

Third United Nations Conference on the Law of the Sea

1973-1982

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18th meeting of the General Committee

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume V (Summary Records, Plenary, General Committee, First, Second and Third Committees, as well as Documents of the Conference, Fourth Session)*

"I believe that it is unnecessary, Mr. President, to explain here what those States expect from the Third United Nations Conference on the Law of the Sea, because their positions have been expounded in the debates held and documents circulated since we began the preparatory work for the Conference in 1971, and I suspect that you, as well as other representatives who are participating, must already have a fair idea of those positions. However, it seems opportune to set out some brief comments with respect to the single negotiating text circulated at the end of the last session in Geneva, and with respect to the letter that the distinguished representative of Austria transmitted to you on behalf of the Group of Land-Locked and Geographically Disadvantaged States at the 15th meeting of the General Committee.

"According to the opinions expressed, the geo-economically disadvantaged States still have important reservations on certain provisions contained in parts I and II of the single negotiating text, but they consider that, in the light of the debates and the proposals presented in the respective Committees, it will be possible to arrive at a generally acceptable agreement. On the other hand, those States have greater difficulties with regard to part III of the single negotiating text, in so far as it does not reflect the prevailing trends in the Conference and must be the object of more substantive amendments that take into account the elements proposed in other formal and informal working documents elaborated at the preceding sessions and during the intersessional period. I am refraining from referring to the provisions on the settlement of disputes since the Conference has not yet examined this important and controversial subject.

"Like other representatives, the representatives of the geo-economically disadvantaged States believe that the rules on the use and exploitation of the oceans must be governed by a universal convention, and it is for this very reason that they are attending the Conference. Nevertheless, they also recognize the historical fact that the evolution of the law of the sea has been the result to a great extent of unilateral actions taken by States from different regions, and that what is important now is to reconcile the contributions resulting from such actions with the participation of all States, in order to establish a new juridical

order for the ocean space that is adapted to the realities and necessities of our times.

"The geo-economically disadvantaged States share the legitimate concerns of those developing countries which, owing to certain geographical, ecological and economic factors, face special difficulties with respect to access to the sea and its resources. Consequently, they are disposed to favour reasonable proposals which would give to those countries the appropriate facilities and adequate preferential treatment to enable them to overcome the difficulties in question, on a basis of equity.

"On the other hand, the debates have revealed the impossibility of understanding why certain developed States, whose geographical characteristics are similar to those of the countries just mentioned, but whose high level of economic, scientific and technological development permits them to overcome those difficulties, wish to obtain from the convention the same preferential treatment, since this would destroy the basis of equity that is being sought.

"Today no one doubts that persistence in such an attitude and its possible support by other delegations would risk making the Conference fail, with the result that, without a convention, the way would be opened to new unilateral actions, and it is not difficult to guess who would lose the most.

"Mr. President, in transmitting to you these impressions and comments, I wish to add that the representatives of the geo-economically disadvantaged States have as a common denominator their desire to promote a satisfactory agreement inspired by the principles of justice, peace, security, development and well-being for all peoples; and they trust that these same purposes will inspire other delegations with a spirit of mutual understanding and good will."

11. The CHAIRMAN said that if there was no objection he would take it that the Committee wished to have the letter from the representative of Peru reproduced *in extenso* in the summary record.

It was so decided.

The meeting rose at 10.45 a.m.

18th meeting

Monday, 12 April 1976, at 10.30 a.m.

Chairman: Mr. H. S. AMERASINGHE (Sri Lanka).

Organization of work

1. The CHAIRMAN, in accordance with established practice, invited the Chairmen of the three Main Committees to report on the progress of work in their respective Committees.

2. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, announced that the Committee had successfully completed its programme of work. The previous week, it had taken up two of the most important and thorny articles of the draft convention, namely, article 9 on the general principles regarding activities in the area and article 22 on the functions of the Authority. In the course of the current week, it expected to begin and complete consideration of the fundamental ques-

tions relating to the international machinery which would implement the régime of the sea-bed and ocean floor beyond the limits of national jurisdiction.

3. Mr. NJENGA (Kenya), speaking on behalf of the Chairman of the Second Committee, said that since the last meeting of the General Committee, the Second Committee had held seven informal meetings. It had continued consideration of article 45, after which it had begun discussion of the single negotiating text, article by article. It was now considering article 57, dealing with land-locked States.

