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A/CONF.62/C.1/WR.1

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

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)*

already held. It was also felt that delegations should first endeavour to concentrate on their basic differences rather than those peripheral issues that already enjoyed a certain degree of agreement, and that there was a pressing need for alternative concrete suggestions for the resolving of such differences. It was observed that the Committee spent too much time on the question of procedure and not enough on matters of substance.

8. At its 27th meeting on 13 August 1976, following several requests for a study by the Secretary-General on alternative means of financing the Enterprise and means by which the Enterprise could obtain the necessary technology to become operational, the Committee requested through the Chairman that the Secretariat should make a statement at a special meeting of the Committee describing how the Secretariat envisaged that such a study could be tackled.

9. At its 28th meeting on 17 August 1976, the Special Representative of the Secretary-General, Mr. Zuleta, in a statement to the Committee set out some basic assumptions upon which a study on alternative means of financing the Enterprise, including certain aspects on the acquisition of technology, could be made. The Committee decided to request the Secretariat to make such a study based on the assumptions set out by the Special Representative of the Secretary-General.

10. At the same meeting, at the suggestion of one representative, the Committee requested the Secretariat to prepare a study on the estimated costs of financing the Authority. This study will be prepared in time for consideration by the Committee at its next session.

11. At its 32nd meeting on 7 September 1976, the Special Representative of the Secretary-General presented to the Committee a study entitled "Alternative means of financing the Enterprise" (A/CONF.62/C.1/L.17). No discussion was held on the paper owing to the shortage of time.

12. At its 33rd meeting on 9 September 1976, the Committee paid tribute on the death of Chairman Mao Tsetung of China. Forty-two statements were made expressing condolences. The representative of China thanked delegations for their sympathy.

13. At its 34th meeting on 9 September 1976, reference was made to a letter addressed by the Group of 77 to the Chairman of the First Committee at the end of the fourth session. The content of the letter was read out and is reflected in the summary records.

14. On 9 September 1976 the Committee held an informal meeting. After an exchange of views, the consensus emerged that the question of settlement of disputes within the context of part I of the revised single negotiating text should be dealt with by the First Committee as an integral part of the mandate entrusted to that Committee. Although there was not sufficient time to deal with this question at the present session, the Committee would need to deal with it at its next session.

IV. FUTURE WORK OF THE COMMITTEE

15. At its final meetings the Committee, in addition to considering the final report of the Co-Chairmen, made an appraisal of its activities during the session and considered the best means of conducting its work in the future in a manner conducive to an early agreement on the pending issues. The Chairman expressed his hope that the Secretariat would be in a position to elaborate on some points contained in the preliminary study submitted on alternative means of financing the Enterprise. In addition, following a suggestion made in the Committee, the request for an expansion of the study by the Secretariat on the financing of the Authority was endorsed by the Committee.

16. In his concluding statement, the Chairman emphasized the need for the Committee to come to grips with the political difficulties underlining any agreement in the matters covered by the mandate of the First Committee and expressed the hope that such agreement would be secured early enough in the next session to allow the Committee to fulfil its mandate satisfactorily.

V. DOCUMENTATION

17. In addition to the documentation referred to in the last statement of activities submitted by the Rapporteur at the third session of the Conference,⁹⁰ the Committee had before it the documents relating to the fourth session of the Conference⁹¹ and a preliminary note prepared by the Secretary-General at the request of the Committee during the session, on alternative means of financing the Enterprise, that included certain aspects on the acquisition of technology.

⁹⁰*Ibid.*, vol. IV (United Nations publication, Sales No. E.75.V.10), document A/CONF.62/C.1/L.15.

⁹¹*Ibid.*, vol. V (United Nations publication, Sales No. E.76.V.8).

DOCUMENT A/CONF.62/C.1/WR.1

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

[Original: English]
[12 August 1976]

1. At its 26th meeting on 5 August 1976, the First Committee accepted the proposals made by the Vice-Chairmen following their consultations concerning the establishment of a working group of the Committee, to be known as the workshop. The workshop was to be chaired by two Co-Chairmen having joint responsibility for its work, who would submit reports in writing at formal meetings of the Committee on the work done in the workshop.

2. The Chairman of the Committee informed the workshop on 9 August that consultations had indicated that Mr. Jagota (India) and Mr. Sondaal (Netherlands) should work as Co-Chairmen of the workshop. The proposal was unan-

imously accepted by the workshop. A method of work which had been drawn up by the Co-Chairmen was presented to the workshop by the Chairman of the Committee. This method of work, as endorsed by the workshop, was as follows:

(a) The two Co-Chairmen will preside over the meetings of the workshop in alternation. If there are two meetings in one day, one meeting will be presided over by one Co-Chairman, and the second by the other Co-Chairman. Flexibility will be maintained.

(b) When one Co-Chairman presides, the second Co-Chairman will sit on his right-hand side rather than in the seat of his delegation.

