

DOCUMENTS OF THE CONFERENCE

DOCUMENT A/CONF.62/121*

Final Act of the Third United Nations Conference on the Law of the Sea

[Original: English]
[27 October 1982]

INTRODUCTION

1. The General Assembly of the United Nations, on 17 December 1970, adopted resolution 2749 (XXV) containing the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction and resolution 2750 C (XXV) on the same date, wherein it decided to convene, in 1973, a Conference on the Law of the Sea, which would deal with the establishment of an equitable international régime—including an international machinery—for the area and the resources of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, with a precise definition of that area and with a broad range of related issues including those concerning the régimes of the high seas, the continental shelf, the territorial sea (including the question of its breadth and the question of international straits) and contiguous zone, fishing and conservation of the living resources of the high seas (including the question of the preferential rights of coastal States), the preservation of the marine environment (including, *inter alia*, the prevention of pollution) and scientific research.

2. Prior to the adoption of these resolutions, the General Assembly had considered the item introduced in 1967¹ on the initiative of the Government of Malta and had subsequently adopted the following resolutions on the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind:

Resolution 2340 (XXII) on 18 December 1967,
Resolutions 2467 A, B, C and D (XXIII) on 21 December 1968, and
Resolutions 2574 A, B, C and D (XXIV) on 15 December 1969.

3. The General Assembly, by resolution 2340 (XXII), established an *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and, having considered its report,² established by resolution 2467 A (XXIII) the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. The General Assembly, by resolution 2750 C (XXV), enlarged that Committee and requested it to prepare draft treaty articles relevant to an international régime, and a comprehensive list of items and matters for the Conference on the Law of the Sea. The Com-

mittee as thus constituted held six sessions, and a number of additional meetings, between 1971 and 1973 at United Nations Headquarters in New York and at the Office of the United Nations in Geneva. Having considered its report,³ the General Assembly requested the Secretary-General by resolution 2574 A (XXIV) to ascertain the views of Member States on the desirability of convening, at an early date, a Conference on the Law of the Sea.

4. Subsequent to the adoption of resolutions 2749 (XXV) and 2750 A, B and C (XXV), the General Assembly, having considered the relevant reports of the Committee,⁴ adopted the following resolutions on the same question:

Resolution 2881 (XXVI) on 21 December 1971,
Resolutions 3029 A, B and C (XXVII) on 18 December 1972, and
Resolution 3067 (XXVIII) on 16 November 1973.

5. By resolution 3029 A (XXVII) the General Assembly requested the Secretary-General to convene the first and second sessions of the Third United Nations Conference on the Law of the Sea. The Secretary-General was authorized, in consultation with the Chairman of the Committee, to make such arrangements as might be necessary for the efficient organization and administration of the Conference and the Committee, and to provide the assistance that might be required in legal, economic, technical and scientific matters. The specialized agencies, the International Atomic Energy Agency and other intergovernmental organizations were invited to co-operate fully with the Secretary-General in the preparations for the Conference and to send observers to the Conference.⁵ The Secretary-General was requested, subject to approval by the Conference, to invite interested non-governmental organizations having consultative status with the Economic and Social Council to send observers to the Conference.

6. By resolution 3067 (XXVIII) the General Assembly decided that the mandate of the Conference was the adoption of a convention dealing with all matters relating to the law of the sea, taking into account the subject-matter listed in paragraph 2 of General Assembly resolution 2750 C (XXV) and the list of subjects and issues relating to the law of the sea formally approved by the Committee, and bearing in mind that the problems of ocean space were closely interrelated and needed to be considered as a whole. By the same

* Incorporating documents A/CONF.62/121/Corr.3, 7 and 8 of 6 December 1982 and A/CONF.62/121/Corr.8 of 9 December 1982.

¹ *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 92, document A/6695.

² *Ibid.*, *Twenty-third Session*, agenda item 26, document A/7230.

³ *Ibid.*, *Twenty-fourth Session, Supplement Nos. 22 and 22A*.

