

DOCUMENT A/CONF.62/L.142/Rev.1

Report of the Chairman of the Drafting Committee

[Original: English]
[3 May 1982]

1. During the second stage of the eleventh session of the Third United Nations Conference on the Law of the Sea, lasting from 29 March to 30 April 1982, the Drafting Committee continued its article by article textual review of the draft convention on the law of the sea (A/CONF.62/L.78).³⁶

2. During this period,³⁷ there were 293 meetings of the language groups of the Drafting Committee, 17 meetings of the co-ordinators of the language groups under the direction of the Chairman of the Drafting Committee, and 6 meetings of the Drafting Committee.

3. After 2 April, the Drafting Committee, in accordance with the decision of the Conference (A/CONF.62/116³⁶ and A/CONF.62/L.93, para. 5 (e)) gave priority to consideration of documents A/CONF.62/L.93 and A/CONF.62/L.94 issued by the Collegium on 2 April 1982 and submitted a series of recommendations on draft resolutions I and III, based on its consideration of document A/CONF.62/L.94, and on articles 60, 156, 164, 194, 201, 204, 207, 209, 211, 212, 213, 214, 216, 217, 222, 242, 305, 306, 307, 308 and 319, based on its consideration of document A/CONF.62/L.93. These recommendations, which were accepted by the informal plenary, are contained in the addendum to this report.

4. The co-ordinators of the language groups have continued consideration of annex III and have now submitted a series of proposals on articles 1, 2, 3 and 4 of this annex (CG/WP.38).

5. The language groups have worked intensively during this period of the session and have now submitted proposals on all parts of the convention for consideration by the co-ordinators of the language groups and the Drafting Committee at its next inter-sessional meeting.

³⁷ See the report of the Chairman of the Drafting Committee on the first stage (8-26 March) of the session, contained in document A/CONF.62/L.89.

6. It should be noted that the work of the Drafting Committee, in particular that of the co-ordinators of the language groups, was hampered by the lack of facilities during the last three weeks of the Conference.

7. It is recommended that an inter-sessional meeting of the Drafting Committee be held in _____ for five weeks from 12 July to 13 August with the option to extend the meeting a further week until 20 August.

8. The proposed timetable is as follows:

First week: annexes III and IV

Second week: annexes III and IV

Third week: annexes III and IV and draft resolution II

Fourth week: Parts XVI and XVII, annexes VI, VII, VIII and IX, preamble and article 1

Fifth week: Parts XVI and XVII, annexes VI, VII, VIII and IX, preamble, article 1 and pending items on the various parts of the draft convention.

9. I might mention that Geneva is the preferred venue for the summer session of the Drafting Committee in the case of the majority of the active participants of that Committee and its language groups, I am not aware, however, of the preference of the Conference as a whole and would suggest that we decide on the venue after we adopt the convention since, if we do not adopt it, the question may be academic.

10. In concluding, may I express the sincere hope that all those delegations and all those co-ordinators of all the language groups who have previously participated in the Drafting Committee will continue to do so, since that Committee is not concerned with substance, but with drafting problems. Surely we all want a well-drafted convention, if only in order to assist us in determining whether or not to sign and eventually ratify it.

DOCUMENT A/CONF.62/L.143

Letter dated 28 April 1982 from the representatives of Chile, Colombia, Ecuador and Peru to the President of the Conference

[Original: Spanish]
[29 April 1982]

The delegations of Chile, Colombia, Ecuador and Peru to the Third United Nations Conference on the Law of the Sea wish to point out that the universal recognition of the rights of sovereignty and jurisdiction of the coastal State within the 200-mile limit provided for in the draft convention is a fundamental achievement of the countries members of the Permanent Commission of the South Pacific, in accordance with the basic objectives stated in the Santiago Declaration of 1952³⁸ issued by the Diplomatic Conference on the Exploitation and Conservation of the Marine Resources of the South Pacific held by Chile, Ecuador and Peru.

Those objectives have been compiled and developed by the convention on the law of the sea, which incorporates into

international law principles and institutions which are essential for a more appropriate and fairer exploitation of the resources contained in coastal waters, to the benefit of the overall development of the peoples concerned, on the basis of the duty and the right to protect those resources and to conserve and guarantee that natural wealth for those peoples.

