

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

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Document:-

**A/CONF.62/BUR/SR.22**

## **22<sup>nd</sup> meeting of the General Committee**

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agreed with the note by the President of the Conference, particularly with paragraph 2 which stated that the suggestions set out therein were subject to modification. With regard to the term "key issues", he repeated his delegation's earlier warning that it was not a good idea to evaluate and categorize the problems since the position of each State would depend upon its geographical location. It was not right to start by classifying the problems in order of importance. While the President had listed some of the issues in his note, he had left it to the three Committees to make their own modifications. His own delegation did not believe that the list of problems set out in the President's note was exhaustive.

44. Finally, he believed it had been decided earlier that document A/CONF.62/L.13 would be discussed in plenary meetings. It was therefore premature to start considering that question.

45. The CHAIRMAN said that the fact that some issues were called key issues did not detract from the importance of other issues. Document A/CONF.62/L.13 would, indeed, be the subject of a general discussion and only then could the Conference decide what action to take on it.

46. Mr. MWANGAGUHUNGA (Uganda) associated his delegation with the remarks made by the Tunisian representative. The latter's reference to the resolution adopted by the Organization of African Unity calling on African States to present a united front was particularly relevant in view of the fact that old ties had become blurred in the pursuit of new interests (A/CONF.62/L.12/Rev.1, para. 28). His delegation agreed that the list of the key issues was not exhaustive; it did not, for instance, include the question of land-locked countries.

47. Mr. KOZYREV (Union of Soviet Socialist Republics) said that, in order to achieve results during the current session, it was important to identify the key issues to be considered. His delegation was prepared to support the ideas advanced by the President of the Conference concerning the issues on which attention should be focused in plenary meetings and in the three Committees, on the understanding that the final decisions concerning the list of issues would be taken by each Committee individually immediately after the recommendations of the General Committee had been endorsed in plenary meeting. His delegation also agreed that further consideration should be given to problems relating to the procedure for the settlement of disputes concerning the interpretation and application of the future convention, and that the Conference should begin to draw up preambular and final clauses for the convention. Priority should, however, be given to the work of the Committees on the list of issues suggested by the President and the discussion in plenary of questions relating to the settlement of disputes.

48. Finally, in connexion with the statement by the representative of Mexico, he said that attention should be concentrated not on negotiations within groups but on negotiations between groups, since no single group could produce solutions that would be acceptable to all. International co-operation was the only way to solve international problems. The Conference alone was competent to draw up an international convention on the law of the sea and the activities of all States and all delegations should be directed towards ensuring its most effective use in the interests of all peoples and all States.

*The meeting rose at 1.15 p.m.*

## 22nd meeting

Tuesday, 10 August 1976, at 10.35 a.m.

Chairman: Mr. H. S. AMERASINGHE (Sri Lanka).

*In the absence of the Chairman, Mr. Evensen (Norway), Vice-Chairman, took the Chair.*

### Organization of work

1. The CHAIRMAN proposed that the Committee should hear the reports of the Chairmen of the three Committees, after which he himself would report on the progress made at informal plenary meetings.

*It was so decided.*

2. Mr. ENGO (United Republic of Cameroon), speaking in his capacity as Chairman of the First Committee, said that, in his opening statement to the First Committee, he had emphasized that the negotiations had entered a new and critical stage. At the previous session the main responsibility, namely that of preparing a revised single negotiating text, had lain with the Chairmen of the Committees, whereas now the responsibility had passed into the hands of the delegations.