⁴ *Ibid.*, *Twenty-sixth Session, Supplement No. 21*; *ibid.*, *Twenty-seventh Session, Supplement No. 21*; *ibid.*, *Twenty-eighth Session, Supplement No. 21*, vols. I-VI.

⁵ In addition, it may be noted that the Conference was attended and assisted by observers from the United Nations programmes and conferences.

resolution, the General Assembly also decided to convene the first session of the Conference in New York from 3 to 14 December 1973 for the purpose of dealing with organizational matters, including the election of officers, the adoption of the agenda and rules of procedure of the Conference, the establishment of subsidiary organs and the allocation of work to these organs, and any other purpose within its mandate. The second session would be held in Caracas, at the invitation of the Government of Venezuela, from 20 June to 29 August 1974 to deal with the substantive work of the Conference, and, if necessary, any subsequent session, or sessions, were to be convened as might be decided upon by the Conference and approved by the Assembly.

I. SESSIONS

7. In accordance with that decision and subsequently either on the recommendation of the Conference as approved by the General Assembly, or in accordance with decisions of the Conferences, the sessions of the Third United Nations Conference on the Law of the Sea were held as follows:

- First session held at United Nations Headquarters in New York, 3 to 15 December 1973;
- Second session held at Parque Central, Caracas, 20 June to 29 August 1974;
- Third session held at the Office of the United Nations in Geneva, 17 March to 9 May 1975;⁶
- Fourth session held at United Nations Headquarters in New York, 15 March to 7 May 1976;⁷
- Fifth session held at United Nations Headquarters in New York, 2 August to 17 September 1976;⁸
- Sixth session held at United Nations Headquarters in New York, 23 May to 15 July 1977;⁹
- Seventh session held at the Office of the United Nations in Geneva, 28 March to 19 May 1978;¹⁰
- Resumed seventh session held at United Nations Headquarters in New York, 21 August to 15 September 1978;¹¹
- Eighth session held at the Office of the United Nations in Geneva, 19 March to 27 April 1979;¹²
- Resumed eighth session: held at United Nations Headquarters in New York, 19 July to 24 August 1979;¹³
- Ninth session held at United Nations Headquarters in New York, 3 March to 4 April 1980;¹⁴
- Resumed ninth session held at the Office of the United Nations in Geneva, 28 July to 29 August 1980;¹⁴
- Tenth session, held at United Nations Headquarters in New York, 9 March to 16 April 1981;¹⁵
- Resumed tenth session held at the Office of the United Nations in Geneva, 3 to 28 August 1981;¹⁶
- Eleventh session held at United Nations Headquarters in New York, 8 March to 30 April 1982;¹⁷
- Resumed eleventh session held at United Nations Headquarters in New York, 22 to 24 September 1982.¹⁸

⁶General Assembly resolution 3334 (XXIX).

⁷General Assembly resolution 3483 (XXX).

⁸See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. V, 69th plenary meeting.

⁹General Assembly resolution 31/63.

¹⁰General Assembly resolution 32/194.

¹¹See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IX, 106th plenary meeting.

¹²General Assembly resolution 33/17.

¹³See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XI, 115th plenary meeting.

¹⁴General Assembly resolution 34/20.

¹⁵General Assembly resolution 35/116; see also *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XV, 147th plenary meeting.

¹⁶General Assembly decision 35/452.

¹⁷General Assembly resolution 36/79.

¹⁸See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVI, 182nd plenary meeting.

II. PARTICIPATION IN THE CONFERENCE

8. Having regard to the desirability of achieving universality of participation in the Conference, the General Assembly decided by resolution 3067 (XXVIII) to request the Secretary-General to invite States Members of the United Nations or members of the specialized agencies or the International Atomic Energy Agency and States parties to the Statute of the International Court of Justice, as well as the following States, to participate in the Conference: the Republic of Guinea-Bissau and the Democratic Republic of Viet Nam.

