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31st meeting of the General Committee

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mittee but strongly objected to the idea that the Second Committee should meet in small groups. Experience had shown that such groups did not represent a cross-section of the Conference and that any agreements reached were later disrupted when presented to the Second Committee. Furthermore, small delegations found it extremely difficult to send representatives to a number of small groups.

8. Finally, he agreed that delegations in the Second Committee should confine themselves to alternative concrete formulas which they could submit in plenary meetings of the Second Committee. The Chairman could always ensure that delegations avoided making long policy statements.

9. The CHAIRMAN pointed out that the Chairman of the Second Committee did not intend to rely exclusively on negotiating groups, since formal or informal plenary meetings of the Second Committee would also be held.

10. Mr. YANKOV (Bulgaria), speaking as Chairman of the Third Committee, said that during the three weeks devoted to First Committee matters, informal consultations had been carried out in connexion with the organization of work of the Third Committee, consideration of priorities and itemization of the negotiations. The Bureau of the Third Committee had held two meetings to consider the organization and methods of work, outstanding issues, a tentative time-table, and the question of coordinating its work with that of the other Committees. At a meeting that afternoon the Third Committee would consider the organization of its work.

11. Expressing a personal view, he said that he thought the positive outcome of the work of the Third Committee during the fifth session had helped to create a feeling of confidence and optimism for future deliberations. Despite the limited time available, and without underestimating the difficulties ahead, he was very confident that further significant progress would be made in the negotiations. He also felt that the work of the Third Committee should follow the same lines as it had at the fifth session. There was no reason to alter the established pattern of negotiations, which had yielded positive results. As had been agreed at the previous meeting of the General Committee, the negotiations in the Third Committee would as a rule be conducted in informal meetings of the Committee and in smaller negotiating groups. Negotiations would as a rule be open to all interested delegations, without precluding the possibility of recourse to negotiations between delegations particularly involved in certain issues. Furthermore, the informal negotiations should be con-

ducted with the knowledge of the Chairman of the Third Committee and, as in the past, the final results should be brought to his attention.

12. The revised single negotiating text should continue to be the basis for the negotiations and all proposed amendments, both oral and written, should be submitted to the Chairman. He would appeal to the members of the Third Committee to concern themselves with substance rather than language. He would also suggest adoption of the well-established procedural pattern whereby negotiations on the protection and preservation of the marine environment would be under the chairmanship of Mr. José Luis Vallarta, of Mexico, while he himself would guide the negotiations on marine scientific research and transfer of technology. In his view, it was high time for the Chairman of the Committees to become more involved in the practical conduct of the negotiations.

13. In view of the limited conference facilities, informal meetings of the Committees should have priority over the meetings of other groups, and every effort should be made to avoid conflicts in scheduling.

14. It was his intention that the Third Committee should begin where it had left off at the fifth session and to proceed as expeditiously as possible. It would be a great setback if the progress made at the fifth session was lost, since the issues had been successfully narrowed down.

15. In conclusion, he expressed his readiness to assist the President of the Conference in preparing the composite negotiating text.

16. The CHAIRMAN pointed out that there had always been a clear understanding that meetings of the Committees, whether formal or informal, should have absolute priority over all other meetings; that the results of all informal negotiations should be communicated to the Chairmen of the Committees to enable them to retain control at all times over the work of the Committees; and that the revised single negotiating text should remain the basis for the negotiations, it being open to any delegation to suggest any alternative formulations which it felt would best serve its interests or lead to a compromise.

17. Mr. WITEK (Poland) suggested that, as in the past, the General Committee should meet not less than once a week.

18. The CHAIRMAN replied that there should be no difficulty in complying with that request, provided such meetings continued to be short and business-like.

The meeting rose at 11.20 a.m.

31st meeting

Monday, 20 June 1977, at 10.20 a.m.

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

Organization of work

1. The CHAIRMAN invited the Chairmen of the three Committees to report on the work of those Committees.
2. Mr. ENGO (United Republic of Cameroon), Chairman of the First Committee, said that the Chairman's

working group, which had been renamed the Chairman's negotiating group, had held fruitful and detailed discussions on the second item before it, namely institutional questions. Those questions were closely linked with the system of exploitation of marine resources, since decisions on voting systems and other matters would depend on

the outcome of discussion on the system of exploitation. It was hoped that the First Committee would conclude its discussion of institutional questions the following day.