3. Since consultations among the officers had proved inconclusive, the question of the organization of work had been submitted to the Committee itself, which had decided that all delegations should have an opportunity to participate, that the Committee should hold regular formal meetings in order to assess progress and that there should be a single informal negotiating forum open to all delegations. The Committee had therefore decided to establish a workshop with two Co-Chairmen and with a mandate to negotiate all issues within

the competence of the First Committee. The workshop had elected as its Co-Chairmen Mr. Jagota (India) and Mr. Sondaal (Netherlands), and had adopted certain principles. The two Co-Chairmen would preside over alternate meetings of the workshop. If there were two meetings in one day, one meeting would be presided over by one Co-Chairman and the second by the other Co-Chairman. Flexibility would be maintained. When one Co-Chairman presided, the second Co-Chairman would sit on his right-hand side rather than with his own delegation. The draft report of the work done at each meeting of the workshop would be prepared by the Secretariat and would be given to the Co-Chairman who had presided over that particular meeting. The two Co-Chairmen would exchange views every day and would thereafter inform the Chairman of the Committee about the progress of work. If possible, the joint written report of the two Co-Chairmen would be prepared by Thursday evening and submitted to the formal meeting of the First Committee on Friday morning. After the report had been submitted, the meeting would be adjourned. The next formal meeting of the Committee would be held the following Monday, when, if necessary, the report would be considered. The remaining time would be spent in meetings of the workshop. The issues to be considered and the method of work in the workshop would be determined by the workshop.

4. In connexion with the programme of work, consultations were going on and he hoped that a decision would be reached shortly. Several subjects had yet to be examined in detail and

further problems would arise, but it should not be forgotten that the aim of the Committee was to adopt a "package" which, while not satisfying all delegations in every detail, would nevertheless serve the interests of all States in the future.

5. The CHAIRMAN asked whether the First Committee had decided upon a date by which it would conclude its work.

6. Mr. ENGO (United Republic of Cameroon) said that he hoped to be able to announce a date at the next meeting.

7. Mr. AGUILAR (Venezuela), speaking in his capacity as Chairman of the Second Committee, said that the Second Committee had held four informal meetings on the organization of work and had decided that it would not be appropriate to separate the key issues from other questions. It had therefore established the priority questions to be discussed during the first stage of its work, basing its selection on the interest which the various questions held for the majority of delegations. The priority questions were: first, the legal status of the exclusive economic zone and the rights and duties of coastal and other States in the exclusive economic zone; secondly, the right of access to and from the sea and freedom of transit for land-locked States; thirdly, payments and contributions in respect of the exploitation of the continental shelf beyond 200 miles; and fourthly, definition of the outer limit of the continental margin. However, delegations were free to raise other questions if they wished.

8. The Committee had decided to organize its work in two stages, the first of which would be concerned with priority questions and the second with the remaining items. The Committee had not established a programme of work for the second stage, since such a programme would depend to some extent on progress made during the first stage.

9. The Committee had also established three negotiating groups; group No. 1 would deal with the first priority question, group No. 2 with the second priority question and group No. 3 with the third and fourth priority questions. All three groups would be presided over by the Chairman of the Committee and would be open to all Committee members. Delegations volunteering to accept special responsibility for negotiations in each group had been asked to inform the Secretariat, and 79 had registered for group No. 1, 42 for group No. 2 and 52 for group No. 3. The groups would meet consecutively, not simultaneously, and a time-table of meetings would be established.

10. Negotiating group No. 1 had met twice and had decided to discuss the legal status of the exclusive economic zone and the rights of other States to participate in the exploitation of the living resources of the exclusive economic zone; those items were linked but would be considered separately. Negotiating group No. 2 had met once and had started to consider chapter VI of part II of the revised single negotiating text. Negotiating group no. 3 had met once and had decided to begin by discussing the definition of the outer limit of the continental margin and then proceed to the question of payments and contributions in respect of the exploitation of the continental shelf beyond 200 miles. Various views had been expressed on the concept of the continental shelf itself.

11. In his opinion, with the possible exception of negotiating group No. 2, the process of negotiating had not yet begun and, while he did not want to be pessimistic, he felt there would be cause for concern if delegations continued to make general statements instead of beginning negotiations.