Participating at the sessions of the Conference were the delegations of: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.¹⁹

9. The Secretary-General was also requested by resolution 3067 (XXVIII) to invite interested intergovernmental and non-governmental organizations, as well as the United Nations Council for Namibia, to participate in the Conference as observers.

The specialized agencies and intergovernmental organizations participating as observers at the several sessions of the Conference are listed in the appendix hereto.

10. On the recommendation of the Conference, by resolution 3334 (XXIX), adopted on 17 December 1974, the General Assembly requested the Secretary-General to invite Papua New Guinea, the Cook Islands, the Netherlands Antilles, Niue, Suriname, the West Indies Associated States and the Trust Territory of the Pacific Islands to attend future sessions of the Conference as observers or, if any of them became independent, to attend as a participating State.

The States and territories participating as observers at the several sessions of the Conference are also listed in the appendix hereto.

¹⁹The list of States participating at each session is recorded in the appropriate report of the Credentials Committee.

11. The Conference, at its 38th plenary meeting, decided to extend invitations to national liberation movements, recognized by the Organization of African Unity and the League of Arab States in their respective regions, to participate in its proceedings as observers.²⁰

The national liberation movements participating as observers at the several sessions of the Conference are also listed in the appendix hereto.

12. Consequent upon General Assembly resolution 34/92, the Conference decided at its 122nd plenary meeting²¹ that Namibia, represented by the United Nations Council for Namibia, should participate in the Conference in accordance with the relevant decisions of the General Assembly.

III. OFFICERS AND COMMITTEES

13. The Conference elected Hamilton Shirley Amerasinghe (Sri Lanka) as its President. Subsequently, at its seventh session, the Conference confirmed that he was, and continued to be, the President of the Conference although he was no longer a member of his national delegation.²² On the death of Hamilton Shirley Amerasinghe on 4 December 1980, the Conference paid tribute to his memory at a special commemorative meeting on 17 March 1981 at its tenth session (144th plenary meeting).²³

14. The Secretary-General of the United Nations opened the tenth session as temporary President. The Conference elected Tommy T. B. Koh (Singapore) as President (143rd plenary meeting).²³

15. At its 2nd plenary meeting, the Conference decided that the Chairmen and Rapporteurs of the three Main Committees, the Chairman of the Drafting Committee and the Rapporteur-General of the Conference would be elected in a personal capacity and that the Vice-Presidents, the Vice-Chairmen of the Main Committees and the members of the Drafting Committee should be elected by country.²⁴

16. The Conference elected as Vice-Presidents the representatives of the following States: Algeria; Belgium, replaced by Ireland during alternate sessions (by agreement of the regional group concerned); Bolivia; Chile; China; Dominican Republic; Egypt; France; Iceland; Indonesia; Iran; Iraq; Kuwait; Liberia; Madagascar; Nepal; Nigeria; Norway; Pakistan; Peru; Poland; Singapore, replaced by Sri Lanka at the tenth session (by agreement of the regional group concerned); Trinidad and Tobago; Tunisia; Uganda; Union of Soviet Socialist Republics; United Kingdom of Great Britain and Northern Ireland; United States of America; Yugoslavia; Zaire; and Zambia.

17. The following Committees were set up by the Conference: the General Committee, the three Main Committees, the Drafting Committee and the Credentials Committee. The assignment of subjects to the plenary and each of the Main Committees was set out in section III of document A/CONF.62/29.²⁴

The General Committee consisted of the President of the Conference as its Chairman, the Vice-Presidents, the officers of the Main Committees, and the Rapporteur-General. It was

decided at the 3rd plenary meeting that the Chairman of the Drafting Committee had the right to participate in the meeting of the General Committee without the right to vote.²⁰

The Conference elected the following officers for the three Main Committees which were constituted by all States represented at the Conference:

