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Report by the Chairman of the Second Committee

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Report by the Chairman of the Second Committee

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1. During this first stage of the eleventh session of the Conference, the Second Committee held three informal meetings on 18, 19 and 24 March.

2. In order to prepare these meetings, I heard beforehand the opinions of all delegations that had expressed an interest in holding them, and of all that had requested meetings with me to specify the purpose and scope of such meetings.

3. As a result of these consultations, I reached the conclusion that it would be preferable at this stage of the work to give the broadest latitude to all delegations to raise any issue or question within the competence of the Second Committee and to make informal suggestions for amendments. In order to carry out this objective fully and to facilitate and expedite the work, these meetings were held without prior agenda and without a pre-established order for the submission and discussion of suggestions or proposals for amendment.

4. It seemed to me necessary, however, to state at the start of these meetings that after long and laborious negotiations held in the Committee over so many years it would not be desirable to reopen fundamental issues and questions and thus disturb the balance achieved through generally accepted solutions by compromise. Consequently, and without restricting, naturally, the right of all delegations to deal with any issue or question, I recommended that efforts at this stage be concentrated on the submission and discussion of those proposals which were intended to clarify, make specific or improve the draft convention. I take this opportunity to thank all delegations for conforming to these guidelines.

5. At these three informal meetings, all participants had ample opportunity to express their points of view. There were, in effect, no time-limits for interventions and those delegations which so requested were able to exercise the right to speak on various occasions. In all, there were 105 interventions.

6. In the course of these meetings, 10 informal suggestions were submitted for the consideration of the Committee, namely:

—That of the United Kingdom concerning article 60, paragraph 3 (document C.2/Informal Meeting/66 of 16 March 1982);

—Those of the Federal Republic of Germany concerning article 19, paragraphs 2 (a) and (f), article 23 and article 125, paragraph 2 (documents C.2/Informal Meeting/69 and 69/Corr.1 of 17 and 19 March 1982);

—Those of Peru concerning article 56 and the rearrangement of the amendments to articles contained in Part VII, section 1 (High Seas) (100, 105, 110 and 111) (documents C.2/Informal Meeting/63, 64/Rev.1, 67 and 68 of 17 March 1982);

—That of Turkey concerning article 123, the introductory paragraph (document C.2/Informal Meeting/71 of 18 March 1982);

—That of Romania and Yugoslavia concerning article 62, paragraph 3 (document C.2/Informal Meeting/70 of 18 March 1982);

—That of China concerning article 76, paragraphs 1 and 3 (document C.2/Informal Meeting/72 of 19 March 1982);

—That of Argentina, Cape Verde, China, Congo, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt,

Guinea-Bissau, Iran, Libyan Arab Jamahiriya, Malta, Morocco, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Romania, Sao Tome and Principe, Somalia, Sudan, Suriname, United Republic of Cameroon, Uruguay and Zaire concerning article 21 (document C.2/Informal Meeting/58/Rev.1 of 19 March 1982).

7. Virtually all these suggestions had been submitted and considered within the Committee or in some of its subsidiary bodies at previous sessions, although some of them had been reformulated in the light of comments and observations from other delegations.

8. From the discussions in these three informal meetings, the only proposal which meets the requirements established in document A/CONF.62/62²⁰ is that submitted by the United Kingdom concerning article 60, paragraph 3.

9. It should be noted, however, that some proposals were submitted at the last two meetings and perhaps for this reason not all participating delegations had an opportunity to express an opinion on them.

10. It should also be noted that the proponents of the informal suggestion concerning article 63, paragraph 2, indicated that they were actively continuing consultations with a view to achieving a generally acceptable formulation and that a number of delegations had expressed interest in this question.

11. It should be pointed out, at once, that the suggestions of the delegation of Peru concerning certain drafting changes and rearrangement of some articles of Parts VII and VIII of the draft convention had been referred to a small working group which held two meetings on 26 March. Mr. Jean Monnier, representative of Switzerland who had been elected to preside over this group, informed me that it had not been possible to reach a consensus on these proposals.

12. Finally, I should mention that I took the initiative of convening two consultation meetings to consider specifically the question of innocent passage of warships through the territorial sea, a matter which is referred to in the informal proposal of a number of delegations concerning article 21 of the draft convention. I should inform you that these meetings and consultations which I held individually with the delegations most concerned have not up to now produced any formula which is acceptable to the proponents of that informal suggestion and to those who regard it as neither necessary nor worth while to introduce modifications in this or in other articles concerning this delicate question.

13. On the other hand, I can say, in conclusion, that these discussions indicate that there is a real consensus on the need to preserve the fundamental elements of the parts of the convention which are within the competence of the Second Committee and that except for very few issues the current text of this part of the draft convention constitutes a satisfactory solution of compromise. As I said at the last of the meetings held at this stage, this does not exclude the possibility that in the next stages of the Conference changes can be introduced which could contribute to facilitating adoption of the convention by the greatest possible number of participating States.

²⁰ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. X (United Nations publication, Sales No. E.79.V.4).