12. Mr. YANKOV (Bulgaria), speaking in his capacity as Chairman of the Third Committee, said that the Committee had held one meeting on the organization of work. It had decided that most of the negotiations based on the revised single negotiating text would be conducted by the Chairman of the Committee. However, as at previous sessions, the Committee had retained the option of convening two informal groups, one of which, chaired by Mr. Vallarta (Mexico),

would discuss issues related to marine pollution, and the other, chaired by Mr. Metternich (Federal Republic of Germany), would discuss issues connected with marine scientific research and the transfer of technology. Negotiations would centre on the key issues and, after a few meetings of the Committee, would be conducted by smaller groups, the aim being to combine democracy and efficiency. There would never be simultaneous meetings on two key issues. The Committee would pay particular attention to co-ordination with the Second Committee in connexion with the question of jurisdiction over the continental shelf and the exclusive economic zone and with the First Committee in connexion with the powers and functions of the International Sea-bed Authority in the international sea-bed area with respect to marine scientific research and pollution control.

13. As for questions of substance, the Committee had held four meetings on marine scientific research, to which priority had been given because of its controversial nature. The Committee had tentatively established a selective list of issues to be discussed in a definite order and had decided that the debate on marine scientific research should focus on the question of the régime for marine scientific research and the question of consent, with special reference to articles 57, 58 and 60 of part III of the revised single negotiating text.

14. Over 40 speakers had expressed their views on the revised single negotiating text and a substantial number of proposals for negotiation had been submitted to him. They would be considered in smaller groups and the Committee would be kept informed.

15. The Committee would begin its discussion of marine pollution that afternoon, concentrating on the jurisdiction of coastal States in the territorial sea (article 21) and related matters with respect to vessel source pollution. It had adopted a more flexible approach so far as other related issues were concerned and delegations would have an opportunity to express their views and make proposals relating to the revised single negotiating text. He was optimistic that a compromise formula could be found with respect to the crucial issues involved. Progress, particularly with respect to the régime governing marine scientific research in the economic zone and the continental shelf and marine pollution control, would depend on developments in other Committees, with which he would keep in close touch.

16. The revised single negotiating text was considered by many delegations in the Third Committee to be a promising basis for a compromise. He felt strongly that the time had come for considerations of an international nature to prevail over national concerns. Those delegations which opposed the sections of the revised text on marine scientific research would risk jeopardizing the progress already achieved if they now reverted to the positions held at earlier sessions of the Conference.

17. He noted further that the matters under consideration in the Third Committee were also related to the outcome of negotiations on procedures for the settlement of disputes, particularly if it was decided to retain the existing basic concept in the régime governing marine scientific research in the economic zone and the continental shelf.

18. He trusted that, if the same spirit of co-operation which had characterized the Committee's work in the past continued to prevail, the Committee would be able to submit a viable compromise text for consideration.

19. The CHAIRMAN said that the plenary Conference, meeting informally, had proceeded to an article-by-article discussion of part IV of the draft articles, on settlement of disputes, and the discussion had progressed satisfactorily. Since no real solution could be found to many problems until the substance of the work of the Conference in various areas was more settled and until a clearer picture of the situation in the three Committees had emerged, it had been decided in plenary meetings that the discussions of part IV were preliminary in nature. It was hoped

that consideration of that part would be concluded by the end of the following week.

20. Lastly, the Conference had decided at the 71st plenary meeting to postpone its discussion of the preamble and final clauses until a later stage.

21. Mr. ARIAS SCHREIBER (Peru) expressed his gratitude to the Chairman of the Third Committee for the straightforward presentation in the revised single negotiating text of the prevailing views expressed in that Committee, particularly with respect to zones of national jurisdiction. Although some provisions of that text required negotiation, it represented an important step forward.

22. He also agreed with the Chairman of the Third Committee that a reversion to extreme positions would paralyse the debate, as had occurred at the preceding session, and endorsed his appeal to delegations to be realistic and proceed on the basis of the revised single negotiating text.

