

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/L.79

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

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)

Article 3. Constitution of special arbitral tribunal

For the purpose of proceedings under this annex, a special arbitral tribunal shall, unless the parties otherwise agree, be constituted as follows:

(a) Subject to the provisions of subparagraph (g), the special arbitral tribunal shall consist of five members. Each party to the dispute shall appoint two members, one of whom may be its national, to be chosen preferably from the appropriate list or lists relating to the matters in dispute. The parties to the dispute shall by agreement appoint the President of the special arbitral tribunal who shall be chosen preferably from the appropriate list and shall be a national of a third State, unless the parties otherwise agree;

(b) The party requesting special arbitration shall, at the time of making the request, appoint its members and submit a statement of its claim and the grounds on which such claim is based;

(c) Should the other party to the dispute fail to appoint its members within a period of 30 days from the date of receipt of the request for special arbitration, the appointments shall be made in accordance with subparagraph (a), at the request of the party which submitted the dispute to arbitration. Such request shall be made within two weeks of the expiry of the aforementioned period of 30 days;

(d) If, within a period of 30 days from the date of receipt of the request for special arbitration, the parties are unable to reach agreement on the appointment of the President, such appointment shall be made in accordance with subparagraph (a), at the request of a party to the dispute. Such request shall be made within two weeks of the expiry of the aforementioned period of 30 days;

(e) Unless the parties agree that any appointment under subparagraphs (c) and (d) be made by some person of a third State chosen by the parties, the Secretary-General of the United Nations shall make such appointment, in consultation with the parties to the dispute and the appropriate international intergovernmental organization. The appointments referred to in this subparagraph shall be made from the appropriate list or lists of experts within a period of 30 days of the receipt of the request. The members so appointed must be of different

nationalities and must not be in the service of, ordinarily resident in the territory of, or nationals of, any of the parties to the dispute;

(f) Vacancies which may occur as a result of death, resignation or any other cause shall be filled in such manner as provided for original appointments;

(g) Parties in the same interest shall appoint two members of the tribunal jointly by agreement. Where there are several parties having separate interests or where there is disagreement as to whether they are of the same interest, each of them shall appoint one member of the tribunal;

(h) In disputes involving more than two parties, the provisions of subparagraphs (a) to (f) shall apply to the maximum extent possible.

Article 4. General provisions

The provisions of annex VII, articles 4 to 12, shall apply *mutatis mutandis* to the special arbitration procedure under this annex.

Article 5. Fact finding

1. The parties to a dispute may at any time agree to request a special arbitral tribunal constituted in accordance with article 3 to carry out an inquiry and establish the facts giving rise to any dispute concerning the interpretation or the application of the provisions of this Convention relating to fisheries, protection and preservation of the marine environment, marine scientific research or navigation.

2. Unless the parties otherwise agree, the findings of fact of the special arbitral tribunal acting in accordance with paragraph 1, shall be considered as conclusive as between the parties. If all the parties to the dispute so request, the special arbitral tribunal may formulate recommendations which, without having the force of a decision, shall only constitute the basis for a review, by the parties concerned, of the questions giving rise to the dispute.

3. Subject to paragraph 2, the special arbitral tribunal shall act in accordance with the preceding provisions of this annex, unless the parties otherwise agree.

DOCUMENT A/CONF.62/L.79**Pakistan (on behalf of the Group of 77): draft resolution on development of national marine science, technology and ocean service infrastructures***

[Original: English]
[24 August 1981]

The Third United Nations Conference on the Law of the Sea, Aware of the rapid advances being made in the field of marine science and technology,

Taking into account the need for all States and, in particular, the developing countries whether coastal, land-locked, or geographically disadvantaged,⁶⁴ to share in these achievements,

Convinced that, unless urgent measures are taken, the marine scientific and technological gap between the developing and the developed countries will widen further and thus endanger the foundations of peaceful co-operation in the use of the oceans,

Believing that optimum utilization of new opportunities for social and economic development 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 will in the future 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,