<i>First Committee</i>	
<i>Chairman</i>	Paul Bamela Engo (United Republic of Cameroon)
<i>Vice-Chairmen</i>	The representatives of Brazil, the German Democratic Republic and Japan
<i>Rapporteur</i>	
First and second sessions..	H. C. Mott (Australia)
Third to tenth sessions.....	John Bailey (Australia)
Eleventh session.....	Keith Brennan (Australia)
<i>Second Committee</i>	
<i>Chairman</i>	
First and second sessions..	Andrés Aguilar (Venezuela)
Third session	Reynaldo Galindo Pohl (El Salvador) (by agreement of the regional group concerned)
Fourth to eleventh sessions	Andrés Aguilar (Venezuela)
<i>Vice-Chairmen</i>	The representatives of Czechoslovakia, Kenya and Turkey
<i>Rapporteur</i>	Satya Nandan (Fiji)
<i>Third Committee</i>	
<i>Chairman</i>	
<i>Vice-Chairmen</i>	Alexander Yankov (Bulgaria)
<i>Rapporteur</i>	
First and second sessions	Abdel Magied A. Hassan (Sudan)
Third session	Manyang d'Awol (Sudan)
Fourth and fifth sessions.....	Abdel Magied A. Hassan (Sudan)
Fifth to eleventh sessions	Manyang d'Awol (Sudan)

The Conference elected the following officer and members of the Drafting Committee:

<i>Drafting Committee</i>	
<i>Chairman</i>	J. Alan Beesley (Canada)
<i>Members</i>	The representatives of: Afghanistan; Argentina; Bangladesh (alternating with Thailand every year); Ecuador; El Salvador (replaced by Venezuela for the duration of the third session by agreement of the regional group concerned); Ghana; India; Italy; Lesotho; Malaysia; Mauritania; Mauritius; Mexico; Netherlands (alternating with Austria every session); Philippines; Romania; Sierra Leone; Spain; Syrian Arab Republic; Union of Soviet Socialist Republics; United Republic of Tanzania; and United States of America

The Conference elected the following officers and members of the Credentials Committee:

<i>Credentials Committee</i>	
<i>Chairman</i>	
First session	Heinrich Gleissner (Austria)

²⁰ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. I.

²¹ *Ibid.*, vol. XIII.

²² Decision taken at the 86th closed plenary meeting, held on 5 April 1978, by the adoption of resolution A/CONF.62/R.1 proposed by Nepal on behalf of the group of Asian States.

²³ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XV. The General Assembly of the United Nations also paid tribute to the memory of Mr. Hamilton Shirley Amerasinghe (see *Official Records of the General Assembly, Thirty-fifth Session, Plenary Meetings*, 82nd meeting). The General Assembly thereafter established a memorial fellowship in his name (resolutions 35/116 and 36/79).

²⁴ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. III.

Second and third sessions.....	Franz Weidinger (Austria)
Fourth to eleventh sessions....	Karl Wolf (Austria)
Members.....	The representatives of: Austria; Chad; China; Costa Rica; Hungary; Ireland; Ivory Coast; Japan; and Uruguay

Kenneth Rattray (Jamaica) was elected Rapporteur-General of the Conference.

18. The Secretary-General of the United Nations as Secretary-General of the Conference was represented by Constantin Stavropoulos, Under-Secretary-General, at the first and second sessions. Thereafter Bernardo Zuleta, Under-Secretary-General, represented the Secretary-General. David L. Hall was Executive Secretary of the Conference.

19. The General Assembly, by its resolution 3067 (XXVII) convening the Conference, referred to it the reports and documents of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and the relevant documentation of the General Assembly. At the commencement of the Conference the following documentation was also before it:

(a) The provisional agenda of the first session of the Conference (A/CONF.62/1);²⁴

(b) The draft rules of procedure prepared by the Secretary-General (A/CONF.62/2 and Add.1 to 3),²⁴ containing an appendix which embodied the Gentleman's Agreement, approved by the General Assembly at its twenty-eighth session on 16 November 1973.

Subsequently, the Conference also had before it the following documentation:

- (i) The proposals submitted by the delegations participating in the Conference, as shown in the official records of the Conference;
- (ii) The reports and studies prepared by the Secretary-General;²⁵
- (iii) The informal negotiating texts and the draft convention on the law of the sea and related draft resolutions and decision drawn up by the Conference, as hereafter set out.

