

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.2/L.89/Rev.1

Statement on the work of the Second Committee

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)*

prejudice to the rights of the coastal State or to the provisions of this Convention relating to free transit.

6. The coastal State may allow the nationals of other States to exploit the living resources in the territorial sea, subject to the regulations which it may enact. Such regulations may relate, *inter alia*, to the following:

(a) Determining the species which may be caught and the size of the catch and fixing fishing quotas per vessel, period of time or voyage;

(b) Issuing certificates and licences for fishing and marine hunting;

(c) Regulating the periods and areas for fishing and marine hunting and the techniques and gear which may be used;

(d) Specifying the information required from fishing boats, including statistics of catches and casts, and information on the boat's position;

(e) Authorizing and regulating fishing research programmes;

(f) Landing of all or part of the catch at ports of the coastal State;

(g) Procedures and penalties applicable in cases of infringement.

7. Pursuant to the purposes indicated in article 6, the coastal State, taking into account the provisions of this Convention relating to land-locked and geographically disadvantaged States, shall encourage the necessary co-operation with other States and with the competent international organizations.

8. Each coastal State has the right to establish the breadth of its territorial sea up to a distance not exceeding 200 nautical miles, measured from the applicable baselines.

9. The breadth of the territorial sea may be established by regional or sub-regional agreements.

10. The coastal State, when establishing the limits of its territorial sea in conformity with this Convention, shall take into account the pertinent geographical, geological, ecological, economic and social factors, and interests relating to the preservation of the marine environment and its own security and defence.

DOCUMENT A/CONF.62/C.2/L.89/Rev. 1

Statement on the work of the Second Committee

(Prepared by the Rapporteur of the Committee)

[Original: English]
[15 July 1975]

I. Introduction

1. At its 2nd meeting on 7 December 1973, the Conference decided to establish the Second Committee as one of its three Main Committees.

2. In accordance with decisions of the Conference at its 7th meeting on 12 December 1973 and at its 52nd meeting on 17 March 1975, the officers of the Committee at the third session of the Conference, held at Geneva from 17 March to 10 May 1975, were as follows:

Chairman: Mr. R. Galindo Pohl (El Salvador).
Vice-Chairmen: Czechoslovakia, Mr. Z. Pisk; Kenya, Mr. F. X. Njenga; Turkey, Mr. N. Yolga.
Rapporteur: Mr. S. N. Nandan (Fiji)

II. Mandate of the Committee

3. The mandate of the Committee consists of examining the subjects and issues allocated to it by the Conference at its 15th meeting on 21 June 1974.⁴³

⁴³ The list of items allocated to the Committee is contained in paragraph 3 of the statement of activities of the Second Committee at the second session of the Conference. See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. III (United Nations publication, Sales No. E.75.V.5), document A/CONF.62/L.8/Rev.1, annex II.

III. Organization of work

4. At the 47th meeting of the Committee on 18 March 1975, the Chairman made a statement containing a proposal on the organization of the work of the Committee. The elements of that proposal, as approved by the Committee, were as follows:

1. Review of the documents produced at Caracas, on the basis of the grouping of the items decided on there, with a view to elaborating consolidated texts. In this connexion, the basic text would be the working paper on main trends contained in document A/CONF.62/L.8/Rev. 1, which is a systematic compilation of the documents produced by the Second Committee in informal meetings at Caracas.

2. Informal consultations on the views expressed during the review of the above document. An attempt would be made to focus the process of consultation on the essential items. The Chairman and the officers, with the assistance of the Secretariat, would be authorized to carry on these consultations and would report on them to the Committee periodically.

3. Encouragement of working groups already in existence or which delegations may decide to set up. In that connexion, the Secretariat would be asked to provide the necessary meeting rooms and interpretation services.

4. Invitation to delegations which have maintained differing views, set out in alternative formulae, to meet

and attempt to reach compromises, and to report in due course on the results of their consultations.

5. Formal meetings for the official submission of new proposals by States or groups of States or to hear progress reports on consultations.

5. At its 33rd informal meeting on 4 April 1975, the Committee decided to establish a number of informal consultative groups, in which all members of the Committee could participate. These groups dealt with the following subjects: baselines; historic bays and historic waters; contiguous zone; innocent passage; high seas; question of transit (land-locked States); continental shelf; exclusive economic zone; straits; enclosed and semi-enclosed seas; islands; and delimitation.

6. The Conference, at its 55th meeting on 18 April 1975 decided that the Chairman of each of the three Main Committees should prepare a single negotiating text on the subjects and issues falling within their mandates.