4. The tenor of the discussion had varied, depending on the articles being taken up: on some, concrete amendments had been submitted whereas, on others, particularly article 45, which had been the subject of 101 interventions, general positions had been stated. Although the meetings had been

lengthy and additional meetings had been held, the Second Committee had been unable to complete its programme of work. Consequently, the afternoon meetings would be longer and the Committee would meet on Saturdays. Moreover, beginning on Tuesday, 13 April, meetings would begin at 10 a.m. instead of 10.30 a.m.

5. He appealed to all delegations to refrain from setting off a general debate, and he expressed the hope that, by applying the measures he had indicated the Committee would be able to complete its programme of work within the prescribed time-limit.

6. Mr. RIVAS (Colombia), speaking on behalf of the Chairman of the Third Committee, said that the two informal working groups of the Third Committee had continued their work as expected. They had completed consideration of the first three chapters dealing with marine scientific research and were now concluding consideration of the articles on the development and transfer of technology.

7. The working group dealing with the question of the protection and preservation of the marine environment was currently engaged in discussing the chapter on standards.

8. At the same time, in compliance with the wishes expressed by delegations, an informal negotiating group had been set up for each of the working groups to identify areas of agreement on the problems outstanding. On the question of marine scientific research, the distinction between the two types of research and the problems arising from research activities as they affected the regulatory powers of States and the implementation of standards in the exclusive economic zone had led to a deadlock which the negotiating group was trying to break. The other negotiating group was considering compromise texts for articles 19 and 20. The Third Committee hoped to complete its task within the time-limit.

9. The CHAIRMAN, noting that the Second Committee was the only one behind in carrying out its programme of work, expressed gratification at the steps taken to accelerate its work. He suggested that, following the example of the Third Committee, its Chairman might consider setting up small groups to discuss the controversial questions, in which only the delegations concerned would participate.

10. On the question of peaceful uses, he suggested that the general debate should begin on Monday, 19 April at 10.30 a.m., immediately following the meeting of the General Committee. He emphasized the need to take into account the work done by other United Nations organs in that field.

11. Replying to Mr. Tüncel (Turkey), the CHAIRMAN said that, as had been done for the question of the settlement of disputes, the Committees and the plenary could meet concurrently on the question he had mentioned.

12. Mr. ZEGERS (Chile) drew attention to the work done by the informal group of legal experts dealing with the question of the land-locked and other geographically disadvantaged States, which had devoted a few meetings to consideration of articles 57 and 58, and expressed the wish that greater use should be made of that group.

13. Mr. NJENGA (Kenya) shared the view of the Chilean representative and announced that the informal group of legal experts could meet that day, following the meeting of the Second Committee.

14. Mr. TÜNCEL (Turkey), who was a member of the informal group of legal experts, said that his delegation would prefer to settle the matter of working procedures in the Second Committee itself.

15. Mr. WITEK (Poland) said that the principle of discussing certain questions in small groups was sometimes an excellent one; however, if it was applied to difficult articles like articles 57 and 58, the impression might be created that certain delegations preferred not to have it considered in the Second Committee and that might throw the debate out of balance, hamper negotiations and very probably evoke negative reactions from land-locked and other geographically disadvantaged States.

16. Mr. UPADHYAY (Nepal) said that the discussions in the Second Committee showed that there had been a hardening in the position of most delegations on certain critical articles. It was therefore imperative to continue the discussions in small groups.

17. Mr. ARIAS SCHREIBER (Peru) said that it was essential for the informal group of legal experts to continue its negotiations without prejudice to the work of the Second Committee.

18. The CHAIRMAN said that he was not opposed to "family meetings".

19. Mr. SAIDVAZIRI (Iran) said he favoured such meetings provided they did not prejudice the work of the Committees. He wanted to know how the discussion on articles 57 and 58 would be organized in the Second Committee since the informal group of legal experts would be dealing with the question at the same time. Did he understand that to mean that the Committee would suspend its work?

20. Mr. ENGO (United Republic of Cameroon) stressed that the question of working procedures was for the Committees themselves to decide.

21. Mr. NJENGA (Kenya) asserted that the discussions in the informal group of legal experts were in no way intended as a substitute for the work of the Second Committee, which would not be suspended and would only be facilitated by those discussions.

The meeting rose at 10.55 a.m.

19th meeting

Monday, 26 April 1976, at 10.30 a.m.

Chairman: Mr. H. S. AMERASINGHE (Sri Lanka).

Organization of work

1. The CHAIRMAN invited the Chairmen of the Main Committees to report on the progress of the work in their respective Committees.

2. Mr. ENGO (United Republic of Cameroon), Chairman of the First Committee, said that his Committee would not be able to produce a revised text on part I of the draft convention until the following week. It would probably have to hold night meetings in order to complete its work by the