

# **Third United Nations Conference on the Law of the Sea**

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Document:-

**A/CONF.62/C.1/SR.27**

## **27<sup>th</sup> 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)*

## 27th meeting

Friday, 13 August 1976, at 10.55 a.m.

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

### Weekly report by the Co-Chairmen on the activities of the workshop

1. Mr. JAGOTA (India), Co-Chairman of the workshop, drew attention to the first report (A/CONF.62/C.1/WR.1).
2. Mr. WOOD (United Kingdom) said that his delegation would propose, in general, to comment only on the decisions and statements of consensus contained in the reports of the Co-Chairmen. They would not, in general, comment on the accuracy of any account of the discussions which might appear, but that was not to say that they regarded any such account necessarily as being entirely balanced and accurate.
3. Mr. IGUCHI (Japan) agreed that the Committee's Monday discussions of the weekly reports should be substantive and should not deal with the accuracy or manner of reporting. As things stood, however, there was no clear arrangement for delegations to be kept informed about the workshop's deliberations during the interval between weekly reports. An effort should be made to devise some such arrangement, whether formal or informal, so that the Monday discussions could concentrate on the result of the workshop's discussions, not just continue them.
4. Mr. ROMANOV (Union of Soviet Socialist Republics) said that he believed that the weekly reports were intended to reflect only the opinions of the Co-Chairmen; they should, however, be drafted in such a manner as to avoid any discussion as to whether or not they were balanced. Moreover, they should be distributed more than just a few minutes before the Friday morning meeting. He assumed that the arrangement for the reports to be submitted formally on Fridays and discussed on Mondays still obtained.
5. The CHAIRMAN replied that that assumption was correct, but that in view of the content of the first report, no meeting was needed on Monday, 16 August, in order to discuss it. Every effort would be made to ensure that future reports were available in the Committee room by 9.30 a.m. on Fridays.
6. On the matter of keeping delegations informed of the workshop's proceedings, he pointed out that the weekly reports themselves and the summary records of the Committee meetings at which they were discussed would be available.
7. Mr. ROMANOV (Union of Soviet Socialist Republics) said that in view of the fact that there would be no meeting on Monday, 16 August, his delegation felt obliged to point out that it had proposed in the workshop that that group should start by considering questions that were not controversial, such as the statute of the Tribunal or any other matter on which there was general agreement. That proposal had not been reflected in the report. His delegation would be satisfied if its comments were reflected in the summary record, but it hoped that in future the Co-Chairmen's reports would be more objective.
8. Mr. RATINER (United States of America) said that his delegation was not satisfied with the first weekly report, as important matters had been omitted. The report should confine itself to recording decisions and agreements reached in the workshop, and there was no need to record in the report itself the observations of individual delegations. If the report did recount the debate in the workshop, the informal atmosphere conducive to negotiations would be destroyed.
9. Mr. AL-WITRI (Iraq), supported by Mr. ALOUANE (Algeria), said that his delegation had full confidence in the Co-

Chairmen of the workshop and was satisfied with the content of their first weekly report. He noted that it was the duty of all delegations to co-operate with the workshop.

### Organization of work

10. Mr. IMAM (Kuwait) drew attention to paragraph 18 of the introductory note to part I of the revised single negotiating text (see A/CONF.62/WP.8/Rev.1),<sup>1</sup> which referred to the need for the Secretary-General to explore alternative means of financing the Enterprise, and asked whether the Secretariat had prepared a study on the subject.
11. Mr. LEVY (Secretary of the Committee) said that, while the Secretariat was always prepared to comply with any request made by the Committee, in the particular instance it had received no formal request. If such a request were made, the Secretariat would do everything in its power to assist the Committee.
12. The CHAIRMAN said that since the Secretariat was uncertain whether the opinion reflected in paragraph 18 gave it a mandate, the Committee might wish to take a formal decision asking the Secretariat to prepare the study.
13. Mr. RATINER (United States of America) said that since the question of the Enterprise, particularly its financing, was integrally related to the system of exploitation, on which discussions were scheduled to start the following week, preparation of the study was of the utmost urgency. In his view, no fruitful results could be achieved without a study of the type proposed.
14. Mr. KOH (Singapore) suggested that the scope of the proposed study should be broadened to include alternative means by which the Enterprise could obtain the necessary technology to become operational.
15. The CHAIRMAN said that he gathered that the Committee wished to request the Secretariat to prepare the report in the manner outlined in the introductory note to part I of the revised single negotiating text with the additional subject-matter suggested by the representative of Singapore.
16. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) said that the Committee should decide on an exact subject and title for the report, especially in view of its financial implications.
17. Mr. LEVY (Secretary of the Committee) pointed out that there were various ways in which the study could be approached. He suggested that the Special Representative of the Secretary-General should make a statement describing how the Secretariat envisaged the subject could be tackled and what approach it proposed to take, so that the Committee would have a clearer idea of exactly what it would entail and would thus be in a position to take a final decision.
18. Mr. BOATEN (Ghana) asked how soon the Special Representative of the Secretary-General could report to the Committee on the scope of the report.
19. The CHAIRMAN said that that might be done at the following scheduled meeting or earlier if possible.
20. Mr. RATINER (United States of America) said that if

<sup>1</sup> See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. V (United Nations publication, Sales No. E.76.V.8).

the following meeting of the Committee was not to be until Friday, 20 August, that would not be soon enough. He asked that the statement by the Special Representative of the Secretary-General should be prepared for delivery on Monday, 16 August, as the subject of the report was integrally related to the subject of exploitation which the workshop was to take up next.

