

LAW OF THE SEA  
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BERNARDO ZULETA  
(1929 - 1983)

Bernardo Zuleta Torres served as Under-Secretary-General and Special Representative of the Secretary-General to the Third United Nations Conference on the Law of the Sea from 1974 up to his untimely demise on 2 December 1983.

Nothing can better describe his high intellectual and human qualities than the address given by the Secretary-General at the mass given in his memory, which is reproduced below.

The General Assembly in an unprecedented recognition of his outstanding contribution and accomplishments, adopted resolution 38/59/B on 14 December 1983 as a tribute to his memory. The text of this resolution as well as excerpts of his last two statements which show his thorough perception of the new legal régime of the seas and oceans are also reproduced in this Bulletin.

RESOLUTION A/RES/38/59 OF THE GENERAL ASSEMBLY  
"THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA"

Part B

The General Assembly

Pays tribute to His Excellency Mr. Bernardo Zuleta, Special Representative of the Secretary-General for the Law of the Sea, recently deceased, whose services to the Third United Nations Conference on the Law of the Sea were decisive for the elaboration of the United Nations Convention on the Law of the Sea and for the progressive development of international law and international co-operation.

EULOGY BY THE SECRETARY-GENERAL AT THE 1/  
MASS FOR DR. BERNARDO ZULETA TORRES

I should, perhaps, in these hallowed surroundings, leave aside the distinguished public figure, Bernardo Zuleta Torres, Ambassador of Colombia, Under-Secretary-General of the United Nations, and speak simply of Bernardo, the husband, father, companion and friend, all of which he was, in the noblest form.

But I cannot ignore my office and fail to recall that Bernardo Zuleta was, in the highest degree, a distinguished official of the United Nations, and that he will forever be associated with that extraordinary accomplishment of the Organization, the new law of the sea, the immense undertaking to which he devoted the last ten years of his fruitful life.

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1/ Translation from Spanish

I remember now his unassuming informal description of his role in that vitally important Conference. He used to say of himself that he was the "stage manager" of that great debate: merely the one responsible for seeing that all the actors were there on time, that they knew their lines perfectly, that the scenery was appropriate ... in other words, it was his task simply to make sure that, when the time came, everything would fall into place as impeccably as he had planned.

Of course, in this way Bernardo was modestly belittling his immense share in the effort. Bernardo was a creator in this task and therefore a protagonist. His role could be summed up in a single word: he was an architect, combining art and engineering. All this reveals the spiritual dimension of the man whom we remember today and to whom we bid farewell. A character sketch of him should include intelligence, the capacity for dialogue, seriousness, dedication and, why not say it, elegance both of substance and of style.

I am well qualified to sum up in these words the personality of Bernardo Zuleta: we were colleagues in representing our respective friendly countries in the United Nations, we were companions for a short time in the Secretariat, and lastly, as Secretary-General, I witnessed his daily, outstanding and self-sacrificing effort to advance the great cause I referred to a moment ago.

There is really nothing to wonder at in this combination of qualities, for he was at the same time the son of an eminent jurist and diplomat, and the son of a country, Colombia, whose tradition of culture does honour to the American continent.

At this ceremony of spiritual recollection, surrounded by his family, his noble wife Pilar among them, and by his colleagues and friends, I pay homage, on behalf of not merely the United Nations but the entire international community, to the man of peace and understanding that was Bernardo Zuleta Torres, and ask for him, here in this temple of our common faith, the repose earned by the just.

STATEMENT MADE BY BERNARDO ZULETA AT THE AUSTRALIAN MINING INDUSTRY COUNCIL,  
MINERALS OUTLOOK SEMINAR, "THE LAW OF THE SEA - A MODEL FOR GLOBAL DIALOGUE"  
Canberra, 12 May 1983

Excerpt

On the "North-South" dialogue:

... Both the exclusive economic zone and the new institutions under the Convention have to be seen as good examples of North-South and East-West co-operation. The developing countries are now given legal instruments which can be applied over the long run to increase world food production and energy resources. The producers of certain minerals are given the necessary assurances that they can continue to rely on their own exports for their foreign earnings instead of having to call on rich donors to meet their basic needs; finally, through a novel multilateral arrangement, mankind as a whole is given the opportunity to test a new form of international co-operation that is expected to become a money-making venture.

Every effort has been made during the last ten years to launch global negotiations on a much larger agenda that is generally described as "North-South" dialogue in the search for a new international economic order. In this context, "North" is used either as a shorthand description of the industrialized states with free market economies or, according to a body of opinion, all the industrialized countries without reference to their political system. "South" is used as shorthand for developing states in Africa, Asia and Latin America.

The countries encompassed by the term "South" have forcefully coalesced over the past decade as a diplomatic unity that has become a major actor in global politics. As a response to the diplomatic activity of this group, the developed countries of the so-called "North" - some of them actually very much South of the equator - have institutionalized rules of bargaining behaviour vis-à-vis the developing countries, although there are clearly discrepancies in the degree of flexibility of their response. As long as those negotiations ignore the basic concept of a dialogue we will continue to witness a cacophony of conflicting monologues. It is absolutely essential that developing countries accept the proposition that many decisions by countries of the North are subject to the constraints imposed by internal public opinion that needs to be made aware of the relationship that exists between poverty in the South and global instability. It is equally essential that industrialized countries, both in the East and in the West, accept the basic premise that the political, cultural, social and economic diversity of the South is not incompatible with the basic solidarity of developing countries and that, therefore, in the interest of global security no attempt should be made to use that diversity to make of developing countries pawns in a larger chess game which is not their own. The world community is now beginning to realize through painful experiences that nothing important happens in one part of the globe which will not affect everyone. When developing countries that were considered until recently as very attractive customers were no longer in a position to pay their bankers, it dawned upon the financial community that the closing of a small factory somewhere in Latin America, Africa or Asia or a sharp decrease in the price of a commodity could seriously affect the major shareholders of the largest banks; that when coffee prices go down in Colombia or Kenya or the tin earnings of Malaysia or Bolivia go downhill, there will be

less employment in Hannover or Chicago; that there is no way an industrialized country can live under a crystal dome, in isolation from the rest of the world and that no country, large or small, can any longer afford to look after its own national interests to the exclusion of global concerns.

The Law of the Sea Convention proved, if anything, that global accommodation is still possible. The Convention has now been signed by countries that represent 75% of the world population, 76% of the land portion of the earth and 80% of the total coastlines of the globe, and this includes all the political systems, all the regions of the world, highly industrialized countries and small island states, coastal states as well as landlocked countries. It is true that some countries have yet to realize that there is no viable alternative to global co-operation. This will require time and a great deal of education of public opinion in global forums. ...

STATEMENT MADE BY BERNARDO ZULETA AT THE TWENTY-THIRD SESSION  
OF THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE  
Tokyo, 16-18 May 1983

Excerpt

On the Convention, customary law and the work of the Preparatory Commission:

... It is therefore not easy to agree to the proposition that most provisions of the Convention including those dealing with navigation, overflight and management of the resources within national jurisdiction reflect prevailing international practice and therefore can be invoked by non-parties as representing new customary international law. The provisions which recognize rights also require that States with a particular geographical situation fulfill certain obligations or abstain from acts that would result in the hampering of recognized freedoms, and these obligations can only be seen as emanating from a treaty.

Pending entry into force of the Convention, States which have signed it are expected to act in a manner that will not defeat its object and purpose. This can only be achieved if they can benefit from a reliable flow of information regarding how other States are exercising their sovereign rights in areas under their jurisdiction through legislative and regulatory actions, and implementation of specific policies with respect to matters such as fisheries, hydrocarbon exploration and exploitation, navigation, overflight, the conduct of marine scientific research and the protection of the marine environment.

State practice has to be ascertained by how States act and not by how publicists think they are acting.

The question of what will be the law for non-parties is even more difficult to answer in connection with the exploration and exploitation of the sea-bed and its resources beyond the limits of national jurisdiction.

It would be very difficult to argue that there is an international custom, as evidence of a general practice accepted as law, that would enable any nation to ignore a principle already accepted by the community of nations, that the sea-bed and its resources are the common heritage of mankind.

It would be equally difficult to argue that a Convention supported by the vast majority of nations can co-exist with another regime based on a nimble application by analogy of traditional freedoms that were recognized to satisfy needs totally unrelated to deep sea-bed mining. International law cannot be so illogical as to produce the effect of accepting that something can be and not be at the same time.

Only a treaty of universal acceptance can give all nations a legal regime that can lead to consistency in state practice and can create the legal and political environment that is needed for deep sea-bed mining.

It follows that all efforts have to be exercised to provide to all States the information, the assistance and the advice that they may require in order to adjust their policies and practices to the new legal regime so that state practice continues to develop in a coherent manner, in keeping with the purposes and objectives of the Convention. In this endeavour, the United Nations Secretariat stands ready to continue its full co-operation with this Committee whose work has already contributed so substantially to a harmonious development of state practice in the Asian and African continents.

It also follows that the regime applicable to deep sea-bed mining needs to be implemented through the work of the Preparatory Commission in a manner that will give greater certainty to the rights and duties of all the parties concerned, thus facilitating the universal acceptance of the Convention. The work in preparation for the establishment of the International Sea-Bed Authority and the International Tribunal for the Law of the Sea must enable those states that still have misgivings regarding the new legal regime to reexamine their position, not by applying to every treaty provision the method of the worst case analysis but by accepting that all nations can discharge their obligations in good faith.

I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

(a) TABLE OF SIGNATORIES AND RATIFICATIONS  
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA  
AS OF 26 MARCH 1984

STATES	SIGNATURE <u>1/</u>	RATIFICATION
Afghanistan	3/18/83	
Albania		
Algeria * <u>2/</u>	x	
Angola	x	
Antigua and Barbuda	2/7/83	
-----		
Argentina		
Australia	x	
Austria	x	
Bahamas	x	7/29/83
Bahrain	x	
-----		
Bangladesh	x	
Barbados	x	
Belgium		
Belize	x	8/13/83
Benin	8/30/83	
-----		
Bhutan	x	
Bolivia		
Botswana		
Brazil*	x	
Bulgaria	x	
-----		
Burma	x	
Burundi	x	
Byelorussian SSR *	x	
Canada	x	
Cape Verde *	x	
-----		
Central African Republic		
Chad	x	
Chile*	x	
China	x	
Colombia	x	
-----		
Comoros		
Congo	x	
Costa Rica *	x	
Cuba *	x	
Cyprus	x	

1/ Those States which signed the Convention on 10 December 1982 are indicated by an "x".