(c) The draft report of the work done in the workshop in each meeting will be prepared by the secretariat and will be given to the Co-Chairman who presided over that particular meeting. That Co-Chairman will then settle the report and submit it to the other Co-Chairman for his approval. The two Co-Chairmen will exchange views every day and inform the Chairman about the progress of work thereafter.

(d) The joint written report of the two Co-Chairmen will be settled by evening of Thursday if possible, and submitted to the formal meeting of the First Committee on Friday morning. After the report has been submitted, the Committee meeting should be adjourned. The next formal meeting of the First Committee will be held the following Monday when the joint report may be considered. The rest of the time should be spent in meetings of the workshop.

(e) The issues to be considered and the method of work in the workshop should be determined by the workshop.

3. The 1st meeting of the workshop on Monday, 9 August, was chaired by Dr. Jagota and the second meeting on Tuesday, 10 August, by Mr. Sondaal, in accordance with the agreed method of conducting meetings.

4. At the 1st meeting, the subject under discussion was the manner in which the workshop would proceed with its substantive tasks, particularly the order in which issues would be dealt with. It was agreed that interest groups and regional groups would first be given the opportunity to discuss these

questions, and that the workshop would therefore postpone its decision until the next meeting.

5. At its 2nd meeting, the workshop was informed that the Group of 77 preferred that the workshop begin with two topics in the following order: first, the Assembly and the Council of the Authority, including composition, powers and functions, and decision-making procedures; and secondly, the system of exploitation of the international area in all its aspects. It was also indicated that the Group of 77 would require time for regular negotiations, meeting alternately with the workshop.

6. Several other proposals were made and considered by the workshop, including the difficulty of some delegations to start discussion immediately on the question of the Council and the Assembly.

7. At its 2nd meeting, the workshop agreed that it would commence its subsequent discussion on Monday, 16 August, on the system of exploitation of the international area, starting with article 22 of part I of the revised single negotiating text⁶² and the related provisions of annex I. Time was given to regional and interest groups to prepare themselves for discussion and negotiation. It was also decided that the workshop would, if it felt it was necessary, review its procedures in order to ensure that satisfactory progress could be made.

⁶²*ibid.*, document A/CONF.62/WP.8/Rev.1.

DOCUMENT A/CONF.62/C.1/WR.2*

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

[Original: English]
[20 August 1976]

1. The workshop held five meetings between 16 and 20 August 1976. The first two meetings were adjourned in order to allow the Group of 77 to complete its consultations on the system of exploitation and prepare concrete proposals. These proposals dealing with articles 22 and 23 of part I of the revised single negotiating text⁶³ and related paragraphs 2, 7 and 8 of annex I, were presented to the workshop on Wednesday, 18 August, and have been distributed as workshop paper No. 1. At the meeting the next day, in response to these proposals, two further concrete proposals were submitted and distributed as workshop papers Nos. 2 and 3. One of these two proposals concerns article 22. The other proposal deals with articles 22 and 23 and paragraphs 2 and 5 to 9 of annex I. The workshop thus has three workshop papers before it covering essentially the same subject matter and is consequently in a better position to negotiate questions in a more systematic manner. The meeting of Friday, 20 August, was consequently devoted to questions arising from the proposals presented.

2. Workshop paper No. 1 asserts the pre-eminence of the Authority and its full and effective control over activities in the international sea-bed area as a means of ensuring compliance with the provisions of the convention. According to this proposal, it will be necessary to make the Enterprise a concrete and financially viable entity. The proponents of this proposal do not support a parallel system of exploitation as set forth in the revised single negotiating text.

3. Workshop paper No. 2 provides that the activities in the area shall be conducted by States parties and directly by the Authority. The Authority shall determine the part or parts of the area in which the activities shall be carried out by States parties and by the Authority directly, the Authority's area not exceeding that in which activities are carried out by States parties. The activities of States parties shall be under the effective fiscal and administrative supervision of the Authority. All States shall have equal opportunities in conducting these activities, particular consideration being given to the needs of developing countries including those which are landlocked or geographically disadvantaged. States parties may carry out activities through State enterprises or juridical persons registered in these States and sponsored by them.

4. Workshop paper No. 3 takes as its basic principle the necessity of a parallel system placing the conduct of activities by States parties and other entities on an equal footing with those directly conducted by the Authority through the Enterprise. Activities by States parties and other entities as well as by the Enterprise shall be conducted on the basis of contracts entered into with the Authority on the basis of clearly defined criteria in the convention.

5. Statements were made by delegations both individually and on behalf of groups concerning these proposals. One group accepted the principle of direct operations by the Authority, provided that the convention would reflect a guarantee of access for other operators on equal and acceptable economic conditions, and would specify in which cases the Enterprise and developing countries would receive a more favourable treatment.

*Incorporating document A/CONF.62/C.1/WR.2/Corr.1 of 24 August 1976.

⁶³*ibid.*