

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/42

Letter dated 14 April 1975 from the representative of Malta to the President of the Conference

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

of the international area of the sea-bed was a complicated one. There were a number of economic variables whose parameters were uncertain and unpredictable, and he expressed concern regarding the validity of the studies prepared by the UNCTAD secretariat. He noted that there was a tendency in the studies towards the freezing of the pattern of development, and the studies were not sufficiently dynamic in approach. Moreover, an air of unreality existed because the stage of commercial exploitation of the sea-bed had not yet been reached and many details concerning costs and the technology of exploitation were unknown. Despite considerable reservations about the validity of the analyses in the studies on the part of the countries members of Group B, he could support the idea that the studies should be referred to the Third United Nations Conference on the Law of the Sea for consideration at its forthcoming third session, where comprehensive negotiations would be held on all related aspects.

210. The representative of one developed market-economy country doubted both the validity and the usefulness of the studies prepared by the UNCTAD secretariat, especially the summary report (TD/B/C.1/172), which he considered was "one-sided" and confused and did not take the dynamics of the market into account. He noted, as an example of that dynamism, the fact that the case studies were already out of date. He was of the view that the summary report prepared by the secretariat should have been more carefully qualified concerning the quantitative aspects of the matters studied. It failed to stress that the estimates of "shortfalls" in export earnings were based essentially on guesses concerning future prices, production by area, market shares and world demand. It was confused regarding the period to which its projections applied. It failed to set its estimates in the proper perspective relative to market impact and in terms of countries' total export earnings.

211. The representative of another developed market-economy country stated that the studies prepared by the UNCTAD secretariat were valuable despite their possible limitations. The risk of harmful effects on the economies of some developing countries arising from the exploitation of the resources of the sea-bed was real and there was a need for the international community to consider how such effects might be avoided or offset through appropriate control.

212. The representative of another developed market-economy country considered that, in its assessment of the economic consequences of sea-bed exploitation, the UNCTAD secretariat should have taken more fully into account other possible new developments, especially those concerning mining and metallurgical techniques, as well as the likely impact on demand of improvements in the standard of living of people in developing countries. In reply, the representative of the Secretary-General of UNCTAD agreed that such considerations were essential for projecting the effects of sea-bed mining in the very long run. However, he said it appeared

unlikely that such developments would lead to significant changes in the markets for the minerals concerned during the relatively short period (five to ten years) envisaged in the studies.

Action by the Committee

213. At its 129th meeting, on 21 February 1975, the Committee adopted an agreed conclusion on agenda item 11 on the basis of a draft text submitted by the Chairman of the Sessional Committee (TD/B/C.1/SC.I(VIII)/L.3).

ANNEX II

Agreed conclusion adopted by the Committee on Commodities at the first part of its eighth session

10 (VIII). *Consideration of studies by the UNCTAD secretariat within the competence of the Committee on Commodities on the exploitation, for commercial purposes, of the mineral resources of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction*

1. The Committee noted the wide appreciation for the reports prepared by the UNCTAD secretariat (TD/B/C.1/170 and Corr.1 and TD/B/C.1/172) pursuant to Conference resolution 51 (III).

2. The Committee decided, in accordance with the decision of the Trade and Development Board at its thirteenth session, to transmit the above-mentioned reports, together with a summary of the views expressed thereon at the first part of its eighth session, to the Third United Nations Conference on the Law of the Sea at its third session, and to request the Secretary-General of UNCTAD to be available to present the reports, as appropriate, at that session.

3. The Committee noted the decision taken for a study by the Secretary-General of the United Nations, in co-operation with the Secretary-General of UNCTAD, to be prepared in time for consideration by the Third United Nations Conference on the Law of the Sea, at its third session, pursuant to General Assembly resolution 2750 (XXV) and Conference resolution 51 (III).

4. The Committee decided to request the Secretary-General of UNCTAD to be available to participate in the discussion of the above-mentioned reports at the third session of the Third United Nations Conference on the Law of the Sea, and to submit a report on the results of the discussion, together with the above-mentioned documents, to the Trade and Development Board at its fifteenth session, and to the United Nations Conference on Trade and Development at its fourth session, for their consideration, with a view to the implementation of Conference resolution 51 (III).

DOCUMENT A/CONF.62/42

Letter dated 14 April 1975 from the representative of Malta to the President of the Conference

[Original: English]
[14 April 1975]

At this stage of the deliberations of the Third United Nations Conference on the Law of the Sea, my delegation feels it desirable formally to bring to your notice, and through you to place before the Conference, my Government's candidature to host in Malta the proposed International Sea-Bed Authority.

