclusive jurisdiction over resources beyond the territorial sea*
  - 7.1 Nature, scope and characteristics
  - 7.2 Sea-bed resources
  - 7.3 Fisheries

- 7.4 Prevention and control of pollution and other hazards to the marine environment
- 7.5 International co-operation in the study and rational exploitation of marine resources
- 7.6 Settlement of disputes
- 7.7 Other rights and obligations

#### Item 8. *High seas*

- 8.1 Nature and characteristics
- 8.2 Rights and duties of States
- 8.3 Question of the freedoms of the high seas and their regulation
- 8.4 Management and conservation of living resources
- 8.5 Slavery, piracy and drugs
- 8.6 Hot pursuit

#### Item 9. *Land-locked countries*

- 9.1 General principles of the law of the sea concerning the land-locked countries
- 9.2 Rights and interests of land-locked countries
  - 9.2.1 Free access to and from the sea: freedom of transit, means and facilities for transport and communications
  - 9.2.2 Equality of treatment in the ports of transit States
  - 9.2.3 Free access to the international sea-bed area beyond national jurisdiction
  - 9.2.4 Participation in the international régime, including the machinery and the equitable sharing in the benefits of the area
- 9.3 Particular interests and needs of developing land-locked countries in the international régime
- 9.4 Rights and interests of land-locked countries in regard to living resources of the sea

#### Item 10. *Rights and interests of shelf-locked States and States with narrow shelves or short coastlines*

- 10.1 International régime
- 10.2 Fisheries
- 10.3 Special interests and needs of developing shelf-locked States and States with narrow shelves or short coastlines
- 10.4 Free access to and from the high seas

#### Item 11. *Rights and interests of States with broad shelves*

#### Item 16. *Archipelagos*

#### Item 17. *Enclosed and semi-enclosed seas*

#### Item 18. *Artificial islands and installations*

#### Item 19. *Régime of islands*

- (a) Islands under colonial dependence or foreign domination or control;
- (b) Other related matters

#### Item 24. *Transmission from the high seas*

### *Third Committee*

#### *Items to be considered by the Third Committee*

#### Item 12. *Preservation of the marine environment*

- 12.1 Sources of pollution and other hazards and measures to combat them
- 12.2 Measures to preserve the ecological balance of the marine environment
- 12.3 Responsibility and liability for damage to the marine environment and to the coastal State
- 12.4 Rights and duties of coastal States
- 12.5 International co-operation

#### Item 13. *Scientific research*

- 13.1 Nature, characteristics and objectives of scientific research of the oceans
- 13.2 Access to scientific information
- 13.3 International co-operation

#### Item 14. *Development and transfer of technology*

- 14.1 Development of technological capabilities of developing countries
  - 14.1.1 Sharing of knowledge and technology between developed and developing countries
  - 14.1.2 Training of personnel from developing countries
  - 14.1.3 Transfer of technology to developing countries

*Note:* The agreement reached in the sea-bed Committee on 27 August 1971 on the organization of its work read as follows:

“While each sub-committee will have the right to discuss and record its conclusions on the question of limits so far as it is relevant to the subjects allocated to it, the main Committee will not reach a decision on the final recommendation with regard to limits until the recommendations of Sub-

Committee II on the precise definition of the area have been received, which should constitute basic proposals for the consideration of the main Committee.”

It is therefore recommended that the same understanding should be carried forward in respect of the Main Committees of the Conference, preliminary to the adoption of the pertinent final provisions by the Conference.

## DOCUMENT A/CONF.62/31

### Report of the General Committee

[Original: English]  
[12 July 1974]

1. At its second meeting on 12 July the General Committee decided to recommend to the Conference to amend the Rules of Procedure of the Conference in accordance with rule 65 by adding two new rules as suggested below:

#### I

To be inserted after rule 40, as follows:

“*Meaning of the term ‘States participating’*”

“Subject to the provisions of rules 1 to 5 and without prejudice to the powers and functions of the Credentials Committee, the term ‘States participating’ in relation to any particular session of the Conference means any State whose representatives have registered with the Secretariat of the Conference as participating in that session and which has not subsequently notified the Secretariat of its withdrawal from

that session or a part of it. The Secretariat shall keep a Register for this purpose.”

#### II

To be inserted after rule 62, as follows:

“*Observers for national liberation movements*”

“1. National liberation movements recognized by the Organization of African Unity or by the League of Arab States may designate representatives to participate as observers, without the right to vote, in the deliberations of the Conference, the Main Committees and, as appropriate, the subsidiary organs.

“2. Written statements of such observers shall be distributed by the Secretariat to the delegations at the Conference.”

2. The Rules of Procedure of the Conference should be renumbered accordingly.

## DOCUMENT A/CONF.62/32

Statement made by Mr. G. D. Arsenis on behalf of the Secretary-General of the United Nations Conference on Trade and Development at the 42nd meeting, held on 15 July 1974\*

[Original: English]  
[15 July 1974]

The Secretary-General of UNCTAD greatly regrets his inability to be here. Pressing commitments have obliged him to stay in Geneva and he has asked me to convey to you some views that he would have expressed, had he been here.

This Conference encompasses issues of great importance, and of considerable complexity—such as the territorial sea, the economic zone, passage through straits, the régime of islands, the definition of the International Area, fishing and the conservation of the living resources of the high seas, the preservation of the marine environment and so on. I should like, however, to confine my remarks to another issue of equal importance which is also before the Conference, namely, the exploitation of the mineral resources of the sea-bed beyond national jurisdiction—an issue that has been the subject of intergovernmental discussions and secretariat studies within UNCTAD.

Mr. President, it is now generally agreed that the greater availabilities and presumed lower costs associated with the production of minerals from the sea-bed would bring benefits to the world as a whole. The central question that arises in this connexion is: how would these benefits be distributed among the member States?

\*Circulated in accordance with the decision taken by the Conference at its 42nd meeting.

The General Assembly recognized that these new resources are the “common heritage of mankind” and that they are available for exploitation by or on behalf of the international community “for the benefit of mankind as a whole, taking into account the special interests and needs of the developing countries”. The task before the Conference is to render this broad conceptual framework operational by establishing practical arrangements for the exploitation of the sea-bed resources. In accomplishing this task, the Conference will, no doubt, wish to take into account developments in interrelated areas.

For some time now, the world community has recognized the need for concerted international action to underpin the development of developing countries, and to reduce the economic gap between developed and developing countries. The United Nations Development Decade is a clear reflection of the resolution of the international community to accord to the question of development a priority second to none. It would be logical, therefore, to expect that the exploitation of sea-bed resources beyond national jurisdiction would be organized in a manner that would ensure maximum income benefit for developing countries and effective participation, on a preferential basis, by these countries in the production, processing and marketing of the produce.

Another fundamental preoccupation of our times that has direct relevance to the issue before the Conference is of some-