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32nd meeting of the General Committee

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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.

3. He also intended to present, together with the composite text, a comprehensive memorandum indicating those issues which were the essential elements of the package and on which general agreement was a prime necessity. The principal differences on each of those issues would also be set forth.
4. When the Conference met in plenary to consider the composite text, it could also consider key issues and agree on the order of negotiations.
5. Mr. ARIAS SCHREIBER (Peru) supported the President's proposals. The procedure whereby those who had closely followed the work of the Committees would participate in preparing the text would ensure that it reflected the tendencies prevailing at the Conference.
6. The advisability of conducting a plenary debate as soon as the composite text was ready should be considered when the Conference had the text before it. Consideration of the text in plenary meetings would, of course, be necessary sooner or later but should not precede consideration of the text in the Committees.
7. Rather, the plenary meetings of the Conference should be devoted to the preamble and final clauses. While his delegation agreed that their contents would depend on the substance of the convention itself, he felt sure that delegations were by and large already familiar with the substance.
8. Regardless of whether it was decided to discuss the text in plenary meetings or to submit it to the Committees, informal consultations could nevertheless proceed on its most important elements that required special attention in order to reach a consensus.
9. The CHAIRMAN said that the various parts of the composite text would first be considered by the Committees. A decision would then be taken on how to proceed.
10. Mr. WITEK (Poland) said that his delegation supported the President's proposals, in the belief that the proposed method of work fully accorded with the consensus principle and would represent the most constructive approach at the current stage.
11. In his delegation's view, the President's proposals gave rise to two problems. First, it felt that too much attention was being given to the process of consolidating the text, and that greater emphasis should instead be placed on efforts to achieve a compromise.
12. Secondly, although repeated firm declarations had been made earlier in the Conference that the convention would guarantee the interests of the land-locked and geographically disadvantaged States, there had been no visible progress in that respect. Yet a compromise on that question remained a condition for progress. Furthermore, the question of their access to the resources of the economic zone had disappeared from the agenda of the Committee concerned. His delegation hoped that the wisdom and experience of the President and the Chairmen of the Committees would enable a solution to be found during the process of consolidation.
13. The CHAIRMAN urged delegations to refrain from stating what provisions they would like to see in the composite text, and instead to wait until it had appeared.
14. Mr. CHAO (Singapore) said that his delegation broadly agreed with the President's proposals. However, one matter which gave rise to concern was his proposal that, in the event of any disagreement between the President and the Chairmen of the Committees concerning the substance of the composite text, the Chairmen's views should prevail. That seemed to imply that a veto could be exercised by one member of the team, and was somewhat inconsistent with the President's proposals that he should be free to suggest to the Chairmen of the Committees what modifications were likely to promote a consensus, that it be left to the President to arrive at an understanding with the Chairmen of the Committees on the working method they should adopt, and that the team would be under the President's leadership.
15. His delegation hoped that the composite text would not be just an amalgamation of the four parts of the revised single negotiating text but would incorporate any further compromise formulas needed. It was the opinion of the Group of Asian States that the preparation of the composite text should be carried out by a team under the President's leadership and that if the team was unable to achieve compromises where they were clearly required, the President should be entitled to make such changes as he deemed fit.
16. The discussion of the composite text itself should not be compartmentalized; delegations should be able to see the whole package. For that reason, he suggested that negotiations on the composite text should be conducted in an informal plenary meeting under the President's leadership.
17. The CHAIRMAN suggested that delegations should avoid attempting to spell out detailed rules of procedure for the team that would prepare the composite text. They should let the spirit, rather than the letter, of the proposals have precedence. He intended to defer to the views of the Chairmen of the Committees in respect of any matter that was the exclusive domain of one of the Chairmen, who would be in the best position to advise on whether a particular formulation had a chance of success. In such a case, the views of the Chairman should prevail. There was no question of anyone exercising a veto.
18. Mr. ZEA (Colombia) said that his delegation had agreed from the very beginning of the session with the President's proposal concerning the preparation of a composite text, an exercise which it felt to be of crucial importance. In that process, the President should be given the same authority and facilities as had been accorded to the Chairmen of the Committees for preparing the single negotiating text and the revised single negotiating text, out of recognition of the masterly manner in which he had guided the work of the Conference from the outset.
19. Accordingly, his delegation accepted the President's proposals, but on the understanding that the team preparing the composite text would act under his guidance. His delegation had the greatest respect for the manner in which the Chairmen of the Committees had conducted the work of the Committees. However, the position of the President should be that of arbiter, seeking to ensure that the majority views were reflected in the consolidated text. Otherwise the Conference would not progress.
20. Despite the abilities of the President, there was inadequate machinery for presenting the various views, some of which were not being channelled into compromise formulas. It was therefore highly desirable to organize the negotiations in a constructive manner in order to move towards agreement.
21. Mr. AL-WITRI (Iraq) said that his delegation fully supported the President's proposals and had confidence in his ability to overcome obstacles and prepare a composite text reflecting the interests of all parties. That

