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President's proposals regarding the preparation of the informal composite negotiating text

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume VII (Summary Records, Plenary, General Committee, First, Second and Third Committees, as well as Documents of the Conference, Sixth Session)*

DOCUMENT A/CONF.62/L.19

Interested non-governmental organizations invited in accordance with paragraph 9 of General Assembly resolution 3029 A (XXVII) and paragraph 3 of General Assembly resolution 3067 (XXVIII)

[Original: English]
[16 May 1977]

At its 15th and 43rd meetings held on 21 June and 22 July 1974; at its 52nd and 55th meetings held on 17 March and 18 April 1975; and its 57th, 59th, 63rd, 64th and 71st meetings held on 15 March, 5 April, 8 April, 9 April and 2 August 1976 respectively, the Conference approved the inclusion of the following in the list of interested non-governmental organizations having consultative status with the Economic and Social Council and the extension of invitations to them in accordance with the above-mentioned resolutions and in conformity with rule 66 of the rules of procedure:

CATEGORY I

International Chamber of Commerce
International Confederation of Free Trade Unions
International Co-operative Alliance
International Council of Voluntary Agencies
International Council of Women
International Youth and Student Movement for the United Nations
United Towns Organization
World Confederation of Labour
World Federation of United Nations Associations

CATEGORY II

Bahá'í International Community
Baptist World Alliance
Cavitas Internationalis (International Confederation of Catholic Charities)
Carnegie Endowment for International Peace
Commission of the Churches on International Affairs
Foundation for the Peoples of the South Pacific, Inc., The
Friends World Committee for Consultation
Inter-American Council of Commerce and Production
International Air Transport Association
International Bar Association
International Chamber of Shipping
International Commission of Jurists
International Council of Environmental Law

International Council of Scientific Unions
International Federation for Human Rights
International Hotel Association
International Law Association
International Movement for Fraternal Union among Races and Peoples (UFER)
International Organization of Consumers' Unions
International Union for Conservation of Nature and Natural Resources
Latin American Association of Finance Development Institutions (ALIDE)
Mutual Assistance of the Latin American Government Oil Companies (ARPEL)
Pan American Federation of Engineering Societies (UPADI)
Society for International Development (SID)
Women's International League for Peace and Freedom
World Alliance of Young Men's Christian Associations
World Association of World Federalists
World Conference on Religion and Peace
World Peace Through Law Centre

ROSTER

Asian Environmental Society
Center for Inter-American Relations
Commission to Study the Organization of Peace
Foresta Institute for Ocean and Mountain Studies
Friends of the Earth (F.O.E.)
International Association for Religious Freedom
International Institute for Environment and Development
International Ocean Institute
International Studies Association
National Audubon Society
National Shippers' Council of Europe
Pax Christi, International Catholic Peace Movement
Population Institute
Sierra Club
United Seamen's Service
World Alliance of Reformed Churches
World Federation of Scientific Workers
World Society of Ekistics

DOCUMENT A/CONF.62/L.20

President's proposals regarding the preparation of the informal composite negotiating text

[Original: English]
[28 June 1977]

At the 77th Plenary meeting held on 23 May 1977 I drew attention to the proposal in document A/CONF.62/BUR.5 dated 20 May 1977 on the preparation of a single informal composite negotiating text and suggested that a decision on the exact procedure to be followed in the preparation of that text be taken at the end of the fifth week of this session.

At the 76th Plenary meeting on 17 September 1976 I read out the summary of the General Committee's recommendations regarding the organization of work at its sixth session. Recommendation (ix) of paragraph 33 of the proceedings of the 76th meeting appearing in Vol. VI of the *Official Records of the Third United Nations Conference on the Law of the Sea* contains the General Com-

mittee's recommendation that "at the end of the 6th week, the President with the Chairmen of the Committees, adopting the collegiate method, would prepare an informal single composite text". These recommendations were treated as guidelines for action by the Conference.

There has been considerable speculation in regard to the manner in which the collegiate method suggested for the preparation of the composite informal negotiating text would function.