2/ Those States which have made declarations at the time of signature of the Convention are indicated with an "\*".



STATES	SIGNATURE	RATIFICATION
Czechoslovakia	x	
Democratic Kampuchea	7/1/83	
Democratic People's Rep. of Korea	x	
Democratic Yemen	x	
Denmark	x	
-----		
Djibouti	x	
Dominica	3/28/83	
Dominican Republic	x	
Ecuador		
Egypt ** 3/	x	8/26/83
-----		
El Salvador		
Equatorial Guinea	1/30/84	
Ethiopia	x	
Fiji	x	12/10/82
Finland *	x	
-----		
France *	x	
Gabon	x	
Gambia	x	
German Democratic Republic *	x	
Germany, Federal Republic of		
-----		
Ghana	x	6/7/83
Greece *	x	
Grenada	x	
Guatemala	7/8/83	
Guinea		
-----		
Guinea-Bissau	x	
Guyana	x	
Haiti	x	
Holy See		
Honduras	x	
-----		
Hungary	x	
Iceland	x	
India	x	
Indonesia	x	
Iran (Islamic Republic of) *	x	
-----		
Iraq *	x	
Ireland	x	
Israel		
Italy		
Ivory Coast	x	3/26/84
-----		
Jamaica	x	3/21/83
Japan	2/7/83	
Jordan		
Kenya	x	
Kiribati		

3/ Those States which have made declarations at the time of ratification of the Convention are indicated with a "\*\*\*".

STATES	SIGNATURE	RATIFICATION
Kuwait	x	
Lao People's Democratic Republic	x	
Lebanon		
Lesotho	x	
Liberia	x	
-----		
Libyan Arab Jamahiriya		
Liechtenstein		
Luxembourg		
Madagascar	2/25/83	
Malawi		
-----		
Malaysia	x	
Maldives	x	
Mali *	10/19/83	
Malta	x	
Mauritania	x	
-----		
Mauritius	x	
Mexico	x	3/18/83
Monaco	x	
Mongolia	x	
Morocco	x	
-----		
Mozambique	x	
Nauru	x	
Nepal	x	
Netherlands	x	
New Zealand	x	
-----		
Nicaragua		
Niger	x	
Nigeria	x	
Norway	x	
Oman *	7/1/83	
-----		
Pakistan	x	
Panama	x	
Papua New Guinea	x	
Paraguay	x	
Peru		
-----		
Philippines *	x	
Poland	x	
Portugal	x	
Qatar		
Republic of Cameroon	x	
-----		
Republic of Korea	3/14/83	
Romania *	x	
Rwanda	x	
Saint Lucia	x	
St. Vincent and the Grenadines	x	

May 8, 1984

STATES	SIGNATURE	RATIFICATION
Samoa		
San Marino		
Sao Tome and Principe *	7/12/83	
Saudi Arabia		
Senegal	x	
-----		
Seychelles	x	
Sierra Leone	x	
Singapore	x	
Solomon Islands	x	
Somalia	x	
-----		
South Africa		
Spain		
Sri Lanka	x	
Sudan	x	
Suriname	x	
-----		
Swaziland	1/18/84	
Sweden *	x	
Switzerland		
Syrian Arab Republic		
Thailand	x	
-----		
Togo	x	
Tonga		
Trinidad and Tobago	x	
Tunisia	x	
Turkey		
-----		
Tuvalu	x	
Uganda	x	
Ukrainian SSR *	x	
Union of Soviet Socialist Reps. *	x	
United Arab Emirates	x	
-----		
United Kingdom		
United Republic of Tanzania	x	
United States of America		
Upper Volta	x	
Uruguay *	x	
-----		
Vanuatu	x	
Venezuela		
Viet Nam	x	
Yemen *	x	
Yugoslavia	x	
-----		
Zaire	8/22/83	
Zambia	x	3/07/83
Zimbabwe	x	
-----		
TOTAL FOR STATES	132	9

OTHER ENTITIES (Art. 305(1)(b),(c),(d),(e) and (f))	SIGNATURE	RATIFICATION
Cook Islands	x	
European Economic Community		
Namibia (United Nations Council for)	x	4/18/83
Trust Territory of the Pacific Islands		
West Indies Associated States		
TOTAL FOR STATES AND OTHER ENTITIES	134	10

I. (b) Declarations made upon signature or ratification of the Convention:

I. EGYPT

UPON RATIFICATION, the Government of EGYPT, under the provisions of article 310 of the Convention, made the following declarations:

A. Declaration concerning the territorial sea

1. The Arab Republic of Egypt establishes the breadth of its territorial sea at 12 nautical miles, pursuant to article 5 of the Ordinance of 18 January 1951 as amended by the Decree of 17 February 1958, in line with the provisions of article 3 of the Convention;

2. The Arab Republic of Egypt will publish, at the earliest opportunity, charts showing the baselines from which the breadth of its territorial sea in the Mediterranean Sea and in the Red Sea is measured, as well as the lines marking the outer limit of the territorial sea, in accordance with usual practice.

B. Declaration concerning the contiguous zone

The Arab Republic of Egypt has decided that its contiguous zone (as defined in the Ordinance of 18 January 1951 as amended by the Presidential Decree of 17 February 1958) extends to 24 nautical miles from the baselines from which the breadth of the territorial sea is measured, as provided for in article 33 of the Convention.

C. Declaration concerning the passage of nuclear-powered and similar ships through the territorial sea of Egypt

Pursuant to the provisions of the Convention relating to the right of the coastal State to regulate the passage of ships through its territorial sea and whereas the passage of foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous and noxious substances poses a number of hazards,

Whereas article 23 of the Convention stipulates that the ships in question shall, when exercising the right of innocent passage through the territorial sea, carry documents and observe special precautionary measures established for such ships by international agreements,

The Government of the Arab Republic of Egypt declares that it will require the aforementioned ships to obtain authorization before entering the territorial sea of Egypt, until such international agreements are concluded and Egypt becomes a party to them.

D. Declaration concerning the passage of warships through the territorial sea of Egypt

[With reference to the provisions of the Convention relating to the right of the coastal State to regulate the passage of ships through its territorial sea:] Warships shall be ensured innocent passage through the territorial sea of Egypt, subject to prior notification.

E. Declaration concerning passage through the Strait of Tiran and the Gulf of Aqaba

The provisions of the 1979 Peace Treaty between Egypt and Israel concerning passage through the Strait of Tiran and the Gulf of Aqaba come within the framework of the general régime of waters forming straits referred to in Part III of the Convention, wherein it is stipulated that the general régime shall not affect the legal status of waters forming straits and shall include certain obligations with regard to security and the maintenance of order in the State bordering the strait.

F. Declaration concerning the exercise by Egypt of its rights in the exclusive economic zone

The Arab Republic of Egypt will exercise as from this day the rights attributed to it by the provisions of parts V and VI of the United Nations Convention on the Law of the Sea in the exclusive economic zone situated beyond and adjacent to its territorial sea in the Mediterranean Sea and in the Red Sea.

The Arab Republic of Egypt will also exercise its sovereign rights in this zone for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to all other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds.

The Arab Republic of Egypt will exercise its jurisdiction over the exclusive economic zone according to the modalities laid down in the Convention with regard to the establishment and use of artificial islands, installations and structures, marine scientific research, the protection and preservation of the marine environment and the other rights and duties provided for in the Convention.

The Arab Republic of Egypt proclaims that, in exercising its rights and performing its duties under the Convention in the exclusive economic zone, it will have due regard for the rights and duties of other States and will act in a manner compatible with the provisions of the Convention.

The Arab Republic of Egypt undertakes to establish the outer limits of its exclusive economic zone in accordance with the rules, criteria and modalities laid down in the Convention.

[The Arab Republic of] Egypt declares that it will take the necessary action and make the necessary arrangements to regulate all matters relating to its exclusive economic zones.

G. Declaration concerning the procedure chosen for the settlement of disputes in conformity with the United Nations

[With reference to the provisions of article 287 of the Convention:] The Arab Republic of Egypt declares that it accepts the arbitral procedure, the modalities of which are defined in Annex VII to the Convention, as the procedure for the settlement of any dispute which might arise between Egypt and any other State relating to the interpretation or application of the Convention.

The Arab Republic of Egypt further declares that it excludes from the scope of application of this procedure those disputes contemplated in article 297 of the Convention.

H. Statement concerning the Arabic version of the text of the Convention

The Government of the Arab Republic of Egypt is gratified that the Third United Nations Conference on the Law of the Sea adopted the new Convention in six languages, including Arabic, with all the texts being equally authentic, thus establishing absolute equality between all the versions and preventing any one from prevailing over another.

However, when the official Arabic version of the Convention is compared with the other official versions, it becomes clear that, in some cases, the official Arabic text does not exactly correspond to the other versions, in that it fails to reflect precisely the content of certain provisions of the Convention which were found acceptable and adopted by States in establishing a legal régime governing the seas.

For these reasons ..., the Government of the Arab Republic of Egypt takes the opportunity afforded by the deposit of the instruments of ratification of the United Nations Convention on the Law of the Sea to declare that it will adopt the interpretation which is best corroborated by the various official texts of the Convention.

II. MALI

UPON SIGNATURE, the Government of MALI made the following declaration:

On signing the United Nations Convention on the Law of the Sea, the Republic of Mali remains convinced of the interdependence of the interest of all peoples and of the need to base international co-operation on, in particular, mutual respect, equality, solidarity at the international, regional and sub-regional levels, and positive good-neighbourliness between States.