IV. Work of the Committee

7. The Second Committee held 2 formal meetings and 14 informal meetings during the third session of the Conference.

8. In accordance with the agreement on the organization of its work, the Committee, at its 24th to 36th informal meetings, completed a second reading of the document on main trends. The Committee examined the parts of the document in the following order: part I, territorial sea (item 2); part II, contiguous zone (item 3); part III, straits used for international navigation (item 4); part X, archipelagos (item 16); part IV, continental shelf (item 5); part V, exclusive economic zone beyond the territorial sea; part VI, coastal States preferential rights or other non-exclusive jurisdiction over resources beyond the territorial sea (item 7); part IX, rights and interests of shelf-locked States and States with narrow shelves or short coastlines (item 10); part VIII, land-locked countries (item 9); part XI, enclosed and semi-enclosed seas (item 18); part XIII, régime of islands (item 19); and part VII, high seas and transmission from the high seas (items 8 and 24.)

9. At the 37th informal meeting of the Committee on 2 May 1975, the Chairman, the Vice-Chairmen and the Rapporteur outlined the work of the informal consultative groups over which they presided.

10. The informal consultative group on baselines held three meetings, discussing provisions 4 to 20 of the document on main trends. On the basis of the discussion in the group and the work of a small working group, the Bureau prepared a consolidated text. Following further discussion, a revised text was issued and was studied by the group, provision by provision.

11. The informal consultative group on historic bays and historic waters held two meetings. A smaller working party was formed and held two meetings. The informal consultative group on the contiguous zone held one meeting.

12. The informal consultative group on innocent passage held six meetings. On the basis of the discussions in the group the Bureau presented a consolidated text on provisions 24 to 46 of the document.

13. The informal consultative group on the high seas held seven meetings. Leaving aside the questions of the

definition of the high seas, the freedoms of the high seas and the living resources of the high seas, the group discussed provisions 139 to 153 and 164 to 177. On the basis of the discussion the Bureau prepared a consolidated text. Following further discussion, provision by provision, a revised consolidated text on these provisions was issued.

14. The informal consultative group on the question of transit held five meetings. Land-locked States, transit and other interested States participated in the discussions.

15. The informal consultative group on the continental shelf held two meetings. As a result of the discussion, a small working group of interested States was formed and held two meetings.

16. The informal consultative group on the exclusive economic zone held four meetings, and considered the specific content of the exclusive economic zone.

17. The informal consultative groups on enclosed and semi-enclosed seas, straits, islands and delimitation each held two meetings and considered the relevant substantive issues.

18. In addition, as noted by the Chairman in his statement, many other official and unofficial consultations were carried out. These included consultations on the definition of the territorial sea and consultations among certain delegations directly interested in archipelagos.

19. In fulfilment of the decision of the Conference at its 55th meeting on 18 April 1975, the Chairman prepared a text covering the subjects allocated to the Second Committee. This text was issued as document A/CONF.62/WP.8/Part II. As noted in the statement by the Chairman at the 37th informal meeting of the Committee, account was taken, in the preparation of the text, of the documents before the Conference and the views expressed during the official and unofficial consultations held during the session.

20. An index to the summary records of the Committee is contained in annex II.

V. Documents before the Committee

21. The Second Committee had before it the reports of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction on its work and all other relevant documentation of the General Assembly and of that Committee.⁴⁴

22. The Second Committee also had before it the documents submitted to it and all other documents submitted to the Conference which were relevant to the mandate of the Committee. A list of documents submitted to the Second Committee from 28 April 1975 up to 10 May 1975 appears at the beginning of the present volume.

VI. Future work of the Committee

23. Upon completing a second reading of the document on main trends the Committee began the negotiation phase of its work, meeting, in the informal consultative and

⁴⁴ In adopting rule 32 of the rules of procedure, the Conference implemented paragraph 6 of General Assembly resolution 3067 (XXVIII), by which these documents were referred to the Conference.

other groups, to discuss in greater detail specific issues relating to each item before the Committee. This process has been enhanced by the presentation by the Chairman of the single negotiating text, which will form a basis for future negotiation in the Committee.

VII. Presentation of the statement on the work of the Second Committee

24. At the 48th meeting of the Committee on 2 May 1975 the Rapporteur presented this statement to the Committee. The Committee took note of the statement.

ANNEX I

Documents of the Second Committee

[See the list of documents at the beginning of the present volume.]

ANNEX II

Index to the summary records of the meetings of the Second Committee

47th meeting—18 March 1975

Organization of work:

Statements by the Chairman and by the representatives of Peru, Bolivia, Pakistan, Ecuador, Colombia and Chile.

48th meeting—2 May 1975

Territorial sea:

Statements by the representatives of Ecuador, Morocco, Somalia, Uruguay, Democratic People's Republic of Korea, Peru, Brazil, Guinea, China, Panama, Turkey, Madagascar, Mali, Guinea-Bissau, Albania, Paraguay, Hungary, Greece and Singapore.

[Statements by the representatives of Spain, Republic of Korea and Morocco in exercise of the right of reply.]

Statement on the work of the Committee:

Statements by the Rapporteur, by the representative of Indonesia and by the Chairman.