When I used the term in my statement to the General Committee at the end of the Fifth Session, I had in mind that the President of the Conference should work with the Chairmen of the three Committees, the Chairman of

the Drafting Committee and the Rapporteur-General to produce this composite text and would rely very heavily on the experience, judgement and assessment of the Chairmen of the three main Committees in regard to the provisions that not only commanded the widest ascertainable support but at the same time held out the prospect of attaining consensus.

The Chairmen of the Committees were given full discretion for the preparation of the single informal negotiating texts and for the preparation of the revised negotiating texts. They were also free to select their own sources of wise counsel and guidance. I do not seek such latitude.

I have sufficient respect for my colleagues, the Chairmen of the three Committees, to rely on their judgement and experience in the preparation of the composite text, but I myself must be free to suggest to them what modifications are likely to have the desired effect of promoting a consensus in these matters where it is evident to me that a consensus has not been reached in the Committees.

After giving the most careful consideration to the various representations that have been made to me, I would suggest that it be left to the President to arrive at an understanding with the Chairmen of the three Committees on the working method they should adopt. The President will undertake the preparation of the informal composite negotiating text jointly with the Chairmen of the three Committees. It will be a team under the President's leadership. The Chairman of the Drafting Committee and the Rapporteur-General would be associated with the team as the former should be fully aware of the considerations that determined the contents of the text while the latter would, *ex officio*, need to be kept informed of the manner in which the work of the Conference has proceeded at all stages.

In a composite text all interest groups would be able to see at a glance to what extent the provisions are in conformity with their views and to what extent they fall too short of their expectations. It would thus be clear to all participants what mutual concessions and compromises are needed for the attainment of a consensus. This requires that we must look forward rather than backward.

This composite negotiating text would be informal in character and will have the same status as the informal single negotiating texts and the revised single negotiating texts, which means that it would serve purely as a pro-

cedural device and only provide a basis for negotiation without affecting the right of any delegation to suggest revisions in the search for a consensus.

The composite informal negotiating text will certainly not have the character and status of the text which was prepared by the International Law Commission and presented to the Geneva Conference of 1958. It would not have the status of a basic proposal that would stand unless rejected by the requisite majority. The schedule of work for the rest of the session might, therefore, be as follows:

The whole of the sixth week should be devoted to the preparation of the composite text.

During this period informal meetings could be held for the purpose of negotiations between interest groups holding divergent positions for the purpose of bringing them closer towards agreement by the progressive resolution of their differences. The results of all 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. There would, therefore, not be, and there must not be, any interruption in the negotiating process, but it should be organized in a constructive manner with the sole purpose of enabling the Conference to move forward as close as possible to agreement.

Whenever the President and the Chairmen of the Committees are not working on the composite text, meetings requiring their presence could be held.

As soon as the composite text is ready in all languages for distribution, the Plenary will meet informally to commence negotiations on the composite text. This process should continue during the remaining period of the session leaving the last day or two of the session for the discussion of the arrangements for our future work.

Should time be available during the remaining weeks of the present session, a discussion of the preamble and the final clauses could be held and an understanding reached regarding the preparation of an initial draft. It seems scarcely necessary or possible to bring the preamble and the final clauses up to the same level as the revised single negotiating text at this stage. The substance of the Draft Treaty should determine the nature and content of the final clauses and not vice versa. Even if opinions may differ on this question, I suggest that we avoid a long procedural debate on the point.

DOCUMENT A/CONF.62/L.21

Letter dated 11 July 1977 from the representative of Jamaica
to the President of the Conference

[Original: English]
[11 July 1977]

I have the honour to advise you that the Secretary-General has been officially informed that the Government of Jamaica offers to be host for the seventh session of the Third United Nations Conference on the Law of the Sea, to be held during 1978. The Government has agreed to defray any additional cost of hosting the Conference away from a designated United Nations site, in accordance with General Assembly resolution 31/140.

I should be grateful if States members of the Third United Nations Conference on the Law of the Sea could be advised of this offer of my Government.

(Signed) K. O. RATTRAY
Head of the delegation of Jamaica
to the Third United Nations Conference
on the Law of the Sea