

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

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## **Report of the Chairman of the Second Committee**

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XV (Summary Records, Plenary, General Committee and First Committee, as well as Documents of the Conference, Tenth and Resumed Tenth Sessions)*

## DOCUMENT A/CONF.62/L.68

Pakistan (on behalf of the Group of 77): draft resolution on development of national marine science, technology and ocean service infrastructures<sup>47</sup>

[Original: English]  
[10 April 1981]

*The Third United Nations Conference on the Law of the Sea,*

Recognizing that the Convention on the Law of the Sea is intended to establish a new régime for the seas and oceans which will contribute to the realization of a just and equitable international economic order through making provision for the peaceful use of ocean space, the equitable and efficient management and utilization of its resources and the study, protection and preservation of the marine environment,

Bearing in mind that the new régime must take into account, in particular, the special needs and interests of the developing countries, whether coastal, land-locked, or geographically disadvantaged,<sup>48</sup>

Aware of the rapid advances being made in the field of marine science and technology, and the need for the developing countries, whether coastal, land-locked or geographically disadvantaged, to share in these achievements if the aforementioned goals are to be met,

Convinced that, unless urgent measures are taken, the marine scientific and technological gap between the developed and the developing countries will widen further and thus endanger the very foundations of the new régime,

Believing that optimum utilization of the new opportunities for social and economic development offered by the new régime will be facilitated through action at the national and international level aimed at strengthening national capabilities in marine science, technology and ocean services, particularly in the developing countries, with a view to ensuring the rapid absorption and efficient application of technology and scientific knowledge available to them,

Considering that national and regional marine scientific and technological centres would be the principal institutions through which States, and in particular, the developing countries, foster and conduct marine scientific research, and receive and disseminate marine technology,

Recognizing the special role of the competent international organizations envisaged by the Convention on the Law of the

Sea, especially in relation to the establishment and development of national and regional marine scientific and technological centres,

Noting that present efforts undertaken within the United Nations system in training, education and assistance in the field of marine science and technology and ocean services are far below current requirements and would be particularly inadequate to meet the demands generated through operation of the Convention on the Law of the Sea,

Welcoming recent initiatives within international organizations to promote and co-ordinate their major international assistance programmes aimed at strengthening marine science infrastructures in developing countries,

1. Calls upon all Member States to determine appropriate priorities in their development plans for the strengthening of their marine science, technology and ocean services;

2. Calls upon the developing countries to establish programmes for the promotion of technical co-operation among themselves in the field of marine science, technology and ocean service development;

3. Urges the industrialized countries to assist the developing countries in the preparation and implementation of their marine science, technology and ocean service development programmes;

4. Recommends that the World Bank, the regional banks, the United Nations Development Programme, the Interim Fund on Science and Technology and other multilateral funding agencies augment and co-ordinate their operations for the provision of funds to developing countries for the preparation and implementation of major programmes of assistance in strengthening their marine science, technology and ocean services;

5. Recommends that all competent international organizations within their respective fields of competence for assistance to developing countries in the field of marine science technology and ocean services and co-ordinate their efforts on a system-wide basis in the implementation of such programmes, paying particular attention to the special needs of the developing countries, whether coastal, land-locked or geographically disadvantaged;

6. Requests the Secretary-General of the United Nations to transmit this resolution to the General Assembly at its \_\_\_\_\_ session.

<sup>47</sup>This text supersedes the draft resolution contained in document A/CONF.62/L.64. (See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XIV (United Nations publication, Sales No. E.82.V.2).

<sup>48</sup>The term "geographically disadvantaged" is used here without prejudice to any decision of the Conference on harmonization of terms to be used in the convention on the law of the sea.

## DOCUMENT A/CONF.62/L.69

## Report of the Chairman of the Second Committee

[Original: Spanish]  
[15 April 1981]

1. During the first part of the tenth session, the Second Committee held four informal meetings. This served to meet the desire expressed by a number of delegations for an opportunity to refer to certain questions within the mandate of the Committee, that is to say, relating to Parts II to X of the draft convention on the law of the sea (informal text) (A/CONF.62/WP.10/Rev.3 and Corr.1 and 3).

2. These meetings were held without any pre-established agenda, so that the delegations participating in them could express their views and present or reiterate informal suggestions for amendments with complete freedom on all issues and questions within the competence of the Committee, the sole exception being the problem of the delimitation of maritime space between States with opposite or adjacent coasts, because

at this stage of the work of the Conference that matter is being dealt with by the two groups of countries directly concerned, which have established a procedure for consultations on the subject. I deemed it necessary, however, to point out at the first informal meeting that the Committee's work in this final phase of the Conference should be directed towards supplementing or improving the draft convention, and not towards reopening discussion on the basic elements of the agreements reached after many years of effort.