It thus reiterates its statement of 30 April 1982, reaffirming that the United Nations Convention on the Law of the Sea, in the negotiation and adoption of which the Government of Mali participated in good faith, constitutes a perfectible international legal instrument.

Nevertheless, Mali's signature of the said Convention is without prejudice to any other instrument concluded or to be concluded by the Republic of Mali with a view to improving its status as a geographically disadvantaged and land-locked State. It is likewise without prejudice to the elements of any position which the Government of the Republic of Mali may deem it necessary to take with regard to any question of the Law of the Sea pursuant to article 310.

In any case, the present signature has no effect on the course of Mali's foreign policy or on the rights it derives from its sovereignty under its Constitution or the Charter of the United Nations and any other relevant rule of international law.

II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION  
ON THE LAW OF THE SEA

(a) Recent national legislation and Note received from Governments:

NOTE OF FRANCE

The Permanent Mission of France to the United Nations sent to the Secretary-General of the United Nations a Note dated 5 December 1983 which reads as follows:

The Permanent Representative of France to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the Statement of 12 November 1982 by the Government of the Socialist Republic of Viet Nam <sup>1/</sup> concerning the straight baseline of Viet Nam's territorial sea, which has been circulated as an official document of the General Assembly under the symbol A/37/697.

The French Government is of the view that the drawing of the baseline of Viet Nam's territorial sea between points A1 and A7 is at variance with the well-established rules of international law applicable to the matter, as reflected in article 7 of the United Nations Convention on the Law of the Sea. Consequently, that segment of the baseline cannot be invoked vis-à-vis the French Government.

Moreover, the French Government is unaware of any title which would substantiate Viet Nam's claim that the part of the Gulf of Bac Bo (Gulf of Tonkin) under Viet Nam's jurisdiction constitutes historic waters.

The Permanent Representative of France takes this opportunity to renew to the Secretary-General of the United Nations the assurances of his highest consideration.

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<sup>1/</sup> For text of Statement, see Bulletin No. 1, pp. 74-75.



II. (b) Treaties:

Recent delimitation agreements:

AUSTRALIA/FRANCE    Entry into force of the Agreement on Maritime  
Delimitation

Date of entry into force: 10 January 1983

Source: Government of Australia

BRAZIL/FRANCE        Entry into force of the Maritime Delimitation  
Treaty

Date of entry into force: 19 October 1983

Source: Government of France

FIJI/FRANCE            Maritime Delimitation Agreement between the  
Government of Fiji and the Government of France

Date of signature: 13 January 1983

Not yet in force

Source: Government of France

II. (c) Recent United Nations resolution of interest:

Resolution A/RES/38/59 of the General Assembly  
"Third United Nations Conference on the Law of the Sea"

Part A

"The General Assembly,

Recalling its resolution 37/66 of 3 December 1982 regarding the Third United Nations Conference on the Law of the Sea,

Noting that the Conference was concluded at Montego Bay, Jamaica, on 10 December 1982, that the United Nations Convention on the Law of the Sea was opened for signature and that one hundred and nineteen signatures had been affixed to it on that date,

Taking further note of the increasing and overwhelming support for the Convention, as evidenced, inter alia, by the one hundred and thirty-two signatures and nine ratifications by States and by the United Nations Council for Namibia, on behalf of Namibia, as at 31 October 1983,

Concerned at any attempt to undermine the Convention and its related resolutions,

Recognizing that, as stated in the third preambular paragraph of the Convention, the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced that it is important to safeguard the unified character of the Convention and its related resolutions and to refrain from any action to apply their provisions selectively, in a manner inconsistent with their objectives and purposes,

Noting the increasing needs of countries, especially developing countries, for information, advice and assistance in their developmental process for the full realization of the benefits of the comprehensive legal régime established by the Convention, as also recognized by the Economic and Social Council in its resolution 1983/48 of 28 July 1983,

Recalling that the Convention provides that the seat of the International Sea-Bed Authority shall be in Jamaica and the seat of the International Tribunal for the Law of the Sea shall be at Hamburg, Federal Republic of Germany,

Recalling also that in paragraph 12 of Conference resolution I of 30 April 1982, establishing the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, 1/ it is expressly provided that the Commission shall meet at the seat of the Authority if facilities are available and as often as necessary for the expeditious exercise of its functions,

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1/ See Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII, document A/CONF.62/121, Annex I.

Noting also that the Preparatory Commission held its first session at Kingston, at which it elected its Bureau, concluded the elaboration of its organizational framework by allocating functions between the Plenary and Special Commissions and requested the secretariat to prepare background information and working papers in respect of the work allocated to these organs, and decided, inter alia, to hold its next regular session at Kingston from 19 March to 13 April 1984 and a session for its working groups during the summer of 1984, in New York or Geneva, as it may decide,

Recalling its approval of the assumption by the Secretary-General of the responsibilities entrusted to him under the Convention and its related resolutions and the approval of the stationing of an adequate number of secretariat staff in Jamaica for the purpose of servicing the Preparatory Commission, as required by its functions and programme of work,

Taking note also of the major programme on marine affairs, set forth in chapter 25 of the medium-term plan for the period 1984-1989, 2/

Recalling the extensive functions entrusted to the Preparatory Commission, including the administration of the scheme governing preparatory investments in pioneer activities relating to polymetallic nodules,

Recalling its approval of the financing of the expenses of the Preparatory Commission from the regular budget of the United Nations,

Taking special note of the report of the Secretary-General 3/ prepared in response to paragraph 10 of General Assembly resolution 37/66,

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;
2. Expresses its satisfaction at the large number of signatures affixed to the Convention as well as at the number of ratifications deposited with the Secretary-General during the year following the opening of the Convention for signature;
3. Calls upon States that have not done so to consider signing and ratifying the Convention at the earliest possible date to allow the effective entry into force of the new legal régime for the uses of the sea and its resources;
4. Calls upon all States to safeguard the unified character of the Convention and its related resolutions;

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2/ A/37/6/Add.1, annex II.

3/ A/38/570 and Corr.1 and Add.1 and Add.1/Corr.1.

5. Appeals to all States to refrain from taking any action directed at undermining the Convention or defeating its objectives and purposes;

6. Requests the Secretary-General to accord due consideration to the activities outlined in his report, special emphasis being placed on the work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea;

7. Expresses its appreciation for the report of the Secretary-General and approves the recommendations contained therein;

8. Requests the Secretary-General to report to the General Assembly at its thirty-ninth session on developments relating to the Convention and on the implementation of the present resolution;

9. Decides to include in the provisional agenda of its thirty-ninth session an item entitled "Law of the Sea".

96th plenary meeting  
14 December 1983

II. (d) Excerpt of final documents of the Seventh Conference of Heads of State or Government of Non-Aligned Countries held at New Delhi from 7 to 12 March 1983 (A/38/132-S/15675): 1/

117. The Heads of State or Government noted with satisfaction the successful conclusion of the work of the Third United Nations Conference on the Law of the Sea and its historic achievement in the progressive development of the law of the sea.

118. The United Nations Convention on the Law of the Sea has been adopted by an overwhelming majority of 130 States and has already been signed by 122 States including Namibia and the Cook Islands. The Convention has established a new legal order for the rational use of the seas and oceans as an instrument of justice, peace, development and international co-operation. Through the application of the procedure of consensus in reaching decisions, the material interests of all sections of the world community have been accommodated equitably.

119. The Heads of State or Government expressed their firm conviction that the resources of the international area of the sea-bed and ocean floor, constituting the common heritage of mankind, can only be lawfully explored and exploited in accordance with the international regime and machinery established by the Convention. In their opinion, no unilateral action by any State or group of States through a mini-convention or a parallel regime inconsistent with the United Nations Convention on the Law of the Sea would have any validity. In fact, such action would invite universal condemnation and lead to appropriate measures in defence of the interests of all States in the utilization of the international sea-bed as the common heritage of mankind.

120. The Heads of State or Government appealed to all States which have signed the Convention to expedite the process of its ratification so as to enable it to enter into force as soon as possible. They also appealed to all those States that had not yet signed the Convention to do so. They noted that the first meeting of the Preparatory Commission was being convened in Kingston on 15 March 1983, and urged all States to participate actively in its work.

121. Recalling the resolution on the development of marine, scientific and technological infrastructures of developing countries adopted by the United Nations Conference on the Law of the Sea and endorsed by the United Nations General Assembly, they emphasized that the realization of the benefits of the Law of the Sea for developing countries can come only through the development of appropriate capabilities, particularly on marine science and technology. Heads of State or Government recognizing the importance of regional and national marine and scientific and technical centres as a vital input for the development of such infrastructures, called upon all countries and competent international organizations to assist the establishment and strengthening of such centres.

### III. INFORMATION ABOUT THE PREPARATORY COMMISSION

The Preparatory Commission was established by resolution I of the Third United Nations Conference on the Law of the Sea which, together with the United Nations Convention on the Law of the Sea, was adopted in New York on 30 April 1982.

On 10 December 1982 the United Nations Convention on the Law of the Sea was opened for signature in Montego Bay, Jamaica and was signed by 119 States and entities. On that same date the Final Act of the Third United Nations Conference on the Law of the Sea was also signed by 140 States.

The signature of either the Convention or the Final Act was the condition set forth by resolution I for a State to become a participant to the Preparatory Commission as a member or observer. Paragraph 2 of this resolution states:

"The Commission shall consist of the representatives of States and of Namibia, represented by the United Nations Council for Namibia, which have signed the Convention or acceded to it. The representatives of signatories of the Final Act may participate fully in the deliberations of the Commission as observers but shall not be entitled to participate in the taking of decisions."

The Final Act was closed for signature on 10 December 1982. A State could only become a member of the Preparatory Commission by signing before the 9 December 1984 or acceding to the Convention thereafter.