would be possible if the work was carried out under the President's leadership, and in consultation with the Chairmen of the Committees and with any other experts considered necessary by the President. The final decision concerning compromise formulas should rest with the President. In that connexion, his delegation hoped that the composite text would give particular attention to those outstanding issues that were of interest to the largest number of delegations, including those relating to the interests and rights of the land-locked and geographically disadvantaged States.

22. Mr. CALERO RODRIGUES (Brazil) fully supported the President's proposals. He felt that the proposed method of preparing the composite text was a good one, and that the President should be left to reach an understanding with the Chairmen of the Committees concerning the details of the working method to be adopted.

23. As to the way in which to proceed after the composite text had been prepared, he welcomed the President's suggestion that the plenary should meet informally to commence negotiations on the text, but that the Committees should proceed with consideration of the various parts of the text.

24. Mr. NJENGA (Kenya) endorsed the President's proposals. He emphasized, however, that the composite text should not merely represent a merger of the various parts of the revised single negotiating text. When the Conference was on the verge of collapse, it was time for imaginative procedures in order to achieve a breakthrough.

25. The President's role should not be merely that of making suggestions. Neither should he impose his will; what was called for was a real collegiate system. In that connexion, he hoped that the Rapporteur-General and the Chairman of the Drafting Committee would also play an active role.

26. He hoped that the composite text would be of sufficient interest to enable the plenary to meet informally to commence negotiations. That did not, of course, mean that the role of the Committees would be ended, since they would be required to assess the need for further action on the composite text.

27. Mr. UPADHYAY (Nepal) said that his delegation fully supported the proposals submitted by the President and welcomed the fact that the question of the status of the composite text had been clarified. Some confusion had apparently arisen as to the nature of the text and the role of the President in compiling it. Although the Chairmen of the Committees should be free to propose amendments, the composite text should be the responsibility of the President, and the fact that the President's views should ultimately prevail must be made quite clear. Discussion of the composite text should take place mainly at the plenary level.

28. Mr. ANDERSEN (Iceland) said that his delegation fully supported the President's proposals.

29. Mr. MWANGAGUHUNGA (Uganda) said that the team responsible for drafting the composite text should work under the leadership of the President, and the text should be the responsibility of the latter. The decision as to the method of work to be followed in drafting the text should be left to the President and the Chairmen of the Committees. It was to be hoped that the composite text would not be a mere repetition of existing documents but would represent a genuine break-through.

30. Mr. ADIO (Nigeria) said that the President's proposals were acceptable to his Government. It was to be hoped that the proposals would have a positive psychological effect.

31. Mr. BARNES (Liberia) said that his delegation endorsed the President's proposals, but shared the concern expressed by the representative of Kenya. It should be emphasized that the aim of a composite text was to enable all interest groups to see what mutual concessions and compromises were needed for the attainment of a consensus. It was also important that informal consultations should continue while the composite text was being prepared and that the results of such negotiations should be brought to the notice of the Chairmen of the Committees and the President, as they would be helpful in the preparation of the composite text.

32. Mr. GOERNER (German Democratic Republic) said that the composite text should put forward compromise proposals on those outstanding issues which had been given priority at the current session, and the task of drafting such compromise formulas should be carried out jointly by the President and the Chairmen of the Committees. His delegation fully supported the President's recommendations concerning the manner in which the composite text should be compiled. The main basis for the composite text should be the revised single negotiating text, and those articles of the revised single negotiating text which had received general support should be included in the composite text without change. However, some chapters of the existing text had met with strong opposition from a substantial number of delegations, and certain provisions put into effect unilaterally by some Governments had proved unjust and inadequate. The inclusion of such chapters or provisions in the composite text might therefore prove counterproductive. In general it would be wrong to seek a composite text at any price; such a text must be designed to help the Conference find an equitable and well-balanced solution. The composite text should be informal in character and should serve as a procedural device providing a basis for further negotiation. It should not affect the right of delegations to submit amendments.

33. Mr. PERISIC (Yugoslavia) said that his delegation fully supported the proposals submitted by the President. A few plenary meetings should be devoted to discussion of the preamble and final clauses.

