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26th meeting of the First Committee

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

42. His delegation wished to submit the following tentative list of topics: first, the statute of the Enterprise; secondly, the statute of the sea-bed dispute settlement system; thirdly, the special appendix on financial arrangements, in regard to which two sets of proposals, described as "Approach A" and "Approach B", had been presented by the Chairman; fourthly, outstanding issues concerning the powers and functions of the Authority in regard to regulation of activities in the area; fifthly, outstanding issues concerning the basic conditions of prospecting, exploration and exploitation; sixthly, the organs of the Authority and their respective powers and functions; and, seventhly, finance. Topics could be added to or deleted from that list, and could be grouped under main headings. Furthermore, it was not intended that the list should prejudice the order of priority of the issues.

43. In contrast, the Committee would be taking a step backward if it confined itself to general formulations, as had been suggested by some delegations. The original list of items assigned to the First Committee, which had contained only two main issues, was no longer appropriate. In his delegation's view, the revised single negotiating text would form an appropriate basis for the Committee's work.

44. While his delegation felt that it would be better to set up two or three working groups, as was current practice at international conferences, it would not object if only a single group was set up, in order to enable smaller delegations to participate in its work.

45. He appealed to delegations to try to overcome their long-standing dislike of smaller groups. After all, they should accustom themselves to the idea that the various subsidiary organs of the Authority would be of limited membership.

46. While he did not oppose formal meetings as such, he felt that they might merely result in rigid positions being placed on record. There was need for a more flexible formula. For example, it might be possible for records to be prepared for informal meetings. He hoped that delegations would not adopt an attitude of confrontation. He recalled the view expressed by his delegation at the 71st plenary meeting⁷ pointing out that concrete results could be achieved if all delegations showed goodwill, realism and readiness to seek mutually agreeable solutions; and emphasizing that negotiations between groups were of special importance, that no group could of its own accord work out mutually acceptable solutions and that nor could such solutions be reached in confrontations of one group with another.

47. Mr. DALI (Libyan Arab Republic) supported the proposals made by the representative of Peru on behalf of the

Group of 77 and expressed his appreciation of the statements made by the representatives of Tunisia and Algeria. Like them, he favoured the establishment of a single working group open to all delegations. As the delegations from most developing countries were small, the establishment of more than one working group would pose problems. The programme of work proposed by the Group of 77 would allow all delegations to express their views and the Committee to finish the session with an acceptable text.

48. Mr. BAVAND (Iran) said that at the present critical stage of the Committee's work the use of previous procedures was not appropriate. There was clearly no consensus on the principal issues and the Committee should therefore agree that all issues were subject to negotiation. He saw no particular difference between the proposal to have a single negotiating group and that of having two groups which would meet successively. His delegation attached great importance to the question of the priority of issues to be discussed. In its view, the most important question was that of the system of exploration and exploitation. The revised single negotiating text seemed to suggest three systems, which was one more than in the previous single negotiating text and would lead basically to parallel systems. Other questions of financial arrangements and conditions for exploration and exploitation depended on the cardinal question of the system set out in article 22.

49. Mr. OUYANG Chu-ping (China) said that his delegation was ready to exert a positive effort in the struggle to achieve a convention which would meet the interests of all. It was necessary to proceed from the principle that all countries were equal. There should be continuous, full and democratic consultations on all issues with the participation of all countries. Negotiations should therefore proceed only in the Committee. His delegation supported the views of the Group of 77 with regard to the establishment of a single open-ended working group. It was inadmissible for the super-Powers to impose their unreasonable views on the majority consisting of over 100 States.

50. The question of the organization of work and the determination of key issues for discussion on a priority basis should be thoroughly considered by the full Committee. His delegation was in agreement with those of Algeria and other developing countries that the Committee should first discuss issues of principle, such as the status of the area, the organs of the Authority and the system of exploration and exploitation. It would be inappropriate to take up other matters first, such as financial issues. The final agreed text should be faithful to the negotiations and should reflect the views of the majority, especially the developing countries.

⁷ *Ibid.*

The meeting rose at 8 p.m.

26th meeting

Thursday, 5 August 1976, at 3.25 p.m.

Chairman: Mr. P. B. ENGO (United Republic of Cameroon).

Organization of work

1. Mr. WUENSCHÉ (German Democratic Republic), Vice-Chairman of the Committee, said that having held consultations with several delegations concerned with the organization of the Committee's work, as requested by the Chairman, he was in a position to submit a number of proposals. First of all it was suggested that a working group should be established in which all delegations could participate; the working group would elect two co-chairmen who would have joint respon-

sibility for the entire mandate of the group. The general feeling that had emerged from the consultations was that the two co-chairmen should not be selected from among the officers of the Committee, so that the Chairman would be free to direct the over-all work of the Committee. Consultations and negotiations in the working group would be carried out at informal meetings, and the co-chairmen would report to the Committee on the results achieved, at formal meetings. Those results would be submitted in writing so that all delegations could give them careful study. All interested delegations

should have an opportunity to express their views at formal meetings of the Committee. The First Committee would authorize the working group to hold negotiations on questions within the purview of the Committee. The working group itself would thus decide on the organization of its work and on the order in which the various articles or groups of articles would be discussed.