3. The special co-ordinator had also submitted a report on the work of the Chairman's working group during the first three weeks of the session. In that report, the co-ordinator had made several proposals concerning the question of exploitation; although those recommendations would not be issued as a document of the Committee, they had been circulated to members of the Committee informally. The recommendations, which introduced many new ideas, would provide the basis for further consultations to be conducted by the Chairman, and it was hoped that delegations would provide their comments on those recommendations within the next two days. It would then be possible to decide how the Committee should proceed with its work.

4. With respect to progress made, he said that, although he was not pessimistic, the First Committee might not be able to complete its work by Friday, 24 June, and it might be better to postpone any discussions on a composite text until the following week.

5. Mr. AGUILAR (Venezuela), Chairman of the Second Committee, said that on Monday, 13 June, the Second Committee had held an informal meeting to discuss its organization of work. At that meeting, the Committee had decided to give priority to three issues, namely the juridical status of the exclusive economic zone and the rights and duties of the coastal State in the exclusive economic zone; the definition of the outer edge of the continental shelf and payments and contributions with respect to the exploitation of the continental shelf beyond 200 miles; and the delimitation of the territorial sea, the exclusive economic zone and the continental shelf between States with opposite or adjacent coasts. Those issues would be discussed within the framework of three open-ended negotiating groups, but, when appropriate, negotiations would continue in smaller groups composed of those delegations most interested in a specific question and those smaller groups would report to the open-ended negotiating groups. Consideration would be given to the possibility of holding informal meetings of the Committee to deal with questions not included under the three priority issues. It had been decided to discuss specific proposals and to avoid rhetorical statements. The negotiating groups had respected that decision.

6. On Tuesday, 14 June, the three open-ended negotiating groups had held preliminary meetings and had decided to convene the smaller groups immediately. With respect to the first priority issue, the group concerned would deal only with the juridical status of the exclusive economic zone. At the same time, discussions were being held by the group of 21 on the rights of land-locked and other States with respect to the utilization of the living resources of the exclusive economic zone. The group dealing with the juridical status of the exclusive economic zone had held three meetings, and each of the other groups had held one meeting. He understood that negotiations had proceeded in a climate of mutual understanding and, if similar progress continued to be made, positive results would be achieved. He intended to call a meeting of the three open-ended negotiating groups within the next two days so that the smaller groups could submit their reports. He was not yet able to say how long the Second Committee would require to complete its work, but he would take a decision in that respect after the appropriate consultations.

7. The CHAIRMAN said that the methods of work established by the Second Committee seemed very appropriate to the task in hand.

8. Mr. YANKOV (Bulgaria), Chairman of the Third Committee, said that, at the beginning of the previous week, the Third Committee had held a formal meeting to discuss its organization of work. At that meeting (34th meeting), the Committee had decided to draw up a list of outstanding issues for further negotiation, but flexibility would be maintained to ensure that all issues were given due consideration. The procedural patterns established at previous sessions would be retained. Informal negotiations on the protection and preservation of the marine environment would, as a rule, be conducted by the Committee as a whole, but, when necessary, they would be entrusted to a smaller negotiating group. Negotiations on marine scientific research and the development and transfer of marine technology would be conducted by the Chairman. The Committee had also agreed upon a tentative time-table for its work and had discussed the question of co-ordination with the other Committees.

9. On the question of the protection and preservation of the marine environment, consultations had centred on vessel-source pollution and had been conducted either with the full participation of all members of the Committee or in a smaller group comprising delegations directly involved in specific issues. The issues at stake were those dealt with in article 30 of part III of the revised single negotiating text. The negotiations had been both thorough and promising, but it had become increasingly clear that any changes to the revised single negotiating text, however desirable from the point of view of individual delegations, were likely to upset the delicate compromise reflected in that text. Some amendments that had been proposed concerning unresolved issues would require co-ordination between the Third and Second Committees. Moreover, the results of negotiations on some issues, particularly the jurisdictional aspects of pollution control, would depend on progress made in the other Committees. Although the discussions had been constructive, the negotiating process would have to be accelerated and lengthy discussions on minor drafting changes must be avoided. In the coming week, the Third Committee would continue its consultations on articles 28 and 21, and in that connexion, co-ordination with the Second Committee was indispensable.

10. With regard to the régime for the conduct of marine scientific research, the fact that that issue was relatively self-contained did not make the negotiations any easier. Attention had been focused on the package which would determine the framework and content of the régime, which related principally to articles 58, 59, 60, 64 and 65 of part III of the revised single negotiating text, as well as to articles 76 and 77 on the settlement of disputes.

