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Revised single negotiating text (part IV)

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UNITED NATIONS



THIRD CONFERENCE
ON THE LAW OF THE SEA

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REVISED SINGLE NEGOTIATING TEXT

PART FOUR

TEXT PRESENTED BY THE PRESIDENT OF THE CONFERENCE 1/

Introductory note

At its 71st plenary meeting on 2 August 1976 the Conference authorized the President to prepare a revised Single Negotiating Text on the subject of settlement of disputes, which would have the same status as parts I-III of the Revised Single Negotiating Text (A/CONF.62/WP.8/Rev.1). In accordance with that decision, the President now presents Part Four of the Revised Single Negotiating Text which takes into account the discussions in the informal sessions of the plenary during the fifth session and the formal and informal negotiations and proposals submitted both by delegations and groups. This text is presented as a further stage in the work of the Conference, has no other status than that of serving as a basis for continued negotiation, and is without prejudice to the right of any delegation to move any amendment or to introduce any new proposals. It is a procedural device to carry forward the process of negotiation in the expectation that it will help towards the attainment of general agreement.

Wherever the discussions showed a clear trend, the text is intended to reflect it. Where, however, sharp disagreement with divided views existed, the thrust of the text was maintained where it appeared to provide a compromise. Drafting changes have been effected when the discussions showed the need for clarification.

Certain articles necessarily take their form from the provisions of parts I-III of the Revised Single Negotiating Text (A/CONF.62/WP.8/Rev.1). Should those texts be later changed on the basis of the negotiations within the Main Committees on the substantive issues involved, corresponding changes will be necessary in the present text.

As regards the provisions relating to limitations of jurisdiction including those concerned with certain rights of coastal States (article 17), optional exceptions to jurisdiction (article 18) and the provisions relating to the

1/ See the note by the President of the Conference attached to document A/CONF.62/WP.8/Rev.1/part I.

constitution of the Law of the Sea Tribunal and the Sea-Bed Disputes Chamber (articles 2 and 15 of annex II), any final formulation would have to take into account and be dependent upon negotiations relevant to corresponding provisions of other parts, and to this extent, although the text is intended to provide a compromise, these articles must be considered as provisional.

The functional procedures in annex IV are a simplification of the four annexes that earlier constituted the special procedures. The negotiations in relation to this subject could not be expressed as indicating a trend in one direction. As a consequence and on account of the new formulation of paragraph 5 of article 9 relating to the applicable procedure where the parties have not accepted the jurisdiction of the same court or tribunal, the option of special arbitration is maintained.

The precise relationship of this part with the other parts of the proposed Convention is yet to be determined, subject to which the present text is intended to provide a basis for negotiations on the subject of settlement of disputes to continue in parallel with the negotiations on the other parts of the Revised Single Negotiating Text.