

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/61

Report of the General Committee on the organization of the work of the seventh session

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

DOCUMENT A/CONF.62/61

Report of the General Committee on
the organization of the work of the seventh session

Original: English
11 April 1978

I. The General Committee at its 34th to 39th meetings considered the organization of the work of the seventh session of the Conference. The following documents containing proposals on the organization of work were placed before the General Committee:

1. A proposal by the President, document A/CONF.62/BUR.6, dated 7 April 1978;
2. A proposal by Peru, document A/CONF.62/BUR.7, dated 7 April 1978;
3. A proposal of the Group of 77, document A/CONF.62/BUR.8, dated 10 April 1978.

At the 38th meeting of the General Committee held on 11 April 1978 the President presented a draft report based on its discussions and decisions, document A/CONF.62/BUR.9, dated 10 April 1978.

II. The General Committee decided to make the following recommendations to the Plenary:

1. The seventh session should give priority to the identification and resolution of the outstanding core issues. Besides the core issues, the Conference should also discuss and resolve all other issues which remain outstanding.
2. The general principle to be adopted should be that where an issue has not received sufficient consideration in the main committee to which it has been assigned, that committee should be free first to discuss the matter and decide whether or not to appoint a negotiating group before reporting to the Plenary.

3. Negotiating groups whether constituted by the Plenary or a main committee should comprise a nucleus of those countries principally concerned but with a clear understanding that they would be open-ended in the sense that any participant not included in the original nucleus would be free to join the groups with the same status as the original members. Each Negotiating Group would also have the right to form smaller groups in order to expedite the process of negotiation. Drafting groups would also fall into the same category. The results of the negotiations in all these small groups should be reported to the Chairman of the parent body, viz., the negotiating group. The Chairmen of the Negotiating Groups would in turn report the results of their negotiations to the Chairman of the appropriate Committee and to the President of the Conference.

4. When the results of the Negotiating Groups are reported to the Chairman of the appropriate Committee and to the President of the Conference, the President should, before bringing the results to Plenary, consult the Chairman of the appropriate Committee as to what he would wish to be done in the matter. Two alternative courses of action may be adopted: (i) the Chairman might wish first to have his Committee consider the results of the negotiations before bringing them to Plenary or (ii) the results could be brought direct to Plenary by the President when they are reported to him. When the results of any negotiations are reported to Plenary, it would be open to Plenary at an appropriate stage, if it so decides, to send the matter back to the Committee concerned if it considers that further examination of it in the Committee would promote the prospects of a settlement.

5. Negotiating groups of limited size - but open-ended - should be established to deal with the following hard-core issues:

- (1) System of exploration and exploitation and resource policy, taking note of the work of the group of experts on production control chaired by a member of the United Kingdom delegation.
- (2) Financial arrangements. (The results of an informal and preliminary study which has been made solely for the information of delegates and does not have the status of a Secretariat document will be available.)
- (3) Organs of the Authority, their composition, powers and functions.
- (4) Right of access of land-locked and geographically disadvantaged states to the living resources of the exclusive economic zone.
- (5) The question of the settlement of disputes relating to the exercise of the sovereign rights of coastal States in the exclusive economic zone.
- (6) Definition of outer limits of the continental shelf and the question of revenue sharing. (The Secretariat's report on the definition of the outer limits of the continental shelf, prepared at the request of the Second Committee, is to be produced as document A/CONF.62/C.2/L.98 and Add.1.)
- (7) Delimitation of maritime boundaries between adjacent and opposite States and settlement of disputes thereon.

In regard to item (4) above, the principle of "open-endedness" of negotiating groups should be maintained with the proviso that the Chairman of that negotiating group shall consult extensively with representatives of the two groups immediately concerned. This would provide for maximum participation in an open-ended group and at the same time ensure full and proper consultation with the delegations most interested in the issue.

6. Other issues may also be considered in accordance with recommendation 2 above. These may include the following:

- (i) régime of islands;
- (ii) the question of enclosed and semi-enclosed seas;
- (iii) preamble and final clauses.

7. In accordance with recommendation 2, items (2) and (3) of recommendation 5 would go to the First Committee for consideration and appropriate action. Item (6) would similarly go to the Second Committee for appropriate action.

8. The Third Committee could be convened to deal with specific matters concerning pollution, scientific research and development and transfer of technology which in its view called for further negotiation.

9. The Plenary should aim at the completion of all substantive discussions for the production of a draft convention at the seventh session. The work programme adopted by the Plenary should provide for the revision of the Informal Composite Negotiating Text and the discussion of the Revised Informal Composite Negotiating Text.

10. Any modifications or revisions to be made in the Informal Composite Negotiating Text should emerge from the negotiations themselves and should not be introduced on the initiative of any single person, whether it be the President or a Chairman of a Committee, unless presented to the Plenary and found to be acceptable to an overwhelming majority of the Conference so as to offer a substantially improved prospect of a consensus.

11. The revision of the Informal Composite Negotiating Text should be the collective responsibility of the President and the Chairmen of the main committees, acting together as a team headed by the President. The Chairman of the Drafting Committee and the Rapporteur-General should be associated with the team as the former should be fully aware of the considerations that determined any revision and the latter should, ex-officio, be kept informed of the manner in which the Conference has proceeded at all stages.

12. The following time-table may, to the extent feasible, be adopted:
- (a) all negotiations in committees and negotiating groups should be completed during the fortnight ending 25 April 1978;
 - (b) the second stage would be consideration of reports in the Plenary during the period 26 April to 5 May 1978;
 - (c) the third stage would be the revision of the Informal Composite Negotiating Text and should take place during the week 8-12 May 1978;
 - (d) in the fourth stage the Revised Informal Composite Negotiating Text as well as the question of its formalization will be considered in Plenary during the week 15-19 May 1978.

This proposed time-table is tentative and subject to variation as circumstances as well as the capacity of the Secretariat to provide the necessary facilities would permit.

13. The negotiations on the settlement of disputes and on the preamble and final clauses will pass through the same stages, namely, the Committee stage and Plenary, as other issues allocated to the three main committees. For this purpose in the first stage the Plenary will function as a main committee.

14. In all negotiations held in Plenary the President should have the Chairmen of the three main committees associated with him on the podium.

15. These recommendations on the organization of work are without prejudice to the Rules of Procedure which provide two stages for reaching agreement with two different voting methods should it be decided at either of those stages that all efforts at reaching consensus have failed. At the same time the importance of the Gentleman's Agreement appearing as an Appendix to the Rules of Procedure is stressed.

III. During the discussion on recommendation 12 there were delegations that preferred the deletion of the dates to be included in the time-table as they considered them unrealistic and were concerned lest their inclusion would be construed as having a mandatory character.

The President explained that the time-table was tentative and was not in the least mandatory and should not be understood to imply that all negotiations should cease on 25 April 1978 and that the Conference should proceed to the next stage.

IV. In regard to recommendation 13, the delegation of Peru suggested that the draft appearing in A/CONF.62/BUR.9 be amended by the addition of the following:

"On receiving the reports referred to in recommendation 12 (b) above, the Plenary shall decide whether it deems it necessary or not to establish a Fourth Committee to deal with the settlement of disputes and the preamble and final clauses."

The delegate of Algeria made a counter proposal to substitute the following for the existing recommendation 13:

"The negotiations on the settlement of disputes would continue in the Plenary as at previous sessions of the Conference. The preamble and the final clauses would be dealt with in the same manner as the settlement of disputes."

As agreement could not be reached on this point it was decided that recommendation 13 should be retained.