

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/SR.146

146th Plenary meeting

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)*

Report of the Chairman of the Drafting Committee

90. Mr. BEESLEY (Canada), introducing the report of the Drafting Committee (A/CONF.62/L.67/Rev.1 and 67/Add.1/Rev.1 and Add.2, 3 to 9, 11 and 12), paid a tribute to the important contribution made by the members of the Secretariat and by the co-ordinators and members of the language groups to the work of the Committee. The Drafting Committee had found it desirable to avoid records of discussion of drafting changes and the reasons for them, and he suggested that the Conference should do likewise when considering the report of the Drafting Committee in plenary meetings in order to expedite matters and obviate the need for interpretative statements. He suggested that prior to plenary meetings to discuss the report of the Drafting Committee, delegations should inform the President of any difficulties which they might have with specific recommendations in order to enable him to direct the discussion to the areas of disagreement and avoid a repetition of work done within the Drafting Committee on points with regard to which there were no differences of opinion.

91. With respect to the concordance of the texts in the six official languages, although the Drafting Committee had not always been able to improve linguistic concordance, it had sought to achieve juridical concordance in all cases. The Committee was having consultations with the Chairmen of the Second and Third Committees in order to decide whether the Second Committee texts or the Third Committee text would be considered first and would report back to all delegations when a decision was taken.

92. In conclusion, he said that the Drafting Committee and its constituent organs used informal methods which had proved to be very effective in working with the language groups and co-ordinators. Therefore, when a meeting of the Drafting Committee was listed in the time-table, that did not necessarily mean that the entire Committee would be meeting. The *Journal* would identify which groups were scheduled to meet.

The meeting rose at 7.40 p.m.

146th meeting

Monday, 30 March 1981, at 11 a.m.

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

Tribute to the memory of Mr. Eric Williams, Prime Minister of Trinidad and Tobago

1. The PRESIDENT said that he was grieved to announce the death of Mr. Eric Williams, Prime Minister of Trinidad and Tobago, and expressed condolences to the Government and people of Trinidad and Tobago.

2. Mr. ZULETA, Special Representative of the Secretary-General, Mr. VALENCIA-RODRIGUEZ, chairman of the group of Latin American States, Mr. TUBMAN, chairman of the group of African States, Mr. AL-DAGHMAH, chairman of the group of Asian States, Mr. YOLGA, chairman of the group of Western European and other States, Mr. GOERNER, chairman of the group of Eastern European States, Mr. RATTRAY of Jamaica, Mr. AGUILAR of Venezuela, Mr. SCOTLAND of Guyana, Mr. OXMAN of the United States of America, Mr. POWELL-JONES of the United Kingdom, Mr. ENGO of the United Republic of Cameroon, Mr. de la CHARRIÈRE of France, Mr. MARSIT of Tunis, Mr. ROBLEH of Somalia, Mr. TSHIKALA KAKWAKA of Zaire, Mr. MAZILU of Romania, and Mr. PINTO of Portugal expressed their condolences upon the death of Mr. Eric Williams, Prime Minister of Trinidad and Tobago.

3. Mr. SEALY (Trinidad and Tobago) thanked the President and the members of the Conference on behalf of the Government and people of Trinidad and Tobago for their condolences and assured them that he would convey them to Mr. Williams' family and to the Government.

On the proposal of the President, the representatives observed a minute of silence.

Organization of work

4. The PRESIDENT invited the Conference to consider the proposed programme of work for the period 30 March-13 April 1981. The General Committee had approved, subject to one amendment and a number of clarifications, a provisional time-table submitted on behalf of the Collegium and had recommended that it should be approved by the plenary Conference.

5. The amendment referred to an additional afternoon meeting of the Drafting Committee to be held on Thursday, 2 April.

6. The first of the clarifications referred to was the informal plenary meeting scheduled for the morning of Wednesday, 1 April, in order to enable it to complete its work on the recommendations of the Drafting Committee. Documents A/CONF.62/L.67/Add.1 and Add.2, relating to Third Committee matters, still had to be considered, and that would be done at the proposed informal meeting.

7. The six language groups of the Drafting Committee had still not completed their review of Part XI of the draft convention. On behalf of the Collegium, he appealed to the language groups to accelerate their work, which had been extremely slow, particularly in the case of the English language group. The Drafting Committee would also have to review Part XV, as well as other parts, and the time available during the current session should be well utilized.

8. The programme made provision for two meetings of the working group of 21, under the joint chairmanship of the President and the Chairman of the First Committee, with a view to concluding the discussion on matters relating to the Preparatory Commission. Consultations would subsequently take place between the President and the Chairman in order to adopt the necessary procedures to facilitate consultations and negotiations on the matter.

9. With regard to the delimitation issue, the Chairmen of the two interest groups concerned had requested that time should be allotted for the two groups to hold separate and joint meetings. The Collegium had drawn attention to the fact that the question of delimitation was the only one of the seven hard-core issues still pending and that it was very important to settle it at the current session. He therefore urged the two interest groups concerned to make every effort to find a compromise proposal.

10. The question of participation in the convention had been sufficiently discussed in plenary meetings and the best way to proceed was, therefore, to organize consultations and negotiations in order to reach compromise proposals acceptable to all interest groups. Accordingly, only one informal plenary meeting had been scheduled on that matter, and other meetings on it would be in the form of consultations and negotiations.