Noting the present efforts undertaken within the United Nations system in training, education and assistance in the field of marine science and technology and ocean services and in co-ordinating major international assistance programmes aimed at strengthening marine science infrastructures in developing countries,

Recognizing the urgent need to augment those efforts so as to enable all States and in particular the developing countries whether coastal, land-locked or geographically disadvantaged, to participate fully in 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,

Confident that the new régime for the seas and oceans to be established by the convention on the law of the sea will reflect, and contribute significantly to the achievement of, that goal,

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;

*This text supersedes the draft resolution previously issued as A/CONF.62/L.68 dated 10 April 1981.

⁶⁴The 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.

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 the United Nations system expand programmes 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 thirty-sixth session.

DOCUMENT A/CONF.62/L.80

Programme of work for the eleventh session of the Conference

[Original: English]
[27 August 1981]

1. In accordance with its recommendations, contained in paragraphs 4 and 5 of A/CONF.62/BUR.14, and approved by the plenary Conference, the Collegium recommends the following programme of work for the eleventh, final decision-making session of the Conference for the adoption of the convention:

First Stage (6-26 March 1982)

2. During the first three weeks of the session, the Conference will continue consultations and negotiations on pending issues.

3. The informal plenary Conference will meet to process the recommendations of the Drafting Committee resulting from its final intersessional meeting.

Second Stage (29 March-1 April)

4. Beginning Monday, 29 March, the plenary Conference will meet for three days (29-31 March) to discuss the results of the consultations and negotiations. In accordance with A/CONF.62/L.46,⁶⁵ statements will be limited to 15 minutes.

5. In the light of the plenary debate and taking into account the criteria established in document A/CONF.62/62,⁶⁶ the President of the Conference, the Chairmen of the Committees, the Chairman of the Drafting Committee and the Rapporteur-General will meet on Thursday, 1 April, and decide on the incorporation of the results of the consultations and negotiations into the draft convention.

6. In order to enable delegations to prepare themselves for the next stage, the Collegium will issue a memorandum containing all the changes that will be incorporated in the draft

⁶⁵ *Ibid.*, vol. XIII (United Nations publication, Sales No. E.81.V.5).

⁶⁶ *Ibid.*, vol. X (United Nations publication, Sales No. E.79.V.6).

convention. These changes will be referred to the Drafting Committee for its consideration and recommendations. The Drafting Committee's report and its processing by the plenary Conference will be completed by 12 April.

Third Stage (6 April)

7. On Tuesday, 6 April, the Conference will meet to decide whether rule 33 is applicable to the draft convention which is before the Conference. The Conference should also decide that all formal proposals which have previously been presented be treated as having lapsed.

Fourth Stage (13-22 April)

8. Should delegations at this point of time feel it necessary to submit formal amendments to the draft convention, such amendments would have to be submitted to the secretariat by 6 p.m. on Tuesday, 13 April. Should the President, in accordance with Rule 37, defer the taking of a vote on amendments, the plenary Conference will give an opportunity to delegations, during the interval, to make statements on the amendments. During that period, the President, assisted by the General Committee, will make every effort conducive to the attainment of general agreements.

Fifth Stage (23-30 April)

9. By Friday, 23 April, the Conference will have to determine whether all efforts at reaching general agreement have been exhausted.

10. During the last week that will end on 30 April, the Conference will adopt the convention, the text of the draft resolution on the establishment of the Preparatory Commission, the final act and any other pertinent decisions.

DOCUMENT A/CONF.62/L.81

Report of the Chairman of the First Committee

[Original: English]
[29 September 1981]

1. The First Committee held only one meeting this session to hear my report on the work done regarding our mandate during the resumed tenth session. I do not wish to report here in full detail on the content of this report (A/CONF.62/C.1/L.29).

2. The working group of 21 concentrated on negotiations regarding the Preparatory Commission. In accordance with a previous agreement, it was co-chaired by the President of the Conference and the Chairman of the First Committee. The discussions of this resumed session were based primarily on a