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64th meeting of the General Committee

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64th meeting

Monday, 3 August 1981, at 3.20 p.m.

Chairman: Mr. T. T. B. KOH (Singapore)

Organization of work

1. The CHAIRMAN observed that the agenda of the resumed tenth session was no different from that of the first part of the session. It was the same in fact as the programme of work adopted by the Conference at the end of its ninth session, when the then President of the Conference had identified as outstanding issues the question of delimitation, the preparatory commission, the participation clause and the protection of preparatory investments. The identification of those issues as the main outstanding issues did not mean, however, that there were no other issues outstanding. At the last session the Chairmen of the Committees had been encouraged to consult with delegations in order to arrive at improved texts with a view to achieving consensus; he felt sure they would do so again during the resumed tenth session.
2. Mr. HAGE (Canada), speaking on behalf of the Chairman of the Drafting Committee, reported that informal inter-sessional meetings of that Committee had been held at Geneva from 29 June to 31 July 1981. There had been 204 meetings of the language groups open to all delegations, 17 meetings of the co-ordinators of the language groups and 5 meetings of the Drafting Committee as a whole, which had maintained its informal working methods, supplemented more than previously by informal consultations on certain provisions of Part XV of the draft convention.
3. In accordance with the timetable proposed at the Conference's 149th meeting, the Drafting Committee had considered Part XV and annexes V, VI, VII and VIII on the settlement of disputes during the first three weeks of its meetings and Part XI, section 6 on the Sea-Bed Disputes Chamber during the last two weeks. The volume and juridical complexity of the provisions in Part XV and the annexes relating thereto posed new drafting problems, chief among which were the internal co-ordination of the various provisions of Part XV and the related annexes and the co-ordination between Part XV and Part XI, section 6.
4. The Drafting Committee was submitting a series of proposals to the informal plenary on Part XV, sections 1 and 2, and Part XI, section 6; other matters regarding those Parts were still under review.
5. It was recommended that the language groups of the Drafting Committee should meet as frequently as possible during the first week of the resumed tenth session with a view to early completion of their work on Part XV, section 3, annexes V, VI, VII and VIII, Parts XVI and XVII, the preamble, article 1 and Part XI, and that an early decision should be reached in plenary session concerning those parts of the draft convention to which the Drafting Committee should give priority during the resumed tenth session. Sufficient time and facilities should also be provided for the Drafting Committee to enable it to expedite its work during the session.
6. The CHAIRMAN agreed that it was necessary to allocate time for the Drafting Committee to carry on with its work, although care would have to be taken to avoid situations in which representatives participating in the Drafting Committee's work were thereby prevented from attending meetings of other bodies held at the same time. On behalf of the Collegium, he appealed to the Drafting Committee to speed up its work.
7. The Collegium had unanimously agreed on a tentative programme of work for the first two weeks of the session. Of the meetings scheduled for 4 August, the informal plenary was being held to enable representatives to voice their comments on the report of the President on participation. At the informal plenary meeting on 5 August, he would call on the United States delegation to describe as fully as possible the results of its review of the draft convention up to that time, to explain the difficulties encountered and to suggest solutions to them. Meetings of interest groups and language groups would also take place on those days. On 6 August, meetings of various interest groups and regional groups would be held to consider the United States statement, and there would be an initial exchange of views on the same subject at the informal plenary meetings on 7 August. During the second week, the working group of 21 and the Drafting Committee would each have two meetings every day. While modifications would perhaps have to be made to the tentative programme of work, he hoped that the Committee would recommend it to the Conference.
8. Mr. KOZYREV (Union of Soviet Socialist Republics) expressed his satisfaction at the fact that, in the preparation of the programme of work, the Collegium had based itself on the decisions taken by the Conference on 28 August 1980 (A/CONF.62/BUR.13/Rev.1)—namely, that the tenth session of the Conference should complete negotiations on the few outstanding issues, complete the preparation of the final draft of the convention and approve it before the end of 1981 and then, by agreement with the Government of Venezuela, fix the date for the final session at Caracas.
9. However, judging from the special privileges to be accorded to the United States of America in connection with the programme of work, it seemed that the Conference was being asked to consider new issues relating to the position of a single country. He recalled that the normal work of the first part of the tenth session in April 1981 had been interrupted by the United States delegation on the pretext that the new administration of that country needed time to review the draft convention. Subsequent activities and statements of the United States delegation showed that the United States was not only refusing to comply with the above-mentioned decision of the Conference to complete the negotiations and adopt the convention in 1981; it was also repudiating a number of compromise agreements on the system of exploitation of mineral resources lying beyond the continental shelf and on the establishment of the international sea-bed Authority—agreements which had been reached at the Conference with the participation of the United States.
10. That obstructionist line must be regarded as evidence of a lack of respect for the Conference and for the international community as a whole, since the vast majority of delegations wished to complete negotiations and adopt the convention as soon as possible in keeping with the Conference decision of August 1980.
11. The Conference already had a programme of work for the tenth session and could proceed forthwith to carry it out. But now a special meeting was being scheduled to hear a single delegation because the United States, it seemed, was intending to continue its obstructionist line. New Governments did of course have the right to review decisions taken by their predecessors at international conferences, but in doing so, they normally observed the elementary norms of international courtesy. No other new Government had demanded that the work of a conference should be suspended, or had called for special plenary meetings. It was evident from what had happened during the first half of the tenth session that the United States would try to impose a one-sided decision favourable to itself and some of its allies.