21. The CHAIRMAN said it would be extremely difficult for the Secretariat to prepare a detailed statement for the meeting on Monday, 16 August. As soon as the Secretariat was ready, he would convene a special meeting for the purpose.

22. He had recently had a number of meetings with the President of the Conference, the Chairmen of the other Committees, and the General Committee concerning the work of the Conference. The President had been informed about the

procedures adopted in each Committee and was concerned about their time-tables. Other Committees had set up time-limits for each subject, and the Presidnet had urged the First Committee to do likewise.

23. He therefore urged all delegations to exhaust all efforts at compromise at the current session and not to act as if another session would follow in which further negotiations could take place. An all-out effort should be made not merely to revise the revised single negotiating text but to produce a universally acceptable convention. With regard to the form in which the results of the current session would be reflected, he believed that the answer would emerge once an agreed text had been achieved.

*The meeting rose at 11.55 a.m.*

## 28th meeting

Tuesday, 17 August 1976, at 3.30 p.m.

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

### Organization of work

#### *Request for a study by the Secretariat on alternative means of financing the Enterprise*

1. Mr. ZULETA (Special Representative of the Secretary-General)<sup>1</sup> said that at the 27th meeting reference had been made more than once to paragraph 18 of the introductory note to part I of the revised single negotiating text (see A/CONF.62/WP.8/Rev.1),<sup>2</sup> in which the Chairman expressed a desire to have the Secretary-General explore "alternative means of financing the Enterprise". Since any study in that area would be useful for the future discussions of the Committee, he had expressed the hope that the Secretariat would respond to the request, adding that the study might embrace the terms and conditions of some international or public finance institutions by which the activities of the Enterprise might be financed.

2. The Secretariat was prepared to co-operate, in accordance with rule 20 of the rules of procedure, which provided for the Secretariat to perform all work which the Conference might require. So far neither the Committee nor the Plenary of the Conference had made any request on the subject. In the light of the earlier debate in the Committee, the general scope of such a study, which for the time being he preferred to call a "preliminary note", would be the exploration of alternative means of financing the Enterprise. In referring to different means of financing, mention would have to be made, as appropriate, of some aspects concerning the acquisition of technology. It would be desirable, however, to have a clearer understanding as to the scope of the work and to establish certain basic assumptions on which the study would be based.

3. In that connexion, pending receipt of detailed guidance from the Committee, he ventured to suggest the following assumptions. First, the study would be based on the provisions of part I of the revised single negotiating text, par-

ticularly the relevant section of annex II. Secondly, the study should take account of the interval between the establishment of the Enterprise and the actual start of its operations. Accordingly, purely administrative expenses would have to be distinguished from the cost of conducting Enterprise operations. Thirdly, the review of sources of financing for the Enterprise would be presented by reference to the four interrelated categories listed in paragraph 6 of annex II, namely:

- "6. (a) (i) Amounts determined from time to time by the Assembly out of the Special Fund referred to in article 49.
- (ii) Voluntary contributions made by State Parties to this Convention.
- (iii) Amounts borrowed by the Enterprise, in accordance with subparagraph (c).
- (iv) Other funds made available to the Enterprise, including charges, to enable it to commence operations as soon as possible for carrying out its functions."

4. Finally, the review of those categories of financial sources might involve other matters for which no guidelines were to be found in the texts prepared by the Committee, such as certain types of contractual arrangements—service contracts and joint ventures which might involve provisions on financing by the contractor, for example—that would enable the Enterprise to proceed with exploitation. He assumed that the Committee would wish to give the Secretariat more precise guidelines on that point.

5. While he could make no promises about the time which the Secretariat would need to prepare the study, he assured the Committee that all members of the United Nations Secretariat—not just those serving in the secretariat of the Conference—were prepared to make a supreme effort to complete the work within the shortest possible time.

6. The CHAIRMAN said that if he heard no objection he would assume that the Committee wished the Secretariat to prepare the study and to submit it as soon as possible.

*It was so decided.*

7. Mr. AL DHAGMA (Qatar) asked whether the study would embrace alternative means of obtaining the necessary technology.

<sup>1</sup> This statement is reported *in extenso* in this summary record in accordance with the Committee's decision.

<sup>2</sup> See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. V (United Nations publication, Sales No. E.76.V.8).