11. Three informal meetings of the Third Committee had been held on marine scientific research in which 88 statements had been made. While that large number was encouraging since it showed keen interest in such matters, it was also somewhat frustrating in that it indicated a tendency to diverge from an area of common ground and thereby aggravate existing divisions. During those meetings 10 written and four oral proposals had been made on the question of the régime for marine scientific research. The critical stage had now been reached where, unless there was a move to reach common ground for the purpose of a compromise, the divergent trends might lead to a deadlock.

12. He recalled that, at the fifth session, he had submitted a so-called "test proposal" in an attempt to synthesize a number of divergent proposals. While that proposal had been generally accepted by a significant majority as a basis for further negotiations, it had been regarded by an important minority as unacceptable even as a basis for negotiations. Two informal proposals had emerged as a reaction to his test proposal, one submitted by the Group of 77 and the other by the Australian delegation.

13. Negotiations had continued at the current session and some delegations had reiterated the view that the most appropriate basis for negotiations was the test proposal, although they had had several substantive reservations. Other delegations had felt that new proposals would be more appropriate and, as he had already stated, 14 such proposals had been put forward at the current session, including a Soviet proposal and a proposal submitted by the Federal Republic of Germany, the Netherlands and the United States, which were similar to the Australian proposal. Another effort was now being made through a negotiating group to bring the positions closer together; negotiations were at a very critical stage.

14. One informal meeting had been held on the development and transfer of technology at which discussion had centred mainly on articles 85 and 86, and two basic trends had emerged. The main thrust of the negotiations should be to seek a proper balance between the suppliers and the recipients of marine technology and know-how, a balance which he had tried to reflect in the revised single negotiating text. If that balance was upset, the whole set of provisions on marine scientific research would also be affected. A distinction should be drawn between technical assistance and dealings in the field of marine technology. In some instances the suppliers might acquire the role of donors, but in many other instances they would need certain incentives to proceed with the transfer of technology. The recipients should be aware of the two different types of transfer.

15. There was a general feeling that further progress on the powers of the Authority in connexion with the transfer of technology depended on the combined efforts of the First and Third Committees; that again involved the question of co-ordination.

16. In conclusion, he said that the Third Committee would need more time during the current week and probably during the following week in its efforts to reach a compromise on the three issues before it.

17. The CHAIRMAN said that he would discuss the matter of co-ordination with the Chairmen of the Committees in order to reach an understanding as to how to deal with that question.

18. He intended to adhere to the agreed schedule whereby, at the end of the fifth week, a plenary meeting would be held in order to reach agreement on the preparation of a composite text, without precluding the possibility of any further negotiations in the various negotiating groups set up by the Committees.

19. Thanking the Chairmen of the Committees for their respective reports to the General Committee, he suggested that, before the end of the current week, they should submit to him reports on the negotiations in their Committees so that he could discuss the situation with them in greater detail. He urged the Committees to quicker and greater endeavour and said he felt sure that, given the prevailing spirit, they would adhere to the programme of work which he had indicated.

20. Mr. ZEGERS (Chile) pointed out that 30 years had now elapsed since Chile, in June 1947, had declared a maritime zone of 200 miles, the first such zone in the world. Peru and Ecuador had subsequently followed suit. In making such a declaration, Chile had sought to develop an international custom which was about to be codified by the Conference.

21. Mr. UPADHYAY (Nepal), speaking as the Acting Chairman of the Group of 77, said that the Group was very aware of the need for progress in the Committees, so that the President of the Conference would be able to embark on the task of preparing a composite text.

22. The Group was also aware of the existence of a number of recent documents, especially the text containing the third revision of the paper prepared by the Chairman's negotiating group of the First Committee. The Group of 77 wished to have sufficient opportunity to consider that document in order to express its views before the Conference, but it found difficulty in holding meetings within the prescribed time-limits. He therefore requested that the Group should be given at least two whole days as early as possible during the current week in which to consider the document.

23. The CHAIRMAN assured the representative of Nepal that the Group of 77 would be given the necessary opportunity to try to reach agreement.

The meeting rose at 11.15 a.m.

32nd meeting

Tuesday, 28 June 1977, at 10.15 a.m.

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

Organization of work

1. The CHAIRMAN read out his proposals regarding the preparation of the informal composite negotiating text (see A/CONF.62/L.20).

2. He had discussed his proposals with the Chairmen of the Committees. In the event of a disagreement with

the Chairmen over any suggestion that he might make during the preparation of the composite text, their views would prevail. Although he had hoped that the composite text would be ready for distribution by the beginning of the following week, he had been too optimistic. Negotiations would therefore proceed concurrently with the preparation of the text.