Twelve States signed the Convention after 10 December 1982, thereby were entitled to attend the First and resumed First Session of the Preparatory Commission. 1/ Three additional States have signed the Convention since the conclusion of the First Session. 2/

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1/ Afghanistan, Antigua and Barbuda, Benin, Democratic Kampuchea, Dominica, Guatemala, Japan, Madagascar, Oman, Republic of Korea, Sao Tome and Principe, and Zaire

2/ Equatorial Guinea, Mali and Swaziland

III. (a) TABLE OF MEMBERS AND OBSERVERS OF THE PREPARATORY COMMISSION  
AS OF 9 SEPTEMBER 1983 \*

STATES	First Session		Resumed First Session	
	Member/ Observer	Participant	Member/ Observer	Participant
Afghanistan	M	x	M	
Albania				
Algeria	M	x	M	x
Angola	M	x	M	x
Antigua and Barbuda	M	x	M	
-----				
Argentina				
Australia	M	x	M	x
Austria	M	x	M	x
Bahamas	M		M	
Bahrain	M		M	
-----				
Bangladesh	M	x	M	x
Barbados	M	x	M	x
Belgium	O	x	O	x
Belize	M		M	
Benin	O	x	M	x
-----				
Bhutan	M	x	M	
Bolivia				
Botswana	O		O	
Brazil	M	x	M	x
Bulgaria	M	x	M	x
-----				
Burma	M	x	M	x
Burundi	M	x	M	
Byelorussian SSR	M	x	M	x
Canada	M	x	M	x
Cape Verde	M	x	M	x
-----				
Central African Republic				
Chad	M		M	
Chile	M	x	M	x
China	M	x	M	x
Colombia	M	x	M	x
-----				
Comoros				
Congo	M	x	M	x
Costa Rica	M	x	M	x
Cuba	M	x	M	x
Cyprus	M	x	M	

\* States and other entities which are members or observers of the Preparatory Commission as defined in resolution I, paragraph 2 of the Third United Nations Conference on the Law of the Sea, are indicated by an "M" for members or an "O" for observers. States or entities which did not sign the Convention and the Final Act of the United Nations Conference on the Law of the Sea, are left blank. Those States or entities indicated by an "x" participated in the session.

STATES	First Session		Resumed First Session	
	Member/ Observer	Participant	Member/ Observer	Participant
Czechoslovakia	M	x	M	x
Democratic Kampuchea			M	
Dem. People's Republic of Korea	M	x	M	x
Democratic Yemen	M	x	M	x
Denmark	M	x	M	x
-----				
Djibouti	M	x	M	
Dominica	M	x	M	
Dominican Republic	M	x	M	x
Ecuador	O	x	O	x
Egypt	M	x	M	x
-----				
El Salvador				
Equatorial Guinea	O		O	
Ethiopia	M	x	M	
Fiji	M	x	M	
Finland	M	x	M	x
-----				
France	M	x	M	x
Gabon	M	x	M	x
Gambia	M	x	M	x
German Democratic Republic	M	x	M	x
Germany, Federal Republic of	O	x	O	x
-----				
Ghana	M	x	M	x
Greece	M	x	M	x
Grenada	M		M	
Guatemala			M	
Guinea				
-----				
Guinea-Bissau	M	x	M	x
Guyana	M	x	M	x
Haiti	M	x	M	
Holy See	O	x	O	x
Honduras	M		M	
-----				
Hungary	M	x	M	x
Iceland	M	x	M	
India	M	x	M	x
Indonesia	M	x	M	x
Iran (Islamic Republic of)	M	x	M	x
-----				
Iraq	M	x	M	x
Ireland	M	x	M	x
Israel	O	x	O	x
Italy	O	x	O	x
Ivory Coast	M	x	M	x
-----				
Jamaica	M	x	M	x
Japan	M	x	M	x
Jordan	O		O	
Kenya	M	x	M	x
Kiribati				



STATES	First Session		Resumed First Session	
	Member/ Observer	Participant	Member/ Observer	Participant
Kuwait	M	x	M	x
Lao People's Democratic Rep.	M		M	
Lebanon				
Lesotho	M		M	x
Liberia	M	x	M	x
Libyan Arab Jamahiriya	O	x	O	x
Liechtenstein				
Luxembourg	O		O	
Madagascar	M	x	M	x
Malawi				
Malaysia	M	x	M	x
Maldives	M		M	
Mali				
Malta	M		M	
Mauritania	M	x	M	
Mauritius	M	x	M	
Mexico	M	x	M	x
Monaco	M		M	
Mongolia	M	x	M	x
Morocco	M	x	M	x
Mozambique	M	x	M	x
Nauru	M		M	
Nepal	M	x	M	
Netherlands	M	x	M	x
New Zealand	M	x	M	x
Nicaragua				
Niger	M		M	
Nigeria	M	x	M	x
Norway	M	x	M	x
Oman	O		M	x
Pakistan	M		M	x
Panama	M	x	M	x
Papua New Guinea	M	x	M	x
Paraguay	M		M	
Peru	O	x	O	x
Philippines	M	x	M	x
Poland	M	x	M	x
Portugal	M	x	M	x
Qatar				
Republic of Cameroon	M	x	M	x
Republic of Korea	M	x	M	x
Romania	M	x	M	x
Rwanda	M		M	
Saint Lucia	M	x	M	
St. Vincent and the Grenadines	M		M	

STATES	First Session		Resumed First Session	
	Member/ Observer	Participant	Member/ Observer	Participant
Samoa	O		O	
San Marino				
Sao Tome and Principe			M	
Saudi Arabia				
Senegal	M	x	M	x
-----				
Seychelles	M		M	
Sierra Leone	M		M	
Singapore	M	x	M	
Solomon Islands	M		M	
Somalia	M	x	M	x
-----				
South Africa				
Spain	O	x	O	x
Sri Lanka	M	x	M	x
Sudan	M	x	M	x
Suriname	M		M	
-----				
Swaziland				
Sweden	M	x	M	x
Switzerland	O	x	O	x
Syrian Arab Republic				
Thailand	M	x	M	
-----				
Togo	M		M	
Tonga				
Trinidad and Tobago	M	x	M	x
Tunisia	M	x	M	
Turkey				
-----				
Tuvalu	M		M	
Uganda	M	x	M	x
Ukrainian SSR	M	x	M	x
Union of Soviet Socialist Reps.	M	x	M	x
United Arab Emirates	M	x	M	
-----				
United Kingdom	O	x	O	x
United Republic of Tanzania	M	x	M	x
United States of America	O		O	
Upper Volta	M		M	
Uruguay	M	x	M	
-----				
Vanuatu	M		M	
Venezuela	O	x	O	x
Viet Nam	M	x	M	
Yemen	M	x	M	
Yugoslavia	M	x	M	x
-----				
Zaire	O		M	x
Zambia	M	x	M	x
Zimbabwe	M	x	M	x

OTHER ENTITIES	<u>First Session</u>		<u>Resumed First Session</u>	
	Member/ Observer	Participant	Member/ Observer	Participant
Cook Islands	M		M	
European Economic Community	O	x	O	x
Namibia (United Nations Council for Namibia)	M	x	M	x
Netherlands Antilles	O	x	O	
Trust Territory of the Pacific Islands	O		O	
 NATIONAL LIBERATION MOVEMENTS				
African National Congress of South Africa	O	x	O	x
Palestine Liberation Organization	O		O	
Pan Africanist Congress of Azania	O		O	x
South West Africa People's Organization	O	x	O	x
 TOTAL MEMBERS	 125	 99	 131	 82
TOTAL OBSERVERS	<u>28</u>	<u>17</u>	<u>25</u>	<u>16</u>
 TOTAL	 153	 116	 156	 98

III. (b) Report on the work of the First Session of the Preparatory Commission, including consideration of the Rules of Procedure:

RESULTS OF THE FIRST PART OF THE FIRST SESSION  
Kingston, Jamaica, 15 March - 8 April 1983

The Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea (Preparatory Commission) was established by resolution I of the Third United Nations Conference on the Law of the Sea which states:

"1. There is hereby established the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. Upon signature of or accession to the Convention by 50 States, the Secretary-General of the United Nations shall convene the Commission, and it shall meet no sooner than 60 days and no later than 90 days thereafter."

The United Nations Convention on the Law of the Sea was opened for signature in Montego Bay, Jamaica on 10 December 1982, and was signed at that time by 118 States and the United Nations Council for Namibia on behalf of Namibia. The conditions for convening the Preparatory Commission having been met, the dates of its first session were set from 15 March-8 April with provision for a further meeting in 1983 if required. Invitations were issued to States and other entities to participate as either members or observers, in accordance with paragraph 2 of resolution I.

I. PROVISIONAL AGENDA AND ORGANIZATION OF WORK

The Preparatory Commission had before it a note by the Secretariat on the organization of work (LOS/PCN/1), the provisional Agenda (LOS/PCN/2), and a working paper prepared by the Secretariat on the Draft Rules of Procedure (LOS/PCN/WP.1).

II. ELECTION OF THE CHAIRMAN AND ADOPTION OF A CONSENSUS STATEMENT OF UNDERSTANDING

The late Special Representative of the Secretary-General of the United Nations for the Law of the Sea, Bernardo Zuleta, as Acting Chairman of the Preparatory Commission, opened the session at which the provisional agenda was approved. He read out a message from the Secretary-General. A statement was also made by the Deputy Prime Minister of Jamaica, Mr Hugh Shearer.

Thereafter the meeting was adjourned and consultations started on the question of the chairmanship of the Commission. In the absence of any formal structure of the Preparatory Commission at this stage, the Special Representative of the Secretary-General carried out those intense consultations at meetings held with the Chairmen of the five regional groups and the Chairman of the Group of 77.

While the candidature of Minister Joseph Warioba for the chairmanship of the Preparatory Commission was endorsed by consensus the election was deferred until an agreement could be reached on other matters concerning the composition of the General Committee and the composition and structure of the special commissions, as well as the very important aspect of the decision-making procedure of the Preparatory Commission.

