

Third United Nations Conference on the Law of the Sea

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26th meeting of the General Committee

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26th meeting

Monday, 13 September 1976, at 9.55 a.m.

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

Organization of work

1. The CHAIRMAN invited the Chairmen of the Committees to report on the work of their Committees.
2. Mr. AGUILAR (Venezuela), Chairman of the Second Committee, said that the Second Committee would continue to work through its three original negotiating groups as well as two new negotiating groups which he had established: negotiating group No. 4 dealing with straits used for international navigation, and negotiating group No. 5 dealing with the delimitation of the territorial sea, the exclusive economic zone and the continental shelf between adjacent or opposite States. In addition, informal meetings of the Committee would be held to allow delegations to raise questions which had not been discussed in the negotiating groups.
3. Negotiating group No. 1 had heard a report on the informal consultations on the legal status of the exclusive economic zone. A number of participants had been in favour of continuing those consultations and he therefore intended to pursue them. There had been no further meetings of negotiating group No. 1 to discuss the question of the rights and duties of other States in the exploitation of the living resources of the exclusive economic zone.
4. With respect to negotiating group No. 2, two meetings of the informal consultative group had taken place and part II, chapter VI, of the revised single negotiating text had been given a second reading. Negotiating group No. 2 would meet at the end of the week to hear a progress report on those consultations.
5. As for negotiating group No. 3, two meetings of the small informal consultative group had been held and some progress had been made towards a consensus.
6. Negotiating group No. 4 had held two meetings and another was scheduled for the current week since the list of speakers had not been exhausted.
7. Negotiating group No. 5 had held two meetings at which participating delegations had examined the relevant articles of part II of the revised single negotiating text. The group had decided to establish a smaller group to carry out unofficial consultations on the subject and he intended to convene a meeting for informal consultations on delimitation that week.
8. Finally, the Second Committee had also wished to give delegations an opportunity to raise other questions which had not been discussed in the five negotiating groups, and two meetings devoted to various subjects had been held during the past week. Some of the questions raised had aroused only limited interest and, since there would not be enough time at the current session to create the necessary negotiating groups to deal with them, he had asked those delegations which were interested to meet informally to discuss them during the remainder of the session and between sessions.
9. The Second Committee had been working very intensively to produce a consensus and he recommended that every effort be made to consolidate the results which had been achieved in the negotiating groups. The Committee would continue its work and he would prepare a final report to the Conference before the end of the session.
10. Mr. ENGO (United Republic of Cameroon), Chairman of the First Committee, congratulated the Co-Chairmen on their fifth workshop report, which very clearly described the scope and content of the informal discussions held during the session, and showed the nature and extent of the disagreement

on the basic elements of the system of exploitation of the international sea-bed area. He felt obliged to note, however, that the workshop and its *ad hoc* negotiating group had also spent a considerable amount of time on procedural and ideological matters, for which the following reasons had been suggested: the session was somewhat premature; the procedural method was too cumbersome and time-consuming; there was a crisis of confidence and an unwillingness on all sides to indicate clearly areas for possible concessions; it was difficult for individual delegations to come to grips with large and diversified groups and to carry on negotiations with no true appreciation of what final positions might be; and discontent with certain elements of the revised single negotiating text had produced counter-proposals and counter-proposals to those counter-proposals which inhibited the Committee's ability to focus on a cohesive line of argumentation.

11. Nevertheless, delegations held out great hope for success at the next session. They had been asked to come prepared to make the necessary political decisions and, if necessary, to resort to the kind of mechanisms envisaged in rule 37 of the Conference's rules of procedure. The Committee had been asked, for example, to consider at the very outset of the next session whether it would be conducive to negotiations to set time-limits on discussions and even to establish a count-down situation for the establishment of the broad agreements. The Committee had been extremely faithful to the notion of consensus and to its commitment to find durable solutions; the introduction of some voting at a later stage was regarded as compatible with that over-all commitment. The idea of a special session of the First Committee in the intersessional period had not been widely supported because delegations felt that their problem was not so much a lack of time as the absence of widespread recognition that the time had come for hard and fast political decisions, and that there was therefore a need to stimulate discussions by creating the necessary incentives. The notion of time-limits had been viewed in that context. Every effort would have to be made at the next session to dispense as quickly as possible with the procedural decisions and work towards the basic political accommodations.

12. In conclusion, he said he felt that the Committee had begun to come to grips with the real problem and to confront the hard political decisions which were central to all other problems.

13. Mr. YANKOV (Bulgaria), Chairman of the Third Committee, said that the Third Committee had been working in accordance with the procedure and programme of work agreed to at its 28th meeting, held on 3 August. The revised single negotiating text had been adopted as a basis for negotiations and on many issues it had been regarded as a basis for compromise. Significant efforts had been made by many delegations to reduce existing differences and to harmonize their positions on the items under consideration.

