

# **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.81**

## **Report of the Chairman of the First 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)*

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 (8-26 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,<sup>45</sup> 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,<sup>46</sup> 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

<sup>45</sup> *Ibid.*, vol. XIII (United Nations publication, Sales No. E.81.V.5).

<sup>46</sup> *Ibid.*, vol. X (United Nations publication, Sales No. E.79.V.4).

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

draft prepared by the co-Chairmen, which attempted to reflect suggestions for improvements made during previous negotiating endeavours, contained in document WG.21/Informal Paper 15 of 6 August 1981. On 12 August 1981, the co-ordinator of the Group of 77 submitted informal suggestions outlining the position of his Group (WG.21/Informal Paper 16). That document also included some of the agreed provisions as well as novel ideas. At the end of the second reading, the President and I prepared a further text (WG.21/Informal Paper 17 of 26 August 1981), which will be presented to the working group of 21 at the next session. As I emphasized at the meeting of the First Committee, it is undesirable for any detailed comment to be made thereon until such time as it has been properly presented to the working forum for which it is intended. The document is informal and is still subject to negotiations in the appropriate forum.

3. On the whole, it is my view that some progress was made on this subject, even if it for undeclared reasons, which it would appear to me cannot be far removed from timing, may not rightly be described in the superlative degree. It would appear that some of the delegations were not ready for final results concerning some aspects of outstanding problems. I have no doubt that they will be forthcoming if the Conference does decide to make our next session the final and decision-making session of our historical endeavours.

4. Although it was not said openly, it would appear that the nagging problem of preparatory investment protection continued to slow the pace of progress. The negotiating effort had, as it were, to grapple with an absent contender. The United States delegation withdrew the only proposal before the Committee and none of the Western European industrialized countries appeared to be in a position to put up new ones. I believe that the inter-sessional period can be fruitfully utilized by the interested parties to share their concerns and harmonize their thinking on this subject in order to promote productive discussions on the subject at the next session.

5. I discussed in some detail the outstanding problems with regard to the production policies of the Authority, especially as it relates to articles 150 and 151. It has been clear that although the draft convention has brought consensus nearer, some room may well exist for enlarging, not destroying, the scope of that consensus. I am of the opinion that a solution to the problem posed by some developing countries, which are land-based producers of cobalt and manganese, and those operating low-grade nickel deposits need not disturb the fundamental structure of the production limitation provisions now contained in the draft convention. I cannot fail to emphasize the importance of seeking a balance which, on the one hand, will stimulate sea-bed mining in response to our fundamental objectives expressed in article 150 and, on the other hand, ensure that we do not take measures which will have serious adverse effects on the fragile economies of several developing countries.

6. I refer to the issue of unfair economic practices in my report to the plenary, contained in document A/CONF.62/L.70 of 16 April 1981. The delegation of Australia made a proposal, among other matters, to the effect that States parties in the production, processing, transport and marketing of minerals and commodities, derived from the resources of the area, should avoid economic practices which cause, or threaten to

cause, material injury to the interest of another State party. I have encouraged the private informal initiative of Ambassador Brennan of Australia on this matter and invited him to inform the Committee about the results of his initiative.

7. In the same report at our last meeting in New York, I informed the plenary that there were continuing contacts between interested parties concerning the problem raised by some less industrialized Western States with regard to their suggestions for an increase in minimum representation for the geographical groups in the Council. I requested Dr. Pinto to inform me of the thinking of the interested parties and I can only, in all honesty, report that I know of no contacts between interested parties during this session. The concern of the Western States I have mentioned, as I see it, was not intended to challenge the existing consensus on the question of the Council. I would ask them to inform me in the future of any hope for solution that may emerge from their consultations with other groups.

8. The First Committee has taken note of the indicative vote in the informal plenary, in which it was clear that Jamaica will enjoy the privilege of hosting the International Sea-bed Authority and the organs we are creating under it. I was personally very proud of the decency with which all three candidates conducted their bid for the headquarters of the Authority. I believe that a decision to focus on developing countries in the creation of new international organizations is a progressive one and that historians will look at this generation with great admiration. I do not believe that the other developing countries which lost their bids need lose heart. The trend is definitely on. One may expect, for instance, that realism will once again prevail and that a poor developing country, like Fiji, may favourably be considered as an operations, research and practical training base for the Enterprise, having regard to its proximity to the anticipated region of activities in the area. Consideration will undoubtedly be given, during the life of the Authority, to establishing other activities, for example a centre for training of personnel in disciplines related to sea-bed mining, in other developing countries, including Malta and Yugoslavia. I mention this merely as food for thought and do not venture to make a suggestion at a time which may not be appropriate.

9. Finally, I feel duty-bound to express my conviction that with the right political will, nothing should impede the termination of the work of the First Committee at our next session. I should like to appeal to all delegations represented at this Conference to return to the next session fully armed with the determination to conclude the outstanding work under Part XI in order to ensure that we present to posterity conditions of peace, security and co-operation in the ocean space which will benefit all of mankind.

10. In closing I wish to express my gratitude to you, Mr. President, for your kind co-operation and guidance during this session. I wish to assure you of my continued dedication to the heavy task that you and I bear in relation to the conclusion of the convention of the law of the sea. I should like to draw attention also to the expressions of gratitude which are paid to the Special Representative of the Secretary-General and his staff, to members of my bureau and to all delegations, without whose co-operation and dedication no success in the work of the First Committee would be possible.