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Peru: proposal regarding an international commission on the law of the sea

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[10 April 1978]

Part . . . International Commission on
the Law of the Sea

Article 1

1. There is hereby established the International Commission on the Law of the Sea as an intergovernmental body responsible for the examination of problems which may arise in connexion with the application of the provisions of the present Convention, as well as from situations not covered by it.

2. All States Parties are *ipso facto* members of the Commission.

3. The seat of the Commission shall be at . . .

Article 2

The International Commission on the Law of the Sea shall have, *inter alia*, the following powers and functions:

(a) To examine all questions relating to the harmonization of the provisions of the present Convention with other international instruments and rules of customary international law governing various aspects of the law of the sea;

(b) To suggest suitable methods of resolving any ambiguities, inconsistencies, gaps, anachronisms or other difficulties encountered in the provisions of the present Convention which are not subject to any of the procedures for the settlement of disputes set out in Part XV;

(c) To study any legal problems which may arise as a result of economic, scientific and technological developments connected with the use and exploitation of the ocean space, and to propose to States Parties suitable methods for their solution;

(d) To examine new ideas which may be presented in connexion with the progressive development of the law of the sea and problems relating to cases which have not been foreseen or adequately covered by the provisions of the present Convention;

(e) To receive, circulate and consider any information, opinions and proposals that the Governments of States Parties may submit to it on matters connected with the implementation of the provisions of the present Convention;

(f) To reply to questions referred to it by international organizations on maritime affairs connected to the respective

areas of competence of those organizations in the context of the provisions of the present Convention which do not require solution by any of the procedures laid down in Part XV;

(g) To co-operate in the development, consolidation and co-ordination of the activities of international organizations related to maritime affairs through recommendations of a legal nature on conceptual, technical or operational questions, including the preparation of standards, general guidelines and uniform methods of interpretation or application;

(h) To assist the Governments of States Parties and international organizations, as appropriate, in the development of policies and programmes connected with the law of the sea, as well as in any matters calling for co-operation between States or between members of subregional, regional or world-wide organizations, in accordance with the provisions of the present Convention;

(i) To serve as a forum for the examination of proposals aimed at improving or supplementing the provisions of the present Convention and for the preparatory work of conferences convened with a view to amending or revising the Convention;

(j) To edit collections of national and international legislation on matters relating to the law of the sea as well as bibliographical abstracts of other publications prepared on these subjects;

(k) To prepare publications containing information about the main provisions of the present Convention and other related matters with a view to informing public opinion on the subject.

Article 3

1. The Secretary-General of the United Nations shall convene, not later than one year after the present Convention has been signed, a conference of the States Parties to prepare and adopt the statutes of the International Commission on the Law of the Sea.

2. Subject to a decision to the contrary, the Secretary-General shall convene the first conference of the Commission not later than three years after the entry into force of the present Convention. The agenda for the conference shall be proposed by the Secretary-General on the basis of the replies of States Parties to a circular letter.