

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

1973-1982

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**A/CONF.62/L.21**

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

*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)*

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.

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[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