After several rounds of consultations the Special Representative was entrusted with the task of formulating a preliminary draft Statement of Understanding which was to provide the basis on which the Preparatory Commission would decide on its organizational structure, the mandates of its organs, and its rules of procedure. On 7 April there was a consensus on the final text of the Statement of Understanding and on 8 April, the final day of the session, the Preparatory Commission elected, by acclamation, its Chairman, Joseph Warioba, Minister for Justice and Attorney-General of the United Republic of Tanzania and adopted the "Consensus Statement of Understanding" (LOS/PCN/3).

Statements were made at the closing meeting by the Chairman and by USSR, Japan, Brazil, Australia, Algeria, Zambia, Iraq, Gambia. (It should be noted that the Preparatory Commission does not have summary records.)

### III. COMPOSITION AND STRUCTURE OF THE COMMISSION

The Statement of Understanding contemplated that in addition to the Plenary of the Commission, Special Commissions enjoying equal status would be established.

The Plenary was to deal with the reports of the Special Commissions, those matters specifically allocated to it, and any residual functions not specifically allocated to other bodies.

The Special Commissions were to be open to all signatories in accordance with paragraph 2 of resolution I. The Statement of Understanding left open the question of participation of signatories other than States (for example intergovernmental organizations).

The Special Commissions and Plenary would deal with the following matters, as allocated:

(1) The rules, regulations and procedures on administrative financial and budgetary matters pertaining to the various organs of the Authority (para. 5(g) of resolution I).

(2) The measures necessary for the early entry into effective operation of the Enterprise (para. 8 of resolution I).

(3) The problems which would be encountered by developing land-based producer States likely to be most seriously affected by the production of minerals derived from the Area (paras. 5(i) and 9 of resolution I).

(4) The rules, regulations and procedures for the exploration and exploitation of the Area (Annex III and other related provisions of the Convention).

(5) The implementation of resolution II governing preparatory investment in pioneer activities relating to polymetallic nodules.

(6) The practical arrangements for the establishment of the International Tribunal for the Law of the Sea (para. 10 of resolution I).

In establishing the bureaux of all the organs of the Preparatory Commission due regard was required to be paid to the practice of the United Nations General Assembly and of the Third United Nations Conference on the Law of the Sea and to the need for each regional group to be represented. The Chairman of the Preparatory Commission, the other members of the bureau of the plenary as well as the members of the bureaux of the Special Commissions would constitute the General Committee and would be elected on the basis of equitable geographical representation.

#### IV. CONSENSUS REQUIREMENT IN RULES OF PROCEDURE

The Statement of Understanding also dealt with the important question of the decision-making procedure. The compromise outlined by the Statement required the Commission to ensure that all decisions requiring consensus in the Convention - inter alia articles 160(2)(e); 161; 162; Annex IV, article 11(3)(c) - would also require consensus in the Preparatory Commission. However, it did not rule out that there could be other matters which would also require decisions by consensus.

The Statement of Understanding stated also that the Preparatory Commission would adopt by consensus the rules and procedures for the implementation of resolution II and the establishment of adequate machinery to administer the régime for the protection of pioneer investors.

#### V. DECISIONS RELATING TO FUTURE WORK PROGRAMME; TIMING AND VENUE OF FIRST RESUMED SESSION

It was decided that the Preparatory Commission would meet again at a resumed session of 4 weeks duration which should be held immediately preceding the thirty-eighth session of the General Assembly for the convenience of delegations and to avoid additional expenses. The possible dates were established as 22 August to 16 September or 15 August to 9 September 1983. The venue for the meeting could not be resolved and it was left to the Chairman to undertake further consultations on the question. The Preparatory Commission decided that the elaboration of the basic decisions reached in the Statement of Understanding, including the adoption of Rules of Procedure, should be completed in the first two weeks of the resumed session.

#### VI. DRAFT RULES OF PROCEDURE

The Secretariat had presented a preliminary set of draft Rules of Procedure (LOS/PCN/WP.1 dated 21 March 1983, and Corr.1 ). The draft was intended to identify issues and provide examples of options where possible.

Two regional groups, namely the Western European and Other States Group and the Eastern European Group provided preliminary reactions in writing. The submission of the Eastern European Group (LOS/PCN/WP.3) took the form of an amendment to the Secretariat draft; the response of the Western European and Other States Group (LOS/PCN/WP.5) consisted of comments on the Secretariat draft.

RESULTS OF THE SECOND PART OF THE FIRST SESSION  
Kingston, Jamaica, 15 August - 9 September 1983

I. AGENDA AND ORGANIZATION OF WORK

The items on the agenda remained unchanged from the first part of the session. It included the election of officers, the adoption of the rules of procedure and the organization of the work of the Preparatory Commission:

At the opening plenary meeting, on 15 August 1983, the Chairman of the Preparatory Commission stated that if an agreement could be reached on the issues contained in the Consensus Statement of Understanding (LOS/PCN/3), it would greatly advance the work of the Commission. He called on the regional groups to carry out consultations.

Following the earlier practice, the Chairmen of the regional groups reported the outcome of their groups' consultations to joint meetings with the Chairman of the Commission held periodically.

The consultations centered on the following issues: (1) the structure and number of Special Commissions; (2) the subject matter to be allocated to each Special Commission; (3) representation in the General Committee and its overall size; (4) the decision-making rules which would supplement the list of items on which it had already been agreed that decisions would be taken by consensus (as reflected in LOS/PCN/3); (5) the rules for the implementation of resolution II; (6) the Rules of Procedure of the Preparatory Commission; and, (7) the programme of work.

It was considered appropriate that consultations would continue on items 1, 2 and 3 above at meetings of the Chairmen of regional groups. The possibility of establishing a working group of limited size with 4 or 5 representatives per region, constituting a core with open-ended participation, was considered for the negotiations on the Rules of Procedure. Consideration was also given to establishing another working group of limited membership to carry out consultations on the drafting of rules for implementing the pioneer investment arrangements under resolution II.

II. CONSIDERATION OF THE RULES OF PROCEDURE

An informal working group on rules of procedure, headed by the Chairman of the Preparatory Commission, was set up with 6 representatives per region. At the first meeting of the group, on 22 August 1983, the Chairman explained that it was to be a "consultative" group on the technical aspects of the rules of procedure: it was not intended to establish any precedent regarding negotiation techniques or status of participants; its purpose was to facilitate the expeditious completion of organizational matters.

On 26 August 1983, an agreement was reached whereby each regional group could appoint 6 representatives, only one of whom could be from an observer delegation. Observers would not be permitted to participate in the decision-making of the working group.

The working group would be open-ended but only representatives designated by the regional groups could participate in the discussions. It was also agreed that there could be rotation of observers.

The working group held a total of nine meetings. Principal among the issues discussed were the mechanisms for and extent of participation of observers under paragraph 2 of resolution I (signatories of the Final Act), the clarification of the definition of members referred to in that paragraph, participation of observers other than those contemplated in resolution I, and the interrelationship of the various organs of the Preparatory Commission.

The group considered the following documents:

- LOS/PCN/WP.1 - Secretariat Draft Rules;
- LOS/PCN/WP.3 and Rev. 1 - Eastern European Group papers;
- LOS/PCN/WP.5 and Corr.1 - Western European and Others Group papers;
- LOS/PCN/WP.9 - Latin American Group paper;
- LOS/PCN/WP.10 - Asian Group paper;
- LOS/PCN/WP.11 - African Group paper.

It also had before it a series of comparative tables to facilitate its work (LOS/PCN/WP.12 and Add. 1 - 4).

Upon completion of the review by the working group, the Chairman prepared a comprehensive revised set of draft rules of procedure (LOS/PCN/WP.15 and Corr. 1), incorporating those aspects which had been discussed in the group of Chairmen of the regional groups. (Agreements which had been reached in the latter group had been contained in informal papers issued by the Chairman on 18 August and 6 and 7 September, and were later incorporated in document LOS/PCN/27.)

On 8 September, the Plenary met for the purpose of discussing the composite package on the rules of procedure. The Chairmen of the regional groups presented the views of their groups. The Rules of Procedure of the Preparatory Commission were then adopted. They are contained in document LOS/PCN/28 and Corr.1

As adopted, the Rules of Procedure allow all States and entities which have ratified, acceded or otherwise adhered to the United Nations Convention on the Law of the Sea to participate in the Preparatory Commission as full members. The rights of observers under paragraph 2 of resolution I are delineated, and provision is made for the invitation of observers other than signatories of the Final Act. A General Committee is established and consists of the Chairman, 14 Vice-Chairmen, the Rapporteur General, and the Chairman and four Vice-Chairmen of each of the four Special Commissions (a total of 36). In addition to its normal functions, the General Committee is also mandated to exercise executive functions on behalf of the Commission in respect of matters relating to resolution II. Consensus is provided as the decision-making mechanism on questions of substance, except that in certain situations and for residual matters a two-thirds majority rule shall apply if efforts to reach consensus have been exhausted.



### III. STRUCTURE AND FUNCTIONS OF THE COMMISSION

Simultaneously with the negotiations on rules of procedure, consultations were continued in the consultative body comprising the Chairman of the Preparatory Commission and the Chairmen of regional groups on the composition and size of the General Committee, on decision-making, and also on the allocation of items to the different Special Commissions, including the Plenary which would function as a Special Commission.

An agreement was reached on the basis of an informal proposal of the Chairman. As a consequence, on 8 September 1983, the Commission elected the officers of its Bureau and of the four Special Commissions as well as the members of its Credentials Committee.

The Preparatory Commission elected the following 14 Vice-Chairmen: Algeria, Australia, Brazil, Chile, China, France, India, Iraq, Japan, Liberia, Nigeria, Soviet Union, Sri Lanka and the Republic of Cameroon.

It elected Kenneth Rattray (Jamaica) as Rapporteur-General.

Hasjim Djalal (Indonesia) was elected Chairman of Special Commission I on the problems that could be encountered by developing land-based producer States likely to be most seriously affected by the production of minerals derived from the Area. This Commission is entrusted with the functions referred to in paragraphs 5(i) and 9 of resolution I. Its Vice-Chairmen are Austria, Cuba, Romania and Zambia.