3. Nearly all the informal suggestions considered at these meetings had already been submitted to the Committee at previous sessions. It should be noted, however, that on this occasion a revised version of one such suggestion was presented.

4. The number of statements made at these meetings totalled 119, and many of the articles in Parts II to X of the draft convention were referred to or touched on. It may be said, however, that most of those statements focused on very few questions.

5. One of these questions, a very controversial one, was the subject of lengthy debate, during which detailed explanations of the various positions were given and alternative means of achieving reconciliation were suggested. In connexion with this question, a number of delegations requested the establishment of a working group or the holding of consultations among the most interested delegations with a view to harmonizing the different positions. In response to that request, I carried out consultations on the subject and found that there was, at least for the present, no agreement on the establishment of a working, negotiating or consulting group for that purpose.

6. The informal suggestion presented in the Committee for the first time by one delegation was also given special attention in these discussions. The delegation making the suggestion announced at the end of the meetings that it would hold consultations with the other delegations which had shown an

interest in it with a view to submitting to the Committee in due course, for its consideration, a precise formulation taking into account the comments that had been made on the subject.

7. During these meetings, the delegations interested in some of the informal suggestions made at previous sessions stated that they were continuing the consultations aimed at finding generally acceptable formulae.

8. As I said by way of summing up at the end of the last of these meetings, the following conclusions may be drawn from these discussions:

(a) There is a virtual consensus on the fact that it is not desirable or practical to reopen discussion on the basic Committee issues, which, while they do not in all cases represent a consensus, are the formulae that come closest to commanding general agreement and that have been arrived at through long and arduous negotiations.

(b) It is possible to introduce, at such time as the Conference may decide, minor changes designed to supplement, clarify or improve the draft convention, always provided, of course, that they command the necessary support and will help to facilitate acceptance of the text by the largest possible number of delegations.

(c) Although some of the draft articles, as now worded, present difficulties of various kinds for some delegations, the draft as a whole is acceptable to the great majority of delegations. There are actually, in the view of a significant number of delegations, very few questions that require further discussion and negotiation.

9. Lastly, it seems to me appropriate to note in this report that as Chairman of the Second Committee I participated, along with the President of the Conference and the Chairman of the Drafting Committee, in three of the informal meetings of the Plenary to consider and adopt the recommendations of the Drafting Committee concerning Parts II to X of the draft convention.

#### DOCUMENT A/CONF.62/L.70

#### Report of the Chairman of the First Committee

[Original: English]  
[16 April 1981]

1. At the end of the resumed ninth session I reported that there had been what I consider to be a break-through in our negotiations on the outstanding hard-core issues before the Committee. It was clear from the reactions of all delegations, in the First Committee and in the plenary Conference, that the proposals which were later incorporated in the draft convention enjoyed a consensus. The report I submitted therefore outlined only a few issues which required attention before the First Committee could terminate its mandate.

2. It is common knowledge that the United States delegation announced at the commencement of this session their decision to review the draft convention and insisted that the Conference must await the end of such a review before any fruitful negotiations could take place with a view to formalizing the draft. The Group of 77 expressed the opinion that no useful negotiations therefore could be undertaken to resolve the issue of preliminary investment protection. Consequently, the work of the Committee at this session proceeded with an unhappy cloud hovering over. My consultations left me in no doubt, however, that it was the will of the delegates to proceed with the negotiating effort on all outstanding issues, bearing in mind the effect of the reservations expressed.

3. During this session the Committee held four meetings, all formal. The first two were devoted to general debates on the Preparatory Commission. The other two meetings provided opportunity for general comments on two reports of the Secretary-General: one on potential financial implications for States parties to the future convention on the law of the sea (A/CONF.62/L.65), and the other on the effects of the production limitation formula under certain specified assumptions (A/CONF.62/L.66).

4. In addition, the issue of the seat of the Authority (art. 156, para. (3)) was taken up for the first time. The opportunity was also given for the examination of all or any matter that delegations felt had not been or had never been dealt with formally in the Committee.

5. As may be recalled, the question of the Preparatory Commission had been considered by the plenary Conference at its informal meetings, as part of the President's consultations on the final clauses. It became clear that the issues involved were so closely related to the issues negotiated on Part XI that the First Committee was the more appropriate forum for the negotiating process.