

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/BUR/SR.19

19th 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)*

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

end of the current week and to provide for group consideration of a series of preliminary papers.

3. Mr. AGUILAR (Venezuela), Chairman of the Second Committee, said that his Committee had made significant progress in its article-by-article consideration of the single negotiating text on questions within its competence: it had completed part IV, on the continental shelf, part V, on the high seas, part VI, on the land-locked States, and the first two articles of part VII, on archipelagos. It expected to complete its work on the remaining articles in the course of the current week and he would have a revised text to present to the Conference early the following week.

4. Mr. YANKOV (Bulgaria), Chairman of the Third Committee, reviewed the informal meetings held by the Committee as a whole and by smaller groups on the protection of the marine environment, scientific research and the transfer of technology and announced that by the beginning of the following week, he hoped to be in a position to present the revised text of those articles to the Conference.

5. It was essential to ensure co-ordination, both in form and substance, among the revised texts being prepared by the Main Committees in order to avoid overlapping and duplication of treaty provisions. He had already had an informal exchange of views with the Chairmen of the First and Second Committees on co-ordination of the drafting and structure of the articles. Co-ordination of the substance in order to eliminate discrepancies would require more time. He had therefore prepared a cross-reference paper, which was quite voluminous, indicating which articles in part I had a bearing on the three subjects dealt with by his Committee, which articles in part III referred to the international sea-bed area or the Authority and which articles of those being discussed by the Second Committee were related to other parts of the draft convention. The paper indicated that a great deal of work had to be done on co-ordination. The revised Committee texts could not simply be referred to the Drafting Committee, although at some stage, the assistance of that Committee would be required.

6. The CHAIRMAN suggested that the three Main Committee Chairmen, the Chairman of the Drafting Committee, the Rapporteur-General and the President should consult on that matter.

7. Mr. ARIAS SCHREIBER (Peru) inquired of the Chairman of the Third Committee whether consultations for the purpose of co-ordinating substance could be held before or after he prepared the revised text.

8. Mr. YANKOV (Bulgaria), Chairman of the Third Committee, replied that in view of the limited time available to the Committees to complete their work, it would be more realistic not to attempt to do more than have the Chairmen of the Committees produce their respective revised texts. Co-ordination proper would have to be considered during the next stage of the work of the Conference, when it would be endeavouring to consolidate and give greater finality to the single text of the draft convention.

9. Mr. ARIAS SCHREIBER (Peru) suggested that since the Second and Third Committees expected to have completed their work in the course of the current week, they might hold a joint meeting in an effort to lay the basis for co-ordination on questions where there were discrepancies in substance. The Chairmen might bear in mind the results of that joint meeting in revising their respective texts.

10. The CHAIRMAN said that he would discuss the question with the three Chairmen and arrive at some suitable arrangement.

11. Mr. ZEGERS (Chile) asked the Chairman when the single negotiating text on the settlement of disputes, which

constituted the fourth revised text, would be ready for consideration by the Conference. The General Committee would have to discuss whether all four texts should be formalized. He suggested, therefore, that the General Committee hold a meeting late in the week, after the President's consultations with the Chairmen on the question of co-ordination. Those consultations should be held before the Committee texts were revised.

12. The CHAIRMAN said that he would be able to complete the single negotiating text on the settlement of disputes by the end of the current week. He intended to consult with the Chairmen of the Main Committees and of the Drafting Committee, and with the Rapporteur-General. He suggested that the General Committee should meet again on Thursday, 29 April, to hear his report on those consultations.

13. In weighing the advisability of holding another session in 1976, all delegations should consider whether the work of the Conference had reached a stage which would justify such a session and what texts should be the basis for its deliberations. The next session could be held either in New York or in Geneva from 19 July or 26 July to 9 September.

14. He would discuss with the Chairmen of the Main Committees and the Drafting Committee the merging of the four texts to be produced at the current session into a single consolidated text in time for discussion at the next session.

15. Mr. LOGAN (United Kingdom) said that before delegations could decide on the future procedure of the Conference, they would need to be able to assess the results of the current session and the achievements of the Main Committees as reflected in their revised texts. While he did not dispute the importance of co-ordination and the need for consultation, that problem should not delay the presentation of the texts for consideration by delegations.

16. Mr. TÜNCCEL (Turkey) agreed that until the revised texts were available, it was difficult to decide how the Conference should proceed in future. If the Chairmen of the Committees were to enjoy full latitude to undertake that co-ordination, the role of the Conference was not clear. For example, it was not clear at what stage the Drafting Committee should intervene in the preparation of the consolidated text.

17. There did not seem to be much point in reconvening the General Committee until all the revised texts or a single consolidated text were before the Conference. Before that, the Conference could take no initiative, specifically with regard to a future session. It should avoid the error committed at the last session when delegations had been forced to take a decision regarding the date and venue of their next session before they had the single negotiating text before them for consideration. Finally, it should be noted that neither the preamble nor the final clauses of the convention had yet been considered and they were of cardinal importance.