12. The Soviet delegation rejected that approach which jeopardized the prospects of a successful completion of the Conference's work and endangered the whole process of settling delicate problems on the basis of a single "package" of compromise decisions. It would open the door to uncontrolled activities by the mining companies of the United States and for the plundering of the resources of the international area of the sea-bed which were the common heritage of mankind. Such a development would not be in line with the interests of developing countries or of peaceful international co-operation on the seas.

13. The United States and the countries which co-operated with it were entirely responsible for the harmful consequences of the line taken by the new administration. The Soviet delegation would fulfil the obligations it had assumed and would not tolerate any protraction of the work of the Conference. He hoped that all the participants in the Conference, including the United States of America, would respect the decisions taken by the Conference in August 1980 and April 1981, and the compromise agreements already reached on the whole "package" of basic provisions of the convention.

14. With regard to the organization of work, he said that the best course at the present stage of the Conference's work would be to concentrate on the outstanding issues. At the same time, however, he emphasized the need to speed up the work of the Drafting Committee.

15. The Conference had made arrangements to permit inter-session work by the Drafting Committee. Nevertheless, the work of that Committee was far from completed, partly because certain delegations were artificially impeding progress. He therefore felt that the General Committee should recommend to the Conference the adoption of a clear-cut decision to the effect that the Drafting Committee's work must be completed before the end of the fourth week of the present session. He felt certain that the Drafting Committee, under the able guidance of its Chairman, could fulfil such an assignment; and he formally proposed that the Drafting Committee be asked to complete its work by the beginning of the fourth week of the resumed session.

16. The CHAIRMAN said that, with respect to the last-mentioned proposal, he would consult the Chairman of the Drafting Committee as soon as he returned to Geneva, and also the co-ordinators of the language groups; the matter could be taken up again after those consultations.

17. With regard to the criticism expressed concerning the forthcoming statement by the United States delegation, he wished to dispel any possible misunderstanding. No privilege was being granted to the United States at the United States representative's request. On the contrary, he had had to convince that representative to respond to a request by the Group of 77, which had asked the United States delegation to explain, at an informal plenary meeting, both the results of the review of the draft convention by its Government, and also the difficulties encountered and the solutions suggested.

18. Mr. ARIAS SCHREIBER (Peru) said that he supported the Soviet representative's objection, which raised an issue of principle. The informal plenary meeting of Wednesday, 5 August 1981 should not be convened solely to hear the views of one delegation; all delegations wishing to state their opinion on the draft convention should be heard.

19. The CHAIRMAN said it was understood that, in addition to the Head of the United States delegation, any other representative would be free to express his delegation's opinion on the draft convention.

20. Mr. ARIAS SCHREIBER (Peru) said he could not accept the idea that some sort of privileged status should be conferred upon the United States delegation. No delegation should be singled out in the announcement of the informal plenary meeting.

21. The CHAIRMAN explained that the daily programme would simply announce an informal plenary meeting for the afternoon of Wednesday, 5 August 1981, at which any delegation could speak. When he had mentioned the fact that the Head of the United States delegation intended to speak at that meeting, he wished merely to inform the General Committee and the Group of 77 that the United States delegation had acceded to that Group's request.

22. Mr. MWANANG'ONZE (Zambia) noted that in the tentative programme all the available time during the second week was allocated to the working group of 21 and to the Drafting Committee. Actually, there were other outstanding issues which needed to be discussed further and negotiated, such as the issue of production limitation. He recalled that, at the first part of the tenth session in New York, his own country, together with other land-based producers such as Gabon and Zaire, had put forward in writing certain views on the shortcomings of the draft convention in that respect.

23. He hoped that at the present session those issues would be discussed in detail and not merely referred to in passing, and that negotiations would be conducted on them. He also hoped that during the second part of the session, unlike the first part in New York, representatives would be prepared to take responsibility for negotiations on matters of substance and not merely of procedure. Lastly, he hoped that the problems encountered by the United States of America would not prevent the Conference from concluding a convention which would regulate the exploitation of the resources of the sea-bed and its subsoil which constituted the common heritage of mankind, and that certain delegations would realize that positions of brinkmanship must come to an end.

24. It was a painful experience for delegations such as his own to be told that the climate in a particular country was not favourable for negotiations. Some delegations, of course, could afford to negotiate *ad infinitum*. For his own country, participation in negotiations of that kind represented a great financial sacrifice which it could ill afford to make. Zambia believed, however, that it must make that sacrifice from its meagre resources in order to combat the pirating of the resources of the sea. In conclusion, he wished the Conference a productive session.

25. The CHAIRMAN said that Mr. Engo, Chairman of the First Committee, would be scheduling a meeting for consultations on the subject of production limitation.

26. With regard to the programme of work for the first two weeks proposed by the Collegium, he said that, in the absence of any further comments, he would take it that the Committee agreed to recommend that programme of work to the Conference.

It was so agreed.

The meeting rose at 4.25 p.m.