This offer was publicly announced during the twenty-ninth session of the General Assembly of the United

Nations. It was also communicated directly to all participants in the Conference by means of a note verbale dated 20 September 1974 circulated by the Permanent Mission of Malta to the United Nations in New York.

Considering Malta's historical role in the initiation and development of the debate which gave rise to the present Conference, its offer to host the proposed International Authority could not have been unexpected. On the other

hand, some may question the timing of Malta's offer: in particular, why it was made after, rather than before, the Caracas session of the Conference.

In approaching the question of hosting the Authority, the Government of Malta has always had one major consideration in mind. Although Malta does not yet formally belong to the Group of 77, it considers itself ideologically bound to the Group and it fully shares its ideals and aspirations, which it has consistently supported in the United Nations General Assembly and in other international forums. Malta is only prepared to host an Authority that would in fact respond to the needs and interests of developing countries.

Although the precise picture is still clouded by uncertainties, the basic outlines are becoming increasingly perceptible. This is due in no small measure to the position taken at Caracas by the Group of 77 on the question of who may exploit the area reserved to the Authority and on the basic conditions for its exploration and exploitation. This was the subject of a very careful assessment by my Government immediately following the Caracas session; and it was sufficiently encouraged by the results to decide on publicly announcing its candidature.

Geographically, Malta occupies a strategic position astride a major artery of maritime traffic. It is at the very centre of a sea which links three continents, Africa, Asia and Europe. This makes it easily accessible to a majority of countries and, together with its excellent lines of external communications, would make Malta an ideal site for the proposed Authority. Its long established dockyard and auxiliary maritime facilities could prove most useful to the requirements of the Authority. In addition to its physical capacity fully to accommodate an international organization and its staff, Malta also offers an unbeatable combination of

political stability and solid democratic institutions, low cost of living, pleasant climate and negligible incidence of crime.

In its foreign policy, Malta has firmly embraced the principles of non-alignment, and fully shares with other developing countries a commitment towards a more equitable distribution of the earth's resources. Above all my Government is dedicated to the cause of promoting peace and security in the Mediterranean and missed no opportunity of promoting dialogue and co-operation between the States of the region. Thus it seeks to put into practice its vision of Malta as a link between Europe and Africa.

The establishment in Malta of an International Authority devoted to the concept of the common heritage of mankind would therefore be not only a fitting recognition of Malta's pioneering role since 1967, but would also contribute significantly to the reduction of tension and the promotion of peace and security in an area which historically has divided rather than united its opposite shores.

Lastly, although my Government considers it to be highly premature to make specific suggestions regarding the physical characteristics of the building to house the Authority's headquarters, it is prepared to provide temporary but suitable accommodation as soon as the Authority is created. This would not only enable the authority to start functioning immediately, but would also afford it a direct voice in the elaboration of plans for its permanent headquarters.

(Signed) J. ATTARD-KINGSWELL
Head of the Delegation of Malta
to the Third United Nations Conference
on the Law of the Sea

DOCUMENT A/CONF.62/43

Letter dated 5 May 1975 from the representative of Jamaica to the President of the Conference

[Original: English]
[7 May 1975]

I should be grateful if the contents of this letter could be circulated to all delegations attending the Conference.

It will be recalled that at the 49th plenary meeting at Caracas, the then Chairman of the Group of 77 announced that the Group had endorsed the candidature of Jamaica for the site of the proposed International Sea-Bed Authority.²⁷ The statement by the Chairman of the Group of 77 was preceded by the following sequence of events designed to exhaust all means at reaching consensus on the issue:

(a) The announcement, some two years ago, of Jamaica's candidature and notification thereof to all Members of the United Nations;

(b) The formal offer of Jamaica as the site for the headquarters of the Authority made at the 27th plenary meeting at Caracas by the head of the Jamaican Delegation;

(c) The endorsement of Jamaica's candidature at Caracas by the regional groups within the Group of 77.

²⁷ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. I (United Nations publication, Sales No. E.75.V.3).

Since the Caracas session, the Government of Jamaica has continued to receive formal support from several Governments not members of the Group of 77.

The Conference has yet to take a decision on the question of the site of the proposed Authority. However, having regard to the measure of support already received from Governments participating in the Conference, it became necessary for the Government of Jamaica to determine to what extent preparatory arrangements were necessary in the light of the urgency expressed within the Conference for the establishment, as early as possible, of a new regime for the law of the sea.

The Jamaican authorities were faced with a situation of either making no preparations at all or making such preliminary preparations as would enable the Authority to be functional within the shortest possible time after its establishment. In reliance upon the wide measure of support expressed so far and in the confident expectation that, at the appropriate time, the Conference will decide to site the headquarters of the Authority in Jamaica, substantial financial commitments and extensive preparatory arrangements have been made to facilitate the suitable