The Permanent Commission of the South Pacific, whose original members were Chile, Ecuador and Peru, joined later by Colombia, has the merit of having been the first to denounce the unjust practices existing in the maritime spaces and of having proposed appropriate legal solutions, thereby contributing to the development of the new law of the sea.

The delegations of the countries members of the Permanent Commission of the South Pacific have the honour to request that this letter should be circulated as an official document of the Conference.

³⁸ See *Yearbook of the International Law Commission* 1956, vol. I.

(Signed) F. ZEGERS
 Representative of Chile
 to the Third United Nations Conference
 on the Law of the Sea

(Signed) H. CHARRY SAMPER
 Representative of Colombia
 to the Third United Nations Conference
 on the Law of the Sea

(Signed) A. J. LUCIO PAREDES
 Representative of Ecuador
 to the Third United Nations Conference
 on the Law of the Sea

(Signed) A. ARIAS SCHREIBER
 Representative of Peru
 to the Third United Nations Conference
 on the Law of the Sea

DOCUMENT A/CONF.62/L.144

Letter dated 29 April 1982 from the representative of the Union of Soviet Socialist Republics to the President of the Conference

[Original Russian]
 [29 April 1982]

I have today received the conclusion of the United Nations Legal Counsel replying to the questions raised in my letter of 22 April 1982 addressed to the President of the Conference (A/CONF.62/L.133).

From that conclusion it is indeed clear that, as stated by the Soviet delegation, the "distinguishing requirements" apply to the three categories of pioneer investors referred to in draft resolution II, subparagraph 1 (a) (A/CONF.62/L.132). This subparagraph provides that some States receive the status of pioneer investor even when they have not signed the convention, while certain other States, including the Soviet Union, may receive such a status only on the essential condition that they have signed the convention. Thus, the Legal Counsel acknowledges in his conclusion that the draft resolution in question contains a discriminatory provision *vis-à-vis* the Soviet Union. The Legal Counsel also acknowledges in his conclusion that the questions raised in my letter, particularly those relating to subparagraph 1 (a) of that draft resolution, are of a political nature.

In that connection, I bring to your notice, in confirmation of the statements I made in the 174th and 177th plenary meetings on 23 and 28 April, that the Soviet Union will be unable to support that draft resolution as it now stands and, accordingly, will be unable to become a party to the convention if the resolution governing preparatory investment in pioneer activities still contains provisions which place the Soviet Union in an unfavourable position *vis-à-vis* several other States.

I request you to have this letter circulated as an official document of the Conference.

(Signed) C. KOZYREV
 Representative of the Union of Soviet Socialist Republics
 to the Third United Nations Conference
 on the Law of the Sea

DOCUMENT A/CONF.62/L.145

Letter dated 28 April from the representative of Malaysia to the President of the Conference

[Original: English]
 [29 April 1982]

As Chairman of the delegation of Malaysia to the eleventh session of the Third United Nations Conference on the Law of the Sea, on behalf of the delegations of Indonesia and of Singapore, as well as my delegation, I have the honour to refer to article 233 of the proposed convention on the law of the sea (A/CONF.62/L.78)³⁶ in relation to its application to the Straits of Malacca and Singapore.

In the course of the Third United Nations Conference on the Law of the Sea, the delegations of the States bordering the Straits of Malacca and Singapore, that is, Indonesia, Malaysia and Singapore, have held consultations with delegations of States which constitute major users of those Straits. Those delegations have all confirmed a common understanding regarding the purpose and meaning of that article in its application to those straits taking into account the peculiar geographic and traffic conditions in the Straits of Malacca and Singapore.

This understanding is contained in the statement which is annexed to this letter.

The delegations of States which constitute major users of those straits will be writing to you confirming the contents of this letter and the annexed Statement.

Mr. President, I would be grateful if you could read out this letter together with the annexed statement as well as the above-mentioned confirmation letters and direct that those documents be distributed as official documents of the Third United Nations Conference on the Law of the Sea and form part of the official records thereof.

The Chairman of the Second and Third Committees to whom I am sending a copy of this letter have been good enough to confirm that they see no difficulty in connection with this request.

(Signed) Z. B. M. YATIM
 Representative of Malaysia
 to the Third United Nations Conference
 on the Law of the Sea