18. Mr. ARIAS SCHREIBER (Peru) suggested that the General Committee should postpone its next meeting until Wednesday, 5 May, so as to have the necessary texts available and to be better able to take a decision with respect to its future work. He also suggested that there should be a brief plenary discussion the following week on the preamble and the final clauses.

19. Mr. ZEGERS (Chile) said that a meeting of the General Committee on Thursday, 29 April, was essential in order to co-ordinate the work of the Conference and to discuss not the final formalization of the texts or the next session but the number of texts to be submitted and their co-ordination. Of course the single negotiating text of each

Committee had to be negotiated within the Committee but the subject-matter dealt with by the three Committees was related and the substance of it had to be co-ordinated. He noted that as regards questions of national jurisdiction, substantive co-ordination would be based on the decisions of the Second Committee.

20. Mr. MEDJAD (Algeria) agreed with the representatives of Turkey and Peru that a meeting on Thursday concerning the co-ordination of texts would be premature. The President could handle procedural matters in consultation with the Chairmen. Before seeing the revised texts, delegates could not make decisions concerning the next session.

21. Mr. AGUILAR (Venezuela), speaking as Chairman of the Second Committee, said that the essential task was the preparation of a revised single negotiating text and nothing should be allowed to interfere with the progress of that revision. He therefore felt that a meeting on Thursday would only serve to delay matters.

22. It would be a mistake to expect perfection in the text. A consolidated text with a preamble and final clauses and no discrepancies was impossible for the time being since there was not enough time to exhaust all possibilities for reconciling all parts of the text. If necessary, Committees could hold special consultations as long as they did not interfere with the priority given to the revision of the texts. He preferred that the General Committee should meet on 4 or 5 May to discuss a possible future session in the current year, its dates and venue and such other matters as the status of the text and methods of future negotiation.

23. The CHAIRMAN said that he would leave open the matter of holding a meeting on Thursday, 29 April, since it depended on the results of his consultations with the Chairmen. It was absolutely essential, however, to decide if, when and where there would be a second session. The revised text would assist in that decision. He agreed that a consolidated text with a preamble and a final clause was premature. He would advise subsequently on the holding of a plenary meeting on those subjects.

24. Mr. LOGAN (United Kingdom) said that the revised text had to be available as a basis for making the very important decision on how to carry forward the momentum of the meeting into a future session. The co-ordination of texts was important but it should not be allowed to delay a decision regarding the organization of a future session.

25. Mr. TREDINNICK (Bolivia) said that he agreed that a plenary meeting should be held in order to discuss a preamble and final clauses and supported the statements of the representatives of Peru and Venezuela to the effect that the General Committee meeting should be on 5 May so that the new revised text could be discussed by regional and other groups. A future session would then be decided on. He therefore urged the Chairman of the First Committee to submit his text together with those of the other Committee Chairmen so as to facilitate co-ordination of the texts.

26. Mr. ZEA (Colombia) said that he wished to know what the Chairman's intentions were with respect to the holding of future meetings. That information was important for the regional groups and he was concerned that they would have a chance to air their views. He also wished to know whether the negotiating texts would be formal or informal.

27. The CHAIRMAN said that the General Committee could only make recommendations to the plenary. The Conference would end on 7 May and the revised text might be formal or informal.

28. Mr. KNOKE (Federal Republic of Germany) agreed that it was essential to have a revised text and the question of whether the co-ordination should be formal or informal could be deferred. The Committee had to have the result of the President's talks with the three Chairmen.

29. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, said that it was his understanding that his Committee had to produce a revised text reflecting the consensus of the members of the Committee. He was proceeding by releasing preliminary papers reflecting the members' views. In view of the pressure of time, however, he would consult with his bureau about suspending that procedure though he would regret having to do so. He had hoped to have the views of the regional groups on all of the preliminary papers before issuing the revised text so that that text might accurately reflect all of their views and so that he could avoid a repetition of the Geneva situation where there had been insufficient time for full consultations.

30. Mr. KEDADI (Tunisia) welcomed the fact that all three Committee Chairmen would have a revised text ready by the beginning of the following week. The submission of proposals relating to the settlement of disputes could be deferred until 28 April since there would be sufficient time thereafter for the revision of the text. There should be a meeting on 4 or 5 May to examine the texts and consider the future progress of the Conference's work, which could not be discussed without them.

31. Mr. DE LACHARRIÈRE (France) agreed that it was impossible to make decisions regarding a future session before knowing the results of the current one. The date of the future session could be determined only after seeing the texts of the Chairmen.

32. Also, a truly unified text from the three Committees was not yet feasible. The dispute settlement text would have to reflect an extensive debate and could not be placed on an equal footing with the other texts because such a discussion had not yet taken place. The preamble and final clauses also had to be discussed.

33. The revised texts could be presented in one document, but attention should be drawn to the fact that it was not a truly unified text.

The meeting rose at 11.55 a.m.