²⁵ Economic implications of sea-bed mineral development in the international area (*ibid.*, document A/CONF.62/25).

Economic implications of sea-bed mining in the international area (*ibid.*, vol. IV, document A/CONF.62/37).

Description of some types of marine technology and possible methods for their transfer (*ibid.*, document A/CONF.62/C.3/L.22).

Draft alternative texts of the preamble and the final clauses: prepared by the Secretary-General (*ibid.*, vol. VI, document A/CONF.62/L.13).

Annotated directory of intergovernmental organizations concerned with ocean affairs; see document A/CONF.62/L.14.

Alternative means of financing the Enterprise (*ibid.*, document A/CONF.62/L.17).

Costs of the Authority and contractual means of financing its activities (*ibid.*, vol. VII, document A/CONF.62/C.1/L.19).

Manpower requirements of the Authority and related training needs; preliminary report of the Secretary-General (*ibid.*, vol. XII, document A/CONF.62/82).

Potential financial implications for States parties to the future convention on the law of the sea (*ibid.*, vol. XV, document A/CONF.62/L.65).

Effects of the production-limitation formula under certain specified assumptions (*ibid.*, document A/CONF.62/L.66).

Preliminary study illustrating various formulae for the definition of the continental shelf; map illustrating various formulae for the definition of the continental shelf; calculation of areas illustrated beyond 200 miles in document A/CONF.62/C.2/L.98/Add.1; communication received from the Secretary of the Intergovernmental Oceanographic Commission (*ibid.*, vol. IX, documents A/CONF.62/C.2/L.98 and Add.2 and 3).

Study of the implications of preparing large-scale maps for the Third United Nations Conference on the Law of the Sea (*ibid.*, vol. XI, document A/CONF.62/C.2/L.99).

Study on the future functions of the Secretary-General under the draft convention and on the needs of countries, especially developing countries, for information, advice and assistance under the new legal régime (*ibid.*, vol. XV, document A/CONF.62/L.76).

IV. DRAFTING COMMITTEE

20. The Drafting Committee commenced its work at the seventh session of the Conference with the informal examination of negotiating texts, for the purposes of refining drafts, harmonizing recurring words and expressions and achieving, through textual review, concordance of the text of the convention in the six languages. The Committee was assisted in its informal work by six language groups comprising both members and non-members of the Drafting Committee, representing the six official languages of the Conference, each group being chaired by a co-ordinator²⁶ and assisted by Secretariat linguistic experts. The co-ordinators, under the direction of the Chairman of the Drafting Committee, performed the major task of harmonizing the views of the language groups and of preparing proposals for the Drafting Committee, through meetings open to both members and non-members of the Drafting Committee. In addition to the meetings held during the regular sessions of the Conference, the Committee held inter-sessional meetings as follows:

—At United Nations Headquarters in New York, from 9 to 27 June 1980;

—At United Nations Headquarters in New York, from 12 January to 27 February 1981;

—At the Office of the United Nations in Geneva, from 29 June to 31 July 1981,

—At United Nations Headquarters in New York, from 18 January to 26 February 1982;

—At the Office of the United Nations in Geneva, from 12 July to 25 August 1982.

The Drafting Committee presented a first series of reports concerning the harmonization of recurring words and expressions.²⁷ The Committee presented a second series of reports containing recommendations arising out of the textual review of the convention.²⁸

V. RULES OF PROCEDURE AND CONDUCT OF NEGOTIATIONS

21. The Conference adopted its rules of procedure (A/CONF.62/30)²⁹ at the 20th meeting of its second session.²⁰ The declaration incorporating the Gentleman's Agreement approved by the General Assembly at its 2169th meeting at the twenty-eighth session, made by the President and endorsed by the Conference, was appended to the rules of procedure. The declaration provided that:

"Bearing in mind that the problems of ocean space are closely interrelated and need to be considered as a whole and the desirability of adopting a Convention on the Law of the Sea which will secure the widest possible acceptance,

²⁶ The co-ordinators of the language groups were as follows:

Arabic language group: Mustafa Kamil Yasseen (United Arab Emirates) and Mohammad Al-Haj Hamoud (Iraq).

