

Third United Nations Conference on the Law of the Sea

1973-1982

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Document:-
A/CONF.62/L.30

Bulgaria, Cape Verde, Chile, Egypt, France, Indonesia, Iran, Kenya, Liberia, Mexico, Morocco, Nepal, Netherlands, Poland, Portugal, Senegal, Spain and Uruguay: draft declaration or resolution on international institutional arrangements in ocean affairs

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

DOCUMENT A/CONF.62/L.29

Fiji, New Zealand, Papua New Guinea and Suriname: draft article replacing articles 298 and 299

[Original: English]
[10 May 1978]

1. The present Convention is open for signature by:
 - (a) States;
 - (b) Territories which have been invited by resolution of the United Nations General Assembly to attend as observers at sessions of the Third United Nations Conference on the Law of the Sea.
2. The present Convention is subject to ratification.
3. The present Convention shall remain open for ac-

cession by States and by territories eligible to sign the Convention pursuant to paragraph 1 (b) above.

4. The instruments of ratification and accession shall be deposited with the Secretary-General of the United Nations.

5. Territories eligible to sign the present Convention pursuant to paragraph 1 (b) above shall, upon ratification or accession, be contracting parties with the same rights and obligations under the provisions of the Convention as States Parties.

DOCUMENT A/CONF.62/L.30*

Bulgaria, Cape Verde, Chile, Egypt, France, Indonesia, Iran, Kenya, Liberia, Mexico, Morocco, Nepal, Netherlands, Poland, Portugal, Senegal, Spain and Uruguay: draft declaration or resolution on international institutional arrangements in ocean affairs

[Original: English]
[18 May 1978]

The United Nations Conference on the Law of the Sea,

Considering that the implementation of the Convention on the Law of the Sea calls for an active and increased role of the appropriate international organizations with competence in ocean affairs, especially those which are part of the United Nations system (hereinafter referred to as "the international organizations"),

Recognizing that further strengthening of these organizations and increased co-operation among them are required, so as to allow member States to benefit fully from the expanded opportunities for economic and social progress offered by the new ocean régime and to meet their responsibilities in scientific research, protection of the marine environment, transfer of technology, conservation and management of resources and other relevant activities,

Recognizing further that the international organizations can facilitate the dialogue amongst States on matters of common concern and thus contribute to avoidance of disputes and difficulties which might arise in the implementation of the Convention,

Bearing in mind that adjustments in international institutional arrangements are a lengthy process and thus should be initiated as soon as possible, in order to match future demands on them,

1. Urges States participating in the Conference:

(a) To co-operate actively in the work of the appropriate global, regional and subregional organizations of which they are members and, if they are not yet members, to join those of direct interest to them;

(b) To promote timely action aimed at reviewing the structure, functioning, powers and means of international organizations with a view to improving their effectiveness

and enabling them to perform adequately the functions referred to under the Convention;

(c) To consider ways and means of rationalizing further the work of the international organizations through the improvement and strengthening of co-ordinating mechanisms.

2. Requests the Secretary-General of the United Nations:

(a) To take, in close co-operation with the specialized agencies and other international organizations part of the United Nations system, the necessary measures to update periodically the "Annotated directory of intergovernmental organizations concerned with ocean affairs"⁵ submitted to the Conference. The future issues of the directory should also include information of a factual nature on institutional changes, programmes and activities of those organizations, particularly those relating to the implementation of the Convention in their respective field of competence;

(b) To appoint, in consultation with Governments, and on a broad geographical basis, an *ad hoc* study group of not less than 14 or more than 20 eminent persons intimately acquainted with international ocean affairs to review and identify gaps in the present institutional arrangements in the field of international ocean affairs, evaluate the institutional implications resulting from the implementation of the Convention, and formulate alternative proposals aimed at improving, where appropriate, the effectiveness of the United Nations system in the sector of ocean affairs and on its gradual adjustment to the functions referred to in the Convention;

(c) To submit the report of the study group, together with its own comments and recommendations, and of the executive heads of the specialized agencies and other United Nations organizations with competence in ocean affairs, to the General Assembly;

*Incorporating document A/CONF.62/L.30/Corr.1, dated 18 May 1978.

⁵A/CONF.62/L.14 and Add.1 and 2.