Lennox Ballah (Trinidad and Tobago) was elected Chairman of Special Commission II on the Enterprise for the adoption of all measures necessary for the early entry into effective operation of the Enterprise. This Commission is entrusted with the functions referred to in paragraph 8 of resolution I and paragraph 12 of resolution II. Its Vice-Chairmen are Canada, Mongolia, Senegal and Yugoslavia.

Hans Sondaal (Netherlands), was elected Chairman of Special Commission III for the preparation of rules, regulations and procedures for the exploration and exploitation of the Area (sea-bed mining code) [resolution I, paragraph 5(g)]. Its Vice-Chairmen are Gabon, Mexico, Pakistan and Poland.

Gunter Goerner (German Democratic Republic), was elected Chairman of Special Commission IV for the Tribunal to prepare recommendations regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea [resolution I, paragraph 10]. Its Vice-Chairmen are Colombia, Greece, Philippines and Sudan.

The members of the Credentials Committee are Austria, China, Colombia, Costa Rica, Hungary, Ireland, Ivory Coast, Japan and Somalia.

The Preparatory Commission also decided that the General Committee of 36 members should act on behalf of the Preparatory Commission as its executive organ for the administration of resolution II.

At the final meeting of the Preparatory Commission, the Chairmen of the four Special Commissions presented a first short report. The Preparatory Commission also adopted the report of the Credentials Committee, presented by its Chairman, Karl Wolf (Austria), who was unanimously elected. Statements were made by Indonesia, Trinidad and Tobago, Netherlands, German Democratic Republic, Austria, Algeria (as Chairman of the Group of 77), Japan (as Chairman of the Asian Group), France (as Chairman of the Western European Group and others), Brazil (as Chairman of the Latin American Group), Kenya (as Chairman of the African Group), USSR (as Chairman of the Eastern European Group), India, Liberia, Chile, Jamaica and Sri Lanka.

The most important document of the Preparatory Commission for 1983 is LOS/PCN/27 inasmuch as it contains in three Annexes: the structure of the Commission, the functions of its organs and bodies, the officers and the procedures and guidelines for registration of pioneer investors under resolution II as well as the rules of procedure on decision-making.

#### IV. DECISIONS RELATING TO FUTURE WORK PROGRAMME; TIMING AND VENUE OF FUTURE SESSIONS

The Preparatory Commission decided to give high priority to the elaboration and adoption of rules, regulations and procedures for the implementation of resolution II (LOS/PCN/27).

Based on a proposal by the Chairman, the Preparatory Commission decided that the Secretariat could reissue documents of the Law of the Sea Conference relevant to the work of the Commission; prepare indexes to the articles of the Convention and Annexes and documentation of the Conference that might facilitate the work of the Commission; compile background papers on relevant legal, financial, economic and technical issues; and prepare working papers.

The Preparatory Commission decided that it would hold one regular session a year at Kingston for a period of four weeks, and one session a year of the working groups (Plenary, Special Commissions and the subsidiary bodies) of the Preparatory Commission for four weeks, in Kingston, New York or Geneva, as it may decide. The Preparatory Commission may at any time decide to hold additional sessions for itself or for its working groups.

For 1984 it was decided that the Preparatory Commission would hold its regular session in Kingston during the spring (19 March - 13 April) and a session for the working groups in New York or Geneva during the summer, the venue for which would be determined at the second session.

#### V. TRIBUTE

On the proposal of Chile, the Preparatory Commission observed a minute of silence in memory of the late Ambassador K. K. Breckenridge, who had been the representative of Sri Lanka to the Law of the Sea Conference for many years.

III. (c) Information about submission of applications for registration as pioneer investor and resolution of conflicts with respect to overlapping areas:

I. SUMMARY

Paragraph 2 of resolution II sets forth that "as soon as the Commission begins to function" any State signatory to the Convention may apply to the Commission on its behalf or on the behalf of any entity specified in paragraph 1(a) for registration as a pioneer investor. Applicants must ensure before making applications that areas in respect of which applications are made do not overlap one another or areas previously allocated as pioneer areas (paragraph 5(a)). If conflicts concerning overlapping of areas were not resolved by 1 March 1983, such conflicts should have been submitted by the prospective certifying States to binding arbitration in accordance with UNCITRAL Arbitration Rules to commence not later than 1 May 1983 (paragraph 5(c)).

In 1983 two prospective pioneer investors, India and the USSR, met and ensured themselves that the areas in respect of which they intend to apply to the Preparatory Commission do not overlap each other. They informed the Chairman of the Preparatory Commission and announced their intention to submit to the Preparatory Commission applications for registration as pioneer investors. Other pioneer investors reserved their position with regard to the communications made by India and the USSR, and insisted that before submitting any application, the Preparatory Commission should have begun to function effectively and all prospective pioneer investors must negotiate in order to identify and resolve possible conflicts arising from the overlapping of areas. Applications for registration were submitted by the USSR on 21 July 1983, and by India on 10 January 1984.

II. COMMUNICATIONS TO THE PREPARATORY COMMISSION

In a letter dated 6 April 1983, addressed to the Preparatory Commission, the Chairman of the USSR delegation to the first session of the Commission expressed that the Soviet enterprise was ready to begin the exchange of co-ordinates of areas with other certifying States, and to begin negotiations for the resolution of possible conflicts concerning boundaries of such areas. It was expressed moreover, that if the Commission did not receive any notification from other certifying States of their readiness to exchange co-ordinates and initiate negotiations by 1 May 1983, the USSR will consider that it has complied with the provisions of paragraph 5(a) of resolution II and will submit an application for the registration of the Soviet enterprise as the first pioneer investor (LOS/PCN/4).

On 24 April 1983, the Permanent Representative of India to the United Nations sent a letter to the Chairman of the Preparatory Commission expressing that its Government was prepared to exchange geographical co-ordinates of the area claimed by it with the USSR, as well as with any other prospective certifying State in order to initiate negotiations on the settlement of any possible dispute concerning the limits of the area. It also announced its intention to submit an application to the Preparatory Commission (LOS/PCN/7).

The Permanent Representatives of the USSR and India informed the Chairman of the Preparatory Commission on 4 May 1983 and 13 May 1983 respectively that representatives of both Governments met in New Delhi on 29 and 30 April 1983 and determined that there were no overlaps of areas in respect of which their Governments intended to submit respective applications to the Preparatory Commission (LOS/PCN/19 and 21).

Other prospective certifying States, members or observers of the Preparatory Commission replied to the letters sent by India and the Soviet Union reserving their position with respect to the submission of applications for registration as pioneer investors.

France expressed that since the Preparatory Commission has not yet adopted the texts which will ensure that the relevant provisions of the resolution are actually implemented, it was clear that the Commission has not begun to function for the purposes of implementing the resolution. It also referred to discussions conducted at the initiative of the delegation of Canada amongst potential certifying States in order to agree on a procedure for identifying and resolving possible overlapping claims, and it expressed its determination to continue such negotiations beyond the original timetable established in paragraph 5 of resolution II (LOS/PCN/8).

In a letter dated 28 April 1983, the Government of Japan expressed that only after procedures to exchange co-ordinates are complied with by prospective certifying States, applications for registration may be submitted to the Preparatory Commission. The Japanese Government does not accept the assertion of the Soviet Union that prospective certifying States must send due notification to the Preparatory Commission by 1 May 1983 of their readiness to exchange co-ordinates and to negotiate (LOS/PCN/11). As a consequence, if an application is submitted on 1 May 1983, it cannot be regarded as being in conformity with resolution II and such application will not grant any right or priority.

Canada, in a letter dated 28 April 1983, emphasized the fact that negotiations with a view to developing a mechanism to resolve potential conflicts over mining sites had been conducted at the initiative of the Canadian Government. Canada is prepared to continue those negotiations and considers that any attempt by a State to be registered as a pioneer investor would be incompatible with those on-going negotiations (LOS/PCN/15).

The Netherlands, in a letter dated 27 April 1983, expressed that the expiration of the deadlines mentioned in paragraph 5(c) of resolution II does not affect the obligation of prospective certifying States to ensure, before making applications to the Commission, that areas in respect of which applications are made do not overlap one another (LOS/PCN/18).

The Permanent Representative of Indonesia pointed out that since the Preparatory Commission had not been completely organized and therefore had not been able to exercise its function effectively, the Government of Indonesia reserved its position with regard to various claims by potential pioneer investors (LOS/PCN/20).

Four observers to the Preparatory Commission, Belgium (LOS/PCN/14 and 16), Federal Republic of Germany (LOS/PCN/9), Italy (LOS/PCN/10) and United Kingdom (LOS/PCN/13) sent letters to the Chairman of the Preparatory Commission reserving their positions to any action that might be taken by any prospective certifying State. The Federal Republic of Germany and Italy stressed the fact that since the Convention will remain open for signature until 9 December 1984, those States which have not yet signed the Convention may decide to do so at a later stage and avail themselves of all rights conferred upon them under resolution II.

### III. SUBMISSION OF APPLICATIONS

On 20 July 1983, the Acting Permanent Representative of the USSR transmitted to the Special Representative of the Secretary-General for the Law of the Sea a letter addressed to the Chairman of the Preparatory Commission submitting an application for registration as a pioneer investor of the Soviet enterprise "Southern Production Association for Marine Geological Operations" ("Yuzhmorgeologiya"). A sealed package which, according to the letter contains the data and information referred to in paragraph 3(a) of resolution II was submitted attached to the letter and subsequently placed in safe custody by the Secretary-General. The Acting Permanent Representative of the USSR stated in the letter that the co-ordinates of the area were being kept by the Permanent Representative of the USSR to the United Nations in a sealed package which will be transmitted immediately to the Preparatory Commission at the request of its Chairman (LOS/PCN/30).

On 10 January 1984, the Acting Permanent Representative of India sent a letter to the Secretary-General submitting, on behalf of the Government of the Republic of India, an application for registration as a pioneer investor contained in an envelope addressed to the Chairman of the Preparatory Commission and in a sealed and locked box said to contain detailed geographical co-ordinates and relevant data and information.