Chinese language group: Wang Tiewa (China), Ni Zhengyu (China) and Zhang Hongzeng (China).

English language group: Bernard H. Oxman (United States) and Thomas A. Clingan (United States). Alternates: Steven Asher (United States) and Milton Drucker (United States).

French language group: Tullio Treves (Italy). Alternate: Lucius Cafilisch (Switzerland).

Russian language group: F. N. Kovalev (USSR), P. N. Evseev (USSR), Yevgeny N. Nasinovsky (USSR) and Georgy G. Ivanov (USSR).

Spanish language group: José Antonio Yturriaga Barbarán (Spain), José Manuel Lacleta Muñoz (Spain), José Antonio Pastor Ridruejo (Spain) and Luis Valencia Rodríguez (Ecuador).

²⁷ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XIII, document A/CONF.62/L.56; and *ibid.*, vol. XIV, documents A/CONF.62/L.57/Rev.1 and A/CONF.62/L.63/Rev.1.

²⁸ A/CONF.62/L.67/Add.1-16, A/CONF.62/L.75/Add.1-13, A/CONF.62/L.85/Add.1-9, A/CONF.62/L.142/Rev.1/Add.1 and A/CONF.62/L.152/Add.1-27.

²⁹ United Nations publication, Sales No. E.74.1.18.

"The Conference should make every effort to reach agreement on substantive matters by way of consensus and there should be no voting on such matters until all efforts at consensus have been exhausted."

22. The rules of procedure were subsequently amended by the Conference on 12 July 1974, on 17 March 1975 and on 6 March 1980.³⁰

23. At the 15th meeting of its second session,²⁰ the Conference determined the competence of the three Main Committees by allocating to the plenary or the Committees the subjects and issues on the list prepared in accordance with General Assembly resolution 2750 C (XXV) (A/CONF.62/29).²⁴ The Main Committees established informal working groups or other subsidiary bodies which assisted the Committees in their work.³¹

24. At the third session, at the request of the Conference, the Chairmen of the three Main Committees each prepared an informal single negotiating text covering the subjects entrusted to the respective Committee, which together constituted the informal single negotiating text (A/CONF.62/WP.8, Parts I to III),³² the nature of which is described in the introductory note by the President. Subsequently, the President of the Conference, taking into consideration the allocation of subjects and issues to the plenary and the Main Committee, submitted an informal single negotiating text on the subject of settlement of disputes (A/CONF.62/WP.9).³³

25. At the fourth session of the Conference, following a general debate as recorded in the summary records of the

³⁰ *Idem*, Sales No. E.81.I.5.

³¹ The First Committee appointed the following officers of the informal working groups set up by it between the second and eleventh sessions:

Christopher W. Pinto (Sri Lanka): Chairman of the informal body of the whole (see *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. II, First Committee, 1st meeting) and Chairman of the negotiating group on the system of operations, the régime and the conditions of exploration and exploitation of the Area, with a membership of 50 States, but open-ended (*ibid.*, 14th to 16th meetings);

S. P. Jagota (India) and H. H. M. Sondaal (Netherlands): Co-chairmen of the open-ended working group (*ibid.*, vol. VI, First Committee, 26th meeting);

Jens Evensen (Norway): Special Co-ordinator of the Chairman's informal working group of the whole on the system of exploitation (*ibid.*, vol. VII, First Committee, 38th meeting);

Satya N. Nandan (Fiji): Chairman of the informal group on the question of production policies, established under the auspices of negotiating group I (*ibid.*, vol. IX, 114th meeting);

Paul Bamela Engo (United Republic of Cameroon), Chairman of the First Committee, Francis X. Njenga (Kenya), Tommy T. B. Koh (Singapore) and Harry Wuensche (German Democratic Republic): Co-chairmen of the working group of 21 on First Committee issues with the Chairman of the First Committee as principal co-ordinator. The working group consisted of 10 members nominated by the Group of 77, China, and 10 members nominated by the principal industrialized countries with alternates for each group. The working group was constituted with members and alternates as necessary to represent the interests of the issue under consideration (*ibid.*, vol. XI, Meetings of the General Committee, 45th meeting).