23. Mr. ZEGERS (Chile) said that the fact that the Second Committee had not yet begun substantive discussion of the items before it was a cause for concern. It was imperative that negotiations in that Committee get under way as soon as possible, and it was for delegations to take the initiative. It was equally important that progress be made in the negotiations in the plenary.

24. He emphasized the importance of ensuring adequate co-ordination between the work of the Third Committee and that of the First and Second Committees and he trusted that such co-ordination would be maintained by the respective Chairmen, who should keep the General Committee informed.

25. He stressed the need for a discussion in the plenary of the preamble and final clauses. Various questions, such as the provisional application of the future convention, were of particular importance, and he would welcome information on that matter.

26. The CHAIRMAN said that he had consulted several delegations and members of the Secretariat concerning the preamble and final clauses and that he planned to discuss the question more fully at the next meeting of the General Committee.

27. Mr. TÜNCEL (Turkey) expressed satisfaction at the progress of work in the plenary and welcomed the fact that the Secretariat was endeavoring to provide participants with written texts of proposals presented orally, a service which was not

provided to some other Committees. He also congratulated the Secretariat on the draft alternative texts of the preamble and final clauses (A/CONF.62/L.13), which provided a good basis for future work. While his delegation would accept the Chairman's suggestion concerning the timing for its consideration, it felt that discussion of the paper should be delayed as long as possible inasmuch as the preamble and final clauses would be closely related to other texts to be adopted in the Committees.

28. He shared the optimism expressed concerning the work of the Third Committee and the hope that delegations would be able to reach agreement on a final text on the basis of the revised single negotiating text.

29. As to the work of the First Committee, he hoped that delegations would demonstrate a willingness to negotiate earnestly.

30. With regard to the Second Committee's work, while his delegation was partially satisfied with the procedures adopted, it would respect the Committee's decision. His delegation had proposed that the revised single negotiating text should be considered in second reading chapter by chapter, affording delegations the opportunity to comment on one or more articles which interested them; those articles on which no comments were made could be considered generally acceptable to the Conference. Furthermore, his delegation continued to advocate that additional subjects should be considered as priority items by the Second Committee and that a second list of such items should be drawn up. It also believed that the period of three weeks allotted for the four priority items selected was too long, while the two weeks allotted for the remaining items would not be sufficient.

31. The CHAIRMAN announced that he had inadvertently omitted an informal proposal made by Turkey from the list of informal proposals he had circulated in the plenary. That omission would be rectified.

32. Mr. LEARSON (United States of America) said that his delegation had considerable problems with the new text on marine scientific research. It would work closely with other delegations to solve them under the guidance of the Chairman of the Third Committee, and he was certain that the Chairman of that Committee had not meant to preclude such an effort.

*The meeting rose at 11.35 a.m.*

## 23rd meeting

Monday, 16 August 1976, at 10.25 a.m.

*Chairman: Mr. H. S. AMERASINGHE (Sri Lanka).*

*In the absence of the Chairman, Mr. Evensen (Norway), Vice-Chairman, took the Chair.*

### Organization of work

1. The CHAIRMAN suggested that the Committee should hear the reports of the Chairmen of the three Committees, after which he himself would report on progress made at the informal plenary meetings concerning the settlement of disputes. He further suggested that the Committee should then discuss future work on the preamble and final clauses.

*It was so decided.*

2. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, said that it had been

decided in the workshop to begin discussions, as a matter of priority, with the system of exploitation of the international area in all its aspects, followed by institutional questions, particularly the relationship between the Assembly and the Council. It had also been decided to leave the current week open for interest groups to consider those aspects which they were not yet quite ready to discuss in the workshop. It was particularly important for the developing countries to have an opportunity to harmonize their views. They were continuing their efforts, and a progressive attitude was being taken in the consultations.

3. Mr. AGUILAR (Venezuela), speaking as Chairman of the Second Committee, said that the three negotiating groups had continued their work during the past week.