11. Two meetings of the First Committee had been planned for the period but if that was not enough additional meetings

could be scheduled. The Chairman of the First Committee had been holding informal consultations which, in his opinion, were the best way of progressing for the time being. If the one meeting of the Second Committee proposed was not sufficient to deal with all the matters raised, extra meetings could be arranged.

12. On the question of whether the current session would end on 17 April or 24 April, the opinion of the Collegium and the Chairmen of the regional groups was that the decision should be postponed until the progress of the ongoing negotiations on three of the hard-core issues and of the work of the Drafting Committee could be better evaluated. Members of the Collegium had agreed to extend the session if it became evident that such a course would make it possible to complete the negotiations at the current session. The Collegium proposed that another meeting of the General Committee and another plenary meeting should be held on 13 April to adopt a decision on that and other related matters. As the representatives of Australia and Brazil had stated that a decision on that matter should be made before 13 April, he intended to hold consultations with the Collegium; subject to the latter's decision, meetings of the General Committee and the plenary Conference might be held at an earlier date.

13. Mr. ROBLEH (Somalia) said that his delegation was in general agreement with the proposed time-table. However, he was concerned about the delimitation question, which was one of the hard-core issues. The fact was that, while consensus had been achieved on all the other matters within the competence of the Second Committee, consensus with regard to the question of delimitation was still a long way off and the Conference seemed to be in an impasse over that question. Without ascribing blame to either of the two groups involved, his delegation felt that the Conference, and in particular the Second Committee, should speed up negotiations on that sensitive issue.

14. One other question under discussion in the Second Committee concerned the kind of régime of passage through the territorial sea that should be applicable to warships, a subject of great interest to many delegations. He consequently felt that the time had come for the Committee to institute a framework for serious and speedy negotiations on that topic.

15. Mr. HAYES (Ireland) said that his delegation could accept the entire time-table proposed by the Chairman; like the interest group on whose behalf he was speaking, he was anxious to complete the negotiations on the question of delimitation. He regretted that as yet no consultations had been organized between the two interest groups, even though he understood that the main reason for the delay had been the desire of the groups to ensure that when consultations did take place, they would be conducted exclusively with a view to finding a solution to the problem. He was confident that with the promised co-operation of the Chairman and other members of the Collegium, a solution would be found to that difficult problem.

16. Mr. LACLETA MUÑOZ (Spain) said that delimitation was one of the most difficult issues that had faced the Conference and assured members that everything was being done to facilitate the finding of a solution. The major difficulty facing both interest groups was that the margin for negotiation was very narrow. Their fear was that any precipitate action might lead to a repetition of the protracted discussions of the past rather than to convergence of the positions of the two groups. Both had agreed to continue with the system set up at the previous session and were prepared to do their utmost to work out a final solution to the problem.

17. Mr. TSHIKALA KAKWAKA (Zaire) said that production policy was of paramount importance for Zaire, and

welcomed the initiation of consultations on that subject. Nevertheless, his delegation felt that action was needed to formalize those efforts with a view to initiating negotiations on that important issue within a reasonable period.

18. Mr. MAZILU (Romania) said that his delegation agreed in principle with the programme of work proposed by the General Committee. Nevertheless, it believed that the programme of work should be subordinated to the main aim of achieving satisfactory solutions to all pending issues. The discussions held so far had shown the need for new efforts to settle a number of particularly important problems, taking due account of the interests of all States. Consequently, his delegation, like many others, believed that consideration of those problems—through intensive consultations and negotiations—should be continued patiently and in a constructive spirit in various organs of the Conference and in other negotiating mechanisms, if necessary.

19. Among the problems that required further negotiation before consensus could be reached were those relating to participation in the convention, the question of delimitation, for the settlement of which meetings of the two interest groups were required, innocent passage of foreign warships through the territorial sea and access of geographically disadvantaged States to living marine resources.

20. For the same reasons as other delegations, his delegation held that it would be contrary to reality and to the spirit and substance of the discussions that had taken place during the previous two weeks, particularly within the Second Committee, to block further examination of certain problems just because they were deemed to be closed issues. He believed, in fact, that the Conference should try to find for all the pending issues generally acceptable solutions that reflected the interests of all States. Real consensus was the only way of ensuring the viability and stability of the convention. To that end, his delegation was prepared to participate actively in the entire negotiating process, which required every opportunity existing within the Committees and the negotiating groups to be exploited. In that connexion, he fully supported the view of other delegations that it was necessary to schedule one or two additional formal or informal meetings for the Second Committee.

21. Mr. PINTO (Portugal) said that the problem of delimitation was an extremely sensitive one, on which he fully endorsed the views expressed by the representative of Spain. His delegation was in agreement with the time-table submitted by the Chairman and hoped that at the current session a solution would be found for such issues as the setting up of the Council of the Authority and the problem of delimitation.

22. Mr. OXMAN (United States of America) said that it would be useful for the English language group of the Drafting Committee to look at the new texts proposed for articles 220 and 226. He hoped that that group would be able to complete its consideration of the topic soon enough to give the Chairman of the Drafting Committee time, if he so desired, to arrange for the necessary approval and transmission of the proposals to the Plenary Conference before the meeting on Wednesday, 1 April.

23. The PRESIDENT said that if he heard no objections, he would take it that the Conference approved the time-table recommended by the General Committee for meetings to be held from 30 March to 13 April.

It was so decided.

The meeting rose at 12.05 p.m.