The Second Committee set up informal consultative groups, at different stages, chaired by the three Vice-Chairmen, the representatives of Czechoslovakia, Kenya and Turkey, and by the Rapporteur of the Committee, Satya N. Nandan (Fiji) (*ibid.*, vol. IV, documents A/CONF.62/C.2/L.87 and A/CONF.62/C.2/L.89/Rev.1).

The Third Committee appointed the following officers of its informal meetings:

José Luis Vallarta (Mexico): Chairman of the informal meetings on protection and preservation of the marine environment (*ibid.*, vol. II, Third Committee).

Cornel A. Metternich (Federal Republic of Germany): Chairman of the informal meetings on scientific research and the development and transfer of technology (*ibid.*; see also vol. III, document A/CONF.62/C.3/L.16).

³² See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IV.

³³ *ibid.*, vol. V.

58th to 65th plenary meetings,³³ at the request of the Conference the President prepared a revised text on the settlement of disputes (A/CONF.62/WP.9/Rev.1),³³ which constituted Part IV of the informal single negotiating text in document A/CONF.62/WP.8. At the same session, the Chairmen of the Committees each prepared a revised single negotiating text (A/CONF.62/WP.8/Rev.1, Parts I to III)³³ and the note by the President which is attached to the text describes its nature.

26. During the fifth session, at the request of the Conference,³⁴ the President prepared a revised single negotiating text on the settlement of disputes (A/CONF.62/WP.9/Rev.2),³⁵ which constituted the fourth part of the revised single negotiating text (A/CONF.62/WP.8/Rev.1).

27. At its sixth session, the Conference requested the President and the Chairmen of the Main Committees, working under the President's leadership as a team with which the Chairman of the Drafting Committee and the Rapporteur-General were associated,³⁶ which was subsequently referred to as "the Collegium",³⁷ to prepare an informal composite negotiating text (A/CONF.62/WP.10),³⁸ covering the entire range of subjects and issues contained in Parts I to IV of the revised single negotiating text. The nature of the composite text so prepared was described in the President's memorandum (A/CONF.62/WP.10/Add.1).³⁸

28. At its seventh session, the Conference identified certain outstanding core issues and established seven negotiating groups (as recorded in A/CONF.62/62)³⁹ for the purpose of resolving these issues. Each group comprised a nucleus of countries principally concerned with the outstanding core issue, but was open-ended.

The Chairmen of the negotiating groups were:

Negotiating group on item 1	Francis X. Njenga (Kenya)
Negotiating group on item 2	Tommy T. B. Koh (Singapore)
Negotiating group on item 3	Paul Bamela Engo (United Republic of Cameroon), Chairman of the First Committee
Negotiating group on item 4	Satya N. Nandan (Fiji)
Negotiating group on item 5	Constantin A. Stavropoulos (Greece)
Negotiating group on item 6	Andrés Aguilar (Venezuela), Chairman of the Second Committee
Negotiating group on item 7	E. J. Manner (Finland)

The Chairmen of the negotiating groups were to report on the results of their negotiations to the Committee or the plenary functioning as a Committee, as appropriate, before they were presented to the plenary meeting.

29. The negotiations carried out at the seventh session and resumed seventh session of the Conference were reported on by the President concerning the work of the plenary functioning as a Main Committee, and by the Chairmen of the Main Committees and the negotiating groups. These reports, together with the report of the Chairman of the Drafting Committee, were incorporated in documents A/CONF.62/RCNG.1 and 2.³⁹ The Conference also laid down criteria for any modifications or revisions of the informal composite negotiating text, which are set out in document A/CONF.62/62.