34. Mr. MARSIT (Tunisia) said that the President's proposals were acceptable from the point of view of both form and content. Details concerning the method of work to be followed by the drafting team should be left to the team itself. Although the composite text could not satisfy everyone, it must take account of the basic interests of the majority and of the developing countries in particular.

35. Mr. JACHEK (Czechoslovakia) said that his delegation supported the President's proposals without reservation. It must be emphasized that ultimate success would depend on mutual concessions and compromise. It was to be hoped that extremist proposals would be put aside and that the work of the Conference would proceed in a spirit of consensus. To that end, the composite text should reflect the interests of all.

36. Mr. KNOKE (Federal Republic of Germany) said that his delegation had questioned the wisdom of ending the session with a composite text, but it had been reassured by the statement that the composite text would be of an informal nature and would not have the status of the text prepared by the International Law Commission for

the Geneva Conference of 1958. With respect to the method of work to be used, everyone knew those areas in which agreement still had to be reached, and political solutions must be found. The task of finding such solutions could best be carried out under the leadership of the President. It was important that the general public should not have the impression that the composite text had been drafted by the Conference.

37. Mr. ZEGERS (Chile) said that his delegation fully supported all the proposals submitted by the President. The Conference had reached a crucial stage, and the composite text would provide a valuable means of assessing the negotiations as a whole. Once the composite text had been drafted, the Conference would be able to proceed with the task of preparing a draft convention. With respect to the compilation of the composite text, the most appropriate approach would be for the President and the Chairmen of the Committees to work together. The President had also said that he would prepare a list of key issues requiring further negotiation, and that list would be extremely useful with respect to the preparation of a draft convention. In deciding how to deal with particular issues, the Conference must bear in mind that some proposals had already been put into practice by States and were becoming part of international law.

38. Mr. JACOVIDES (Cyprus) said that his delegation supported the President's proposals, although it shared the concern expressed by the representatives of Kenya and Nepal. The composite text, although the work of a team, would be the responsibility of the President. While the composite text would not have the same status as the text prepared by the International Law Commission for the Geneva Conference of 1958, it would nevertheless carry much more weight. It was to be hoped that the text would not represent a mere compilation of previous proposals.

39. Mr. OGISO (Japan) said that in general his delegation supported the President's proposals. There was some concern that the President would be hampered in his leadership role by the authority bestowed on the Chairmen of the Committees. However, his delegation had been reassured by the President's explanation that the Chairmen of the Committees would not enjoy any right of veto. It was to be hoped that the preparation of a composite text would not lead to any further polarization of views; in that connexion, the President's statement that

delegations must look forward rather than backward should be emphasized.

40. Mr. OXMAN (United States of America) said it was hoped that the composite text would make it possible to reach a general agreement on the over-all balance of the convention. It might be preferable to discuss the composite text before deciding what key issues remained to be resolved. There might be fewer problems than was generally thought.

41. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, said that the President and the Chairmen of the Committees had agreed on a satisfactory method of work with regard to preparing the composite text. Although the President and the three Chairmen had important roles to play, the most important factor would be the manner in which delegations and interest groups met the challenge facing them.

42. Mr. AGUILAR (Venezuela), speaking as Chairman of the Second Committee, said that he endorsed the President's proposals and hoped that they would be accepted by the Committee. It was very important that informal negotiations should continue while the composite text was being prepared. States had a duty to find a compromise solution, since however much was achieved by the President and the three Chairmen, nothing could replace the will of States. In the final analysis, it was States that would decide whether to ratify the convention.

43. Mr. YANKOV (Bulgaria), speaking as Chairman of the Third Committee, said that he fully supported the guidelines proposed by the President. The comments of delegations were very valuable, and must be taken into account. The President's proposals came at an appropriate stage in the negotiations, and might well provide those negotiations with a new impetus. It was time for the promises of the past to be put into effect.

44. The CHAIRMAN assured the Committee that he would take the views of all delegations fully into account. If he heard no objections, he would take it that the General Committee approved his proposals regarding the preparation of the informal composite negotiating text.

It was so decided.

45. The CHAIRMAN said that his proposals would be submitted to the plenary meeting.

The meeting rose at 11.55 a.m.

33rd meeting

Friday, 15 July 1977, at 10.20 a.m.

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

Organization of work

1. The CHAIRMAN said that he wished to comment on three matters, namely, the preparation of the informal composite negotiating text, the duration of the current session, and the timing, duration and venue of the next session.

2. He had hoped that the preparation of the informal composite negotiating text would have been completed by Wednesday, 13 July, but negotiations had still been in progress on that date. It was expected that the President of the Conference and the Chairmen of the three Committees would complete work on the text by Sunday, 17 July. It would not however, be possible to have the