2. Mr. DE SOTO (Peru) noted that the proposals made by the Vice-Chairman concerning the organization of the Committee's work were, on the whole, compatible with those made by the Group of 77 on the subject. The Vice-Chairman had explained that the working group would be a single group, open to participation by all delegations, whereas the Group of 77 had asked for a plenary group of which all members of the Committee would be members by right. However, the formula proposed by the Vice-Chairman was sufficiently close to that envisaged by the Group of 77 to be acceptable to the Group. As for the terms of reference of the working group, the Vice-Chairman had said that it would hold negotiations and consultations on all questions within the purview of the Committee. He wished to point out, in that regard, that the Group of 77 had always felt that none of the issues within the competence of the First Committee should be regarded as settled and negotiated and that no issue was more important than another. Lastly, the Group of 77 fully agreed that the working group should decide on the order in which the questions were to be considered.

3. The CHAIRMAN pointed out that the aim was to arrive at a compromise. He hoped that if there were no serious objections the Committee could adopt the proposals put forward by the Vice-Chairman.

4. Mr. GONZALEZ DE LEON (Mexico) said that he, too, thought that the proposals put forward by the Vice-Chairman regarding the organization of the Committee's work were compatible with those put forward by the Group of 77.

5. He wished, however, to point out that in making its proposals the Group of 77 had emphasized the need to organize the work in such a way that as many consultations as possible could be held within the different regional groups. He therefore hoped that sufficient time would be allowed, in the schedule of the Committee and the working group, for such consultations.

6. The CHAIRMAN said that that was a very important suggestion, to which he would give priority consideration.

7. Mr. ALOUANE (Algeria) supported the views expressed by the representative of Mexico and wished to draw the Committee's attention to an important point which had already been raised by the representative of the United Republic of Tanzania and by himself, namely, that the Committee should hold one plenary meeting a week to enable each delegation or regional group to express its views on the report submitted by the working group.

8. The CHAIRMAN thought that that was a very useful suggestion because the President of the Conference himself had asked the Chairmen of the Committees to report to him once a week on the progress of work in their respective committees. Therefore, to enable him to keep abreast of developments, the plenary meeting should be held before he submitted his report to the President of the Conference.

9. Mr. MAZILU (Romania) said he supported the views expressed by the representatives of Peru and Mexico but wished to make some comments on the negotiations to be held in the Committee. First of all the Romanian delegation thought that it would be very useful to give further consideration to the basic system for the exploration and exploitation of the zone and to the structure of the machinery of the new Authority. The discussions to be held in the Committee should also be open and frank, so that it would be possible to reach agreement and a genuine compromise. The Committee should also be able to study each word, and each minute detail of that part of the convention.

10. His delegation also thought that it was absolutely necessary to take account, in the new revised text, of the Committee's discussions, of the results of the discussions and of the opinions expressed by delegations. He therefore hoped that at the current session the negotiations on all questions within the competence of the Committee would reach a successful conclusion.

11. Mr. IMAM (Kuwait) asked for further details concerning the task of the two co-chairmen responsible for conducting the proceedings of the working group.

12. The CHAIRMAN thought that it was merely a question of terminology and that, just as the term "workshop" could perfectly well be used to describe the meetings of the working group, the "co-chairmen" might similarly be called "co-ordinators". As it might be difficult for the working group to deal with all the questions at once, the "co-ordinators" would be responsible for directing the negotiations on different groups of topics.

13. Mr. BELAID (Tunisia) supported the remarks made by the representatives of Peru, Mexico and Algeria, but wished to point out that it had already been decided that the use of the First Committee's time would be organized in such a way as to strike a balance between the stage of consultations between delegations and the stage of negotiations within the working group. His delegation agreed with that principle but felt that the matter should be left to the discretion of the working group which, he hoped, would meet soon.

14. Mr. SOBHI (Egypt) thought that the two co-chairmen could not be called co-ordinators because two different functions were involved. The two co-chairmen, as had been pointed out, would exercise identical responsibilities within the working group, for the sole purpose of facilitating the group's proceedings, and there was absolutely no question of creating, within the group, two subgroups that would deal with different questions.

15. The CHAIRMAN confirmed that, in substance, the interpretation of the representative of Egypt regarding the functions of the two co-chairmen was correct.

16. Mr. WOOD (United Kingdom) supported the proposals made by the Vice-Chairman regarding the organization of the Committee's work and said that he understood that those proposals would in no way prejudge the topics to be taken up by the working group or the order in which they would be discussed.

17. His delegation also understood, as did the representative of Tunisia, that the working group would be free to decide on its own methods of work and that no decision had yet been taken on that point. It also agreed with the representative of Egypt about the role of the co-chairmen.

18. In view of the fact that some delegations had stressed the need for frequent meetings of regional groups and particularly the Group of 77, he wished to recall the views expressed by the President of the Conference to the effect that, at that stage of the work of the Committees, negotiations should be held between groups and not within groups and care should therefore be taken to ensure that the meetings of the various regional groups did not hold up the work of the Committee.

19. The CHAIRMAN said that, if there were no objections, he would take it that the Committee adopted the proposals made by the Vice-Chairman regarding the organization of work.

It was so decided.

20. The CHAIRMAN said that it would now be necessary to appoint the co-chairmen of the working group and, since that task came exclusively within the competence of that group, he decided to suspend the formal meeting so that the group could meet and hold the necessary consultations on the subject.

The meeting was suspended at 3.55 p.m. and resumed at 4.40 p.m.

The meeting rose at 4.40 p.m.