By the time the application on behalf of the Government of India was submitted, the Preparatory Commission had adopted specific rules to be applied for the submission of applications pending the adoption of rules of procedure (LOS/PCN/27, Annex II, Section 1(d)). In accordance with these rules, the Special Representative of the Secretary-General for the Law of the Sea placed the envelope containing the application and the sealed and locked box in safe custody, acknowledged the receipt of the application, notified the Chairman of the Preparatory Commission and informed the Preparatory Commission of the submission (LOS/PCN/32).

With respect to efforts made by other prospective pioneer investors to solve possible conflicts concerning overlapping areas as required by paragraph 5(a) of resolution II, the Alternate Representative of Canada to the Preparatory Commission sent a letter to the Chairman of the Preparatory Commission, dated 1 September 1983, transmitting a draft "Memorandum of understanding on the settlement of conflicting claims with respect to sea-bed areas" on the basis of which those prospecting investors were conducting consultations with a view to reaching agreement (LOS/PCN/24).

III. (d) List of documents of the First Session of the Preparatory Commission:

- LOS/PCN/INF.1 Delegations to the first session, Kingston, Jamaica, 15 March to 8 April 1983 [27 April 1983]
- LOS/PCN/INF.2 Officers of the Preparatory Commission and Membership of the General Committee and the Credentials Committee [29 September 1983]
- LOS/PCN/INF.3 Delegations to the resumed first session, Kingston, Jamaica, 15 August to 9 September 1983 [7 October 1983]
- LOS/PCN/1 Organization of Work of the Preparatory Commission - Note by the Secretariat [14 March 1983]
- LOS/PCN/2 Provisional agenda (First session) [7 March 1983]
- LOS/PCN/3 Statement by the Acting Chairman of the Preparatory Commission [8 April 1983]
- LOS/PCN/4 Letter dated 6 April 1983 from the Chairman of the USSR delegation addressed to the Preparatory Commission [8 April 1983]
- LOS/PCN/5 Declaration of the Group of 77 [11 April 1983]
- LOS/PCN/6 Statement by the Group of Eastern European (Socialist) countries in connexion with the proclamation issued on 10 March 1983 by the President of the United States of America concerning the establishment of the exclusive economic zone of the United States of America and his statement of the same date concerning United States ocean policy - Delivered on 8 April at a Plenary meeting of the Preparatory Commission by the Delegation of the Union of Soviet Socialist Republics as Chairman of the Group [11 April 1983]
- LOS/PCN/7 Note verbale dated 24 April 1983 from the Permanent Representative of India to the United Nations addressed to the Chairman of the Preparatory Commission [26 April 1983]
- LOS/PCN/8 Letter dated 27 April 1983 from the Permanent Representative of France to the United Nations addressed to the Chairman of the Preparatory Commission [27 April 1983]

- LOS/PCN/9 Note verbale dated 27 April 1983 from the Permanent Representative of the Federal Republic of Germany to the United Nations addressed to the Chairman of the Preparatory Commission [28 April 1983]
- LOS/PCN/10 Letter dated 28 April 1983 from the Permanent Representative of Italy to the United Nations addressed to the Chairman of the Preparatory Commission [28 April 1983]
- LOS/PCN/11 Letter dated 28 April 1983 from the Permanent Representative of Japan to the United Nations addressed to the Chairman of the Preparatory Commission [28 April 1983]
- LOS/PCN/12 Letter dated 28 April 1983 from the Permanent Representative of France to the United Nations addressed to the Chairman of the Preparatory Commission [29 April 1983]
- LOS/PCN/13 Letter dated 27 April 1983 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland addressed to the Chairman of the Preparatory Commission [29 April 1983]
- LOS/PCN/14 Letter dated 27 April 1983 from the Deputy Permanent Representative of Belgium to the United Nations addressed to the Chairman of the Preparatory Commission [29 April 1983]
- LOS/PCN/15 Letter dated 28 April 1983 from the Representative of Canada addressed to the Chairman of the Preparatory Commission [29 April 1983]
- LOS/PCN/16 Letter dated 27 April 1983 from the Deputy Permanent Representative of Belgium to the United Nations addressed to the Chairman of the Preparatory Commission [29 April 1983]
- LOS/PCN/17 Letter dated 29 April 1983 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Chairman of the Preparatory Commission [2 May 1983]
- LOS/PCN/18 Letter dated 27 April 1983 from the Representative of the Netherlands addressed to the Chairman of the Preparatory Commission [3 May 1983]
- LOS/PCN/19 Letter dated 3 May 1983 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Chairman of the Preparatory Commission [4 May 1983]

- LOS/PCN/20 Letter dated 12 May 1983 from the Permanent Representative of Indonesia to the United Nations addressed to the Chairman of the Preparatory Commission [12 May 1983]
- LOS/PCN/21 Note verbale dated 12 May 1983 from the Permanent Representative of India to the United Nations addressed to the Chairman of the Preparatory Commission [13 May 1983]
- LOS/PCN/22 Letter dated 20 June 1983 from the Permanent Representative of France to the United Nations addressed to the Chairman of the Preparatory Commission [21 June 1983]
- LOS/PCN/23 Provisional agenda (Resumed first session) [12 August 1983]
- LOS/PCN/24 Letter dated 31 August 1983 from the Alternate Representative of Canada to the Preparatory Commission addressed to the Chairman of the Preparatory Commission [1 September 1983]
- LOS/PCN/24/Corr.1 (Arabic only) Corrigendum [8 September 1983]
- LOS/PCN/25 Letter dated 31 August 1983 from the Alternate Representative of Canada to the Preparatory Commission addressed to the Chairman of the Preparatory Commission [2 September 1983]
- LOS/PCN/26 Credentials of Representatives to the First Session of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea [9 September 1983]
- LOS/PCN/27 Suggestions by the Chairman adopted at the 5th Plenary meeting of the Commission on 8 September 1983 [8 September 1983]
- LOS/PCN/28 Rules of Procedure of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea [23 November 1983]
- LOS/PCN/28/Corr.1 (English, French, Russian and Spanish only) Corrigendum [31 January 1984]
- LOS/PCN/29 Letter dated 9 September 1983 from the Chairman of the Group of Western European and other States addressed to the Chairman of the Preparatory Commission [29 September 1983]
- LOS/PCN/30 Letter dated 20 July 1983 from the Acting Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Chairman of the Preparatory Commission [24 October 1983]



- LOS/PCN/31 Letter dated 25 August 1983 from the Chairman of the Preparatory Commission addressed to the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations [24 October 1983]
- LOS/PCN/32 Receipt of application from India for registration as a pioneer investor under resolution II of the Third United Nations Conference on the Law of the Sea [14 February 1983]
- LOS/PCN/WP.1 Draft Rules of Procedure of the Preparatory Commission [21 March 1983]
- LOS/PCN/WP.1/Corr.1 Corrigendum [22 March 1983]
- LOS/PCN/WP.2\* Proposals of the Eastern European (Socialist) Group on a simultaneous decision of issues relating to the structure of the Preparatory Commission, the composition of its governing organs and other aspects of its organization of work [31 March 1983]
- LOS/PCN/WP.3 Draft Rules of Procedure of the Preparatory Commission. Draft prepared by the regional group of the Eastern European (Socialist) countries [31 March 1983]
- LOS/PCN/WP.3/Rev.1 Revised Draft Rules of Procedure of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. Revised draft prepared by the regional group of the Eastern European (Socialist) countries [18 August 1983]
- LOS/PCN/WP.3/Rev.1/Corr.1 (English only) Corrigendum [22 August 1983]
- LOS/PCN/WP.4 Proposals of the Chinese delegation concerning the structure and decision-making of the Preparatory Commission [31 March 1983]
- LOS/PCN/WP.5 Group of Western European and other States: Working paper on the draft rules of procedure of the Preparatory Commission [31 March 1983]
- LOS/PCN/WP.5/Corr.1 Corrigendum [20 April 1983]
- LOS/PCN/WP.6 Group of Western European and other States: Working paper on the structure of the Preparatory Commission [5 April 1983]
- LOS/PCN/WP.7 Asian Group: Working paper [11 April 1983]
- LOS/PCN/WP.8 Proposals of the Chinese delegation concerning certain provisions of the Rules of Procedure of the Preparatory Commission [12 August 1983]

- LOS/PCN/WP.9 Amendments to the Draft Rules of Procedure adopted by the Latin American Group on 22 August 1983 [22 August 1983]
- LOS/PCN/WP.10 Proposals of the Asian Group. Draft Rules of Procedure of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea [23 August 1983]
- LOS/PCN/WP.11 Amendments to the Draft Rules of Procedure adopted by the African Group on 23 August 1983 [23 August 1983]
- LOS/PCN/WP.11/Corr.1 Corrigendum [26 August 1983]
- LOS/PCN/WP.12 Comparative table of Draft Rules of Procedure [25 August 1983]
- LOS/PCN/WP.12/Add.1 Addendum Rules 37 - 43 [26 August 1983]
- LOS/PCN/WP.12/Add.2 Addendum Rules 1 - 5 [29 August 1983]
- LOS/PCN/WP.12/Add.3 Addendum Rules 51 - 61 [26 August 1983]
- LOS/PCN/WP.12/Add.4 Addendum Rules 9 - 10 [1 September 1983]
- LOS/PCN/WP.13 Belgium, France, Federal Republic of Germany, Italy, Japan, the Netherlands and the United Kingdom of Great Britain and Northern Ireland: Working paper on the allocation of matters to the Special Commissions and the Plenary [26 August 1983]
- LOS/PCN/WP.13/Add.1 Addendum Allocation of functions with regard to the implementation of resolution II [1 September 1983]
- LOS/PCN/WP.13/Add.1/Corr.1 Corrigendum [1 September 1983]
- LOS/PCN/WP.14 Suggested Tables of Contents for the Preparation of Draft Rules, Regulations and Procedures by the Preparatory Commission [7 September 1983]
- LOS/PCN/WP.15 Draft Rules of Procedure of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea [7 September 1983]
- LOS/PCN/WP.15/Corr.1 Corrigendum [8 September 1983]
- Special Commission
- LOS/PCN/SCN.2/L.1 Statement by the Chairman at the first meeting of Special Commission II on 9 September 1983 [29 September 1983]

#### IV. OTHER INFORMATION

- (a) Question relating to article 93 of the United Nations Convention on the Law of the Sea:

Statement by the Secretary-General at Security Council consultations held on 3 December 1983 1/

I would like to make it clear that the only issue which I have raised is the request for the flying of the United Nations flag, alongside the national flag of the ship concerned, on the ships which would evacuate the armed elements of the Palestine Liberation Organization from Tripoli. The reason for doing this would be on purely humanitarian grounds to facilitate the resolution of a situation which has already cost many innocent lives and created great destruction. The permission to use the United Nations flag would be given to the countries under whose flags the ships involved are operating.