14. In the matter of the protection and preservation of the marine environment, the main issue had been standard setting, enforcement and safeguards with regard to vessel-source pollution (articles 21 to 42). There had been two rounds of discussions in informal meetings of the Committee as a whole. The first had consisted of a discussion of concrete proposals relating to substance and to drafting problems. The second had concentrated on proposals submitted by delegations and had been followed by meetings of smaller negotiating groups. There had been more than 30 meetings in all and

they had produced a significant number of proposals, some of which had been withdrawn and others combined in new compromise provisions. Some issues and items were, however, still outstanding. The negotiations were serious and meaningful and had resulted in recognition of the fact that the revised single negotiating text represented a balanced and reliable basis for compromise. It had, moreover, been observed that departure from it tended to produce disagreement and to upset the existing equilibrium.

15. In the matter of marine scientific research, negotiations had concentrated on key issues such as the system for the conduct of such research and the question of consent, although other related items had not been ruled out. In addition to 13 informal meetings, there had been two meetings of the special negotiating group at the level of heads of delegations to discuss major developments. Over 40 proposals had been submitted on marine scientific research. A new consolidated text of article 57, based on various informal proposals, had been accepted as a possible compromise pending agreement on subsequent articles. It had been decided to defer discussion of articles 58 and 59 until article 60 had been considered. Article 60 constituted the focal point of negotiations regarding the conduct of marine scientific research. More than 40 delegations had made statements on the problem and 10 proposals had been submitted, which had subsequently been reduced to four. Since it had become apparent that the Committee was moving in divergent directions rather than towards a compromise, he had taken the initiative of submitting an informal text aimed at reaching a compromise by taking into consideration the various concerns of different interest groups. A significant number of delegations had expressed the view that his informal proposal in respect to article 60 could provide a useful basis for a compromise. Some delegations, however, had rejected it even as a basis for negotiation.

16. In the course of the discussions, it had emerged that many delegations held the view that the consent of the coastal States should constitute the fundamental principle of a system for regulating the conduct of marine scientific research in the economic zone and on the continental shelf, although some States could not subscribe to that principle. There was general agreement that marine scientific research should be promoted and facilitated for the benefit of mankind and that safeguards should be provided for coastal States and States conducting research. There was only limited room for manoeuvre, however, and generally acceptable solutions had to be sought.

17. Only a preliminary exchange of views had taken place on other articles, including articles 64 and 65, because of insufficient time and because priority had been attached to article 60.

18. With respect to the articles on the transfer of technology, there had been two meetings of the Committee as a whole and two meetings of the smaller negotiating group, at which attention had been focused on articles 85 and 86. Many proposals had been put forward but, although the negotiations had been very useful, no decisions could be taken until the results of the work of the First and Second Committees and of the discussions on part IV of the revised single negotiating text were known. Several more meetings might be required before a full report could be issued.

19. In conclusion, he said he himself felt that a comprehensive approach to the negotiating process, taking the convention as a whole into account, was essential and that a consensus procedure was extremely advantageous in that process.

The meeting rose at 10.35 a.m.

27th meeting

Thursday, 16 September 1976, at 10.20 a.m.

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

Date, venue and duration of the next session of the Conference

1. Mr. ZULETA (Special Representative of the Secretary-General), referring to the effect that any decisions which the Conference might take concerning the holding of the next session would have on the over-all programme of meetings for 1977 in both New York and Geneva, said that the Secretariat always tried, in so far as was humanly possible, to carry out the tasks which the Conference assigned to it. If the Conference's decisions created difficulties for United Nations organs, specialized agencies or any other intergovernmental organizations, those difficulties would have to be solved by the various organizations in co-operation with Governments.

2. He drew the Committee's attention to information provided by the Department of Conference Services which he felt the Conference should take into account when deciding when and where to hold its next session.

3. As far as physical capacity was concerned, there might not be sufficient conference rooms available in New York for the Conference to meet at the same time as the Economic and Social Council, whose spring session was, in accordance with its rules of procedure, planned for 12 April to 13 May 1977.

4. There might not be sufficient space available in Geneva for the Conference on the Law of the Sea to be held at the Palais des Nations at the same time as the Assembly of the World Health Organization, the regular meeting of the International Labour Organisation or the summer session of the Economic and Social Council.

5. The programme for 1977 was the following: the Assembly of the World Health Organization would meet from 2 to 23 May, the Conference of the International Labour Organisation would meet from 1 to 23 June, and the Economic and Social Council from 6 July to 5 August. If the Conference were held at the same time as the Assembly of the World Health Organization, the main difficulty would be lack of space for Secretariat offices; if it were held at the same time as the meetings of the International Labour Organisation or the Economic and Social Council, there would be added difficulties with regard to conference rooms.

6. In addition, the decision taken by the United Nations Conference on Trade and Development at its fourth session concerning its programme of meetings for 1977 meant that a greater number of meetings of subsidiary bodies of that Conference would be held in Geneva in 1977.

7. As far as the provision of conference services was con-