3. *Invites* the executive heads of the specialized agencies and other United Nations organizations with competence in ocean affairs:

(a) To bring to the attention of the governing bodies of their respective organizations any matter regarding structures, functions and programmes which may need to be considered in order to facilitate the implementation of the Convention;

(b) To take appropriate measures within their sphere of competence to improve interagency co-ordinating mechanisms with particular regard to the need for rationalizing the discharge of the functions of the international organizations;

(c) To co-operate with the Secretary-General of the United Nations in the up-dating of the "Annotated directory of intergovernmental organizations concerned with ocean affairs" and in servicing the *ad hoc* study group of eminent persons.

DOCUMENT A/CONF.62/L.31

Memorandum by the President of the Conference

[Original: English]

[30 June 1978]

1. The Special Representative of the Secretary-General has, under cover of his memorandum of 23 June 1978 addressed to the President and the members of the General Committee of the Third United Nations Conference on the Law of the Sea, sent a copy of a memorandum of 21 June 1978 to him by Mr. Bohdan Lewandowsky, Under-Secretary-General for Conference Services, which is annexed.

2. In his memorandum, the Under-Secretary-General, Department of Conference Services, has referred to the aggregate servicing requirements of the resumed session of the Conference on the Law of the Sea and the Committee established under General Assembly resolution 32/174.

3. The Special Representative has pointed out that facilities will be severely restricted, especially during the second part of the resumed session, from 5 to 15 September, and that a rigid time-table to which the Conference should adhere strictly would provide the only practical solution.

4. The proposals set forth here are intended to assist the members of the General Committee and other participants in the formulation of their suggestions regarding the organization of our work. The resumed session should be seen as a continuation of the work done during the first part of the seventh session and for that reason the scheme of organization might, as far as possible, be retained intact.

5. The reports of the committees and the negotiating groups on negotiations at the seventh session during the period 28 March to 19 May 1978 show clearly that very substantial progress was achieved, if progress is understood to mean more detailed examination of problems and an indication of the possible compromise solution that would lead to eventual agreement.

6. Negotiating groups 1, 2 and 3, which deal with matters falling within the First Committee's mandate, would require special attention. One of the signal achievements during the first part of the seventh session was the detailed examination by groups of experts of extremely complex technical problems which had previously been discussed only in general terms and mainly in their political context.

The questions examined by experts were:

(a) The technical problems involved in regard to production limitation dealt with in reports of the subgroup of technical experts of negotiating group 1, appearing as annexes B, C and D to the explanatory memorandum of the Chairman (of negotiating group 1) concerning document NG1/10/Rev.1,⁹ also numbered as documents NG1/7, NG1/9 and NG1/11;

(b) The technical problems relating to financial arrangements dealt with by negotiating group 2, which was appointed by the First Committee. This negotiating group examined three items:

- (i) The financial arrangements of the Authority;
- (ii) The financial arrangements of the Enterprise;
- (iii) The financial terms of contracts for exploration and exploitation.

7. The results of the work of negotiating group 2 have been comprehensively covered in the report of the Chairman of that negotiating group to the First Committee, contained in document NG2/9⁷ and its annexes—annex A on the financial arrangements of the Authority (NG2/4), annex B on the financial arrangements of the Enterprise (NG2/5) and annex C on the financial terms of contracts (NG2/7), which is divided into three parts, namely, the Chairman's suggested compromise proposals, the Chairman's explanatory memorandum on document NG2/7, and explanatory notes on the technical terminology.

8. The Chairman of negotiating group 1 has stated that his revised suggested compromise formula contained in document NG1/10/Rev.1 is "an attempt to incorporate in the text formulas which . . . may bring the Conference closer to solutions more acceptable than those previously proposed for dealing with the complex problem of the system of exploitation of the area and its resources". During the resumed session, further negotiations on this revised formula should be undertaken. The valuable work done by the subgroup of technical experts on the production limitation formula should also be carried further forward as production limitation is central to the question of exploitation.

9. Three other problems that should receive attention are the terms on which the Enterprise would function, the selection of applicants for contracts for exploitation and certain aspects of the settlement of disputes relating to matters germane to the system of exploration and exploitation.

10. The compromise proposals suggested by the Chairman of negotiating group 2 on the financial arrangements of the Authority and on the financial arrangements of the Enterprise are contained in documents NG2/4 and 5 respectively. For lack of time the Chairman of negotiating group 2 was unable to complete his group's negotiations on the financial terms of contracts for exploration and exploitation.

11. The compromise proposals contained in documents NG2/4 and 5, as well as the outstanding issues on financial terms of contracts referred to by the Chairman of negotiating group 2 in his report to the First Committee, should also be

⁹*Ibid.*, vol. X (United Nations publication, Sales No. E.79.V.4), p. 19.

⁷*Ibid.*, p. 52.