I understand that the probable number of ships involved would be approximately five to evacuate some 3,000 armed elements with the possible addition of another 1,000 militia, carrying personal weapons only. The probable destination of the ships would be Tunis and the Yemen Arab Republic. There would be no financial implications and the only purpose would be to provide symbolic protection. The nationalities of the ships concerned and dates of departure would apparently be decided after my reply concerning the use of the flag is received.

The actual arrangement for this evacuation are obviously primarily a matter for the Lebanese Government and the parties to the agreement that has been negotiated with the help of Saudi Arabia and Syria. I spoke, yesterday afternoon, on the telephone to President Gemayel and, among other issues, mentioned this problem to him. As I understand it, the Lebanese Government has no objection to the use of the United Nations flag on the evacuation ships, provided, as is the normal practice, the Lebanese flag is also flown in Lebanese territorial waters. I shall naturally remain in consultation with the Government of Lebanon in this matter, which obviously requires its concurrence.

I need hardly add that any action I take will be in line with the overall objective of respecting the sovereignty and authority of the Government of Lebanon.

I wish to repeat that the humanitarian factor is the one which concerns me. I have consulted the Council because I felt that this was the right thing to do on a matter of such importance.

In taking my decision therefore, I would like to have the understanding of the Council on this matter.

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1/ See document S/16194 dated 3 December 1983

IV. (b) Third World Prize 1983 in recognition of the Third United Nations Conference on the Law of the Sea:

The Third World Prize instituted by the Bank of Credit and Commerce International, S.A., is awarded annually by the Third World Foundation for Social and Economic Studies to individuals or institutions for outstanding contributions to Third World development, particularly in the economic, social, political or scientific fields. It aims to honour originality, inspiration, enterprise, creativity, innovation and service of the general good of the peoples of the Third World. The prize consists of US\$100,000 and a medallion.

The Third World Foundation awarded its prize for 1983 to Professor Arvid Pardo of Malta in recognition of his eminent role in the development of the Law of the Sea. In awarding the prize, the Selection Committee composed of Shridath S. Ramphal (Chairman), Robert K.A. Gardiner, Enrique V. Iglesias, B.K. Nehru and Azim Husain, recognized that so vast and complex a multilateral instrument as the Law of the Sea Convention was a result of labours of many, among them the late Hamilton Shirley Amerasinghe of Sri Lanka, who for twelve years guided the deliberations of the international community, first as Chairman of the Sea-Bed Committee and then as President of the Third United Nations Conference on the Law of the Sea. The Selection Committee also recognized the contributions over the years of other distinguished diplomats from many nations, as well as the dedicated service of the United Nations Secretariat of the Conference on the Law of the Sea.

The Selection Committee decided to provide a significant contribution of US \$65,000 to make the Hamilton Shirley Amerasinghe Fellowship Fund operational.

The Fund was established by the United Nations General Assembly in 1981 <sup>1/</sup> for the award of a Fellowship in the field of the Law of the Sea and related matters in recognition of the unique contribution made by Hamilton Shirley Amerasinghe to the work of the Third United Nations Conference on the Law of the Sea as President since its inception in 1973 until his demise on 4 December 1980.

The prize itself and the contribution to the Amerasinghe Fellowship were handed over by the President of Colombia, His Excellency Belisario Betancur at a ceremony in Cartagena, Colombia, on 23 February 1984, which was presided by the Chairman of the Third World Prize, His Excellency Mr. S.S. Ramphal, Commonwealth Secretary-General. Professor Pardo delivered the annual Third World lecture, and Mr. Satya N. Nandan, Special Representative of the Secretary-General for the Law of the Sea, received the contribution to the Fellowship Fund and delivered a statement on behalf of the Secretary-General, which is reproduced below.

The Fellowship Fund had reached a total of approximately US \$27,000 prior to this contribution with a further commitment of US \$7,500. With the receipt of the Third World prize, the targetted figure of US \$100,000 would be reached, and would permit the Fellowship to be made operational in 1984.

<sup>1/</sup> Resolution 36/79 of 9 December 1981.

The Office of the Special Representative of the Secretary-General for the Law of the Sea (formerly the Secretariat of the Third United Nations Conference on the Law of the Sea) will in due course, with the assistance of the Office of Legal Affairs, which is responsible for the administration of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, formulate the necessary guidelines for making the award. After duly publicizing the Fellowship and after calling for applications, the candidate for 1984 will be selected.

STATEMENT DELIVERED BY SATYA N. NANDAN, SPECIAL REPRESENTATIVE  
OF THE SECRETARY-GENERAL FOR THE LAW OF THE SEA  
AT THE PRESENTATION OF THE THIRD WORLD AWARD 1983  
Cartagena, Colombia, 23 February 1984

It is a special honour and pleasure for me to convey the most cordial greetings of the Secretary-General of the United Nations to the President and people of Colombia, to the Third World Foundation for Social and Economic Studies, the Chairman and the Members of its Selection Committee, and to all gathered here on the occasion of the award of the Third World Prize for 1983.

Unfortunately, the Secretary-General could not be here himself on this occasion. He has, however, asked me as his Special Representative for the Law of the Sea to convey to you the following message:

"The Third World Foundation, its efforts and its achievements, and its contribution to Third World interests are universally recognized. It is most fitting that the presentation of the 1983 Third World Prize is being held in conjunction with the South-South Conference on 'the role of Regional Integration in the Present World Economic Crisis', organized by the National University of Colombia and the Third World Foundation. It is also significant that this meeting should take place in the Republic of Colombia which has played such an important role in furthering regional co-operation among the developing countries of Latin America and which has made such a significant contribution to the work of the Third United Nations Conference on the Law of the Sea.

The adoption of the United Nations Convention on the Law of the Sea and its opening for signature in December 1982 were the culmination of perhaps the most significant and successful collective effort of the community of nations in recent times. It symbolizes the goal of the United Nations to promote peace, justice and progress for all the peoples of the world. For well over a decade nations dedicated their efforts to the negotiation of a treaty which would be widely acceptable and which would respond to the aspirations of all States, developing as well as developed. That it was possible for a Conference of more than 160 States to eventually adopt a Convention which would regulate more than 70% of the earth's surface was a remarkable feat. The Convention, which has already been signed by 132 States, is perhaps the most important achievement of the United Nations since its Charter was adopted. At a time of eroding multilateralism it serves to remind us that the United Nations can be used successfully as a forum for multilateral negotiations - a role which its founders had intended for it.

The Convention stands out as a significant achievement of the international community as a whole. It has special significance to the countries of the developing world whose particular interests and needs it takes into account. It establishes the area of the sea-bed and the ocean floor beyond national jurisdiction as the common heritage of mankind - a completely new approach in international relations which points towards a new order. It introduces the novel concept of the exclusive economic zone which recognizes the rights of coastal States over the resources to be found in areas adjacent to their coasts. At the same time it preserves many important legal principles of benefit to all States and ensures the peaceful and orderly use of the oceans and the equitable and efficient utilization of their resources.

It is appropriate that the Third World Foundation has given important recognition to the Law of the Sea Conference and the United Nations Convention on the Law of the Sea. It is also appropriate that the participants who laboured so hard for it and who were so deeply involved with it have been similarly honoured.

Dr. Arvid Pardo, whose initiative in 1967 brought the item to the attention of the General Assembly, has been given the signal honour that is due to him. Similarly, the recognition of the contribution of the late Ambassador Hamilton Shirley Amerasinghe as Chairman of the Sea-Bed Committee and later the first President of the Conference symbolizes the appreciation of the efforts of all those participants who worked for its success.

As Secretary-General of the United Nations, I note with great personal satisfaction the recognition given to the Secretariat of the Conference for its contribution to the successful outcome of the Conference. This Secretariat was led from 1974 up to the signing of the Convention by my Special Representative for the Law of the Sea, the late Dr. Bernardo Zuleta. This illustrious son of Colombia will be forever associated with that extraordinary accomplishment of the United Nations, the new Law of the Sea Convention, to which he devoted the last ten years of his fruitful life. It is doubly significant, therefore, that we should be gathered here in Colombia, in the delightful city of Cartagena, for the purpose of receiving this award.

The decision of the Third World Foundation to contribute US\$65,000 towards the Hamilton Shirley Amerasinghe Fellowship Endowment Fund is a generous one. It will enable the Fellowship to become operational in 1984. The Fellowship itself will contribute to a better understanding of the Conference and of the Convention that it adopted. I believe that I could do no more than fervently hope that the Third World Foundation and other institutions like it will continue to promote the acceptance of the Convention and its ratification so that it can soon enter into force and give meaning to the objectives of all those who contributed to it."

IV. (c) Supplement to Bulletin No. 2:

The Secretariat of the Law of the Sea Office has received comments as well as additional legislation in relation to Bulletin No. 2. A Supplement to that Bulletin will be issued in the future as soon as sufficient material has been received from governments.

It should be noted that when the number "200" corresponding to 200 nautical miles appears in the tabulation under the column entitled "CSh" (Continental Shelf), it should be read as "200/PCM" corresponding to 200 nautical miles or up to the prolongation of the continental margin. The entire tabulation will be reproduced in the Supplement to Bulletin No. 2.

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