³⁴ *Ibid.*, vol. VI, 71st plenary meeting.

³⁵ *Ibid.*, vol. VI.

³⁶ *Ibid.*, vol. VII, 79th plenary meeting.

³⁷ Memorandum attached to A/CONF.62/WP.10/Rev.2, dated 11 April 1980.

³⁸ *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. VIII.

³⁹ *Ibid.*, vol. X.

30. At the eighth session a group of legal experts was set up with Harry Wuensche (German Democratic Republic) as its Chairman.⁴⁰

31. On the basis of the deliberations of the Conference (111th to 116th plenary meetings)⁴¹ concerning the reports of the President, the Chairmen of the Main Committees, the Chairmen of the negotiating groups and the Chairman of the group of legal experts on consultations conducted by them, a revision of the informal composite negotiating text (A/CONF.62/WP.10/Rev.1) was prepared. The nature of the text was described in the explanatory memorandum by the President attached to the text.

32. At the resumed eighth session a further group of legal experts on final clauses was set up with Jens Evensen (Norway) as its Chairman.⁴²

33. The reports on the negotiations conducted at the resumed eighth session by the President, the Chairmen of the Main Committees, the Chairmen of the negotiating groups and the Chairmen of the two groups of legal experts together with the report of the Chairman of the Drafting Committee were incorporated in a memorandum by the President (A/CONF.62/91).⁴³

34. At its ninth session, on the basis of the report of the President concerning the work of the informal plenary meeting (A/CONF.62/L.49/Add.1 and 2),²¹ the Conference considered the draft preamble prepared by the President (A/CONF.62/L.49)²¹ for incorporation in the next revision of the informal composite negotiating text (A/CONF.62/WP.10/Rev.1). On the basis of the deliberations of the Conference (125th to 128th plenary meetings)²¹ concerning the reports of the President, the Chairmen of the Main Committees, the Chairmen of the negotiating groups and the Chairmen of the groups of legal experts on the consultations conducted by them, and the report of the Chairman of the Drafting Committee on its work, the Collegium undertook a second revision of the informal composite negotiating text, presented as the informal composite negotiating text (A/CONF.62/WP.10/Rev.2), the nature of which was described in the President's explanatory memorandum attached to it.

35. At its resumed ninth session, on the basis of the deliberations of the Conference (134th to 140th plenary meetings)⁴⁴ concerning the reports of the President and the Chairmen of the Main Committees on the consultations conducted by them, the Collegium prepared a further revision of the informal composite negotiating text. The revised text, titled "Draft Convention on the Law of the Sea (Informal Text)" (A/CONF.62/WP.10/Rev.3), was issued together with the explanatory memorandum of the President (A/CONF.62/WP.10/Rev.3/Add.1), which described the nature of the text.

36. The Conference also decided, at its 141st plenary meeting, that the statement of understanding on an exceptional method of delimitation of the continental shelf applicable to certain specific geological and geomorphological conditions would be incorporated in an annex to the Final Act.⁴⁴

37. The Conference decided that the tenth session was to determine the status to be given to the draft convention (informal text).⁴⁵

38. Following the deliberations of the Conference at its tenth and resumed tenth sessions (142nd to 155th plenary meetings),²³ the Collegium prepared a revision of the draft convention on the law of the sea (informal text). The Conference decided that the text as revised (A/CONF.62/L.78)²³ was the official draft convention of the Conference, subject only to the specific conditions recorded in document A/CONF.62/114.²³ At the resumed tenth session, the Conference decided that the decisions taken in the informal plenary concerning the seats of the International Sea-Bed Authority (Jamaica) and the International Tribunal for the Law of the Sea (the Free and Hanseatic City of Hamburg in the Federal Republic of Germany) should be incorporated in the revision of the draft convention; and that the introductory note to that revision should record the requirements agreed upon when the decision concerning the two seats was taken.

39. Following consideration, at the 120th plenary meeting,⁴³ of the final clauses and in particular the question of entry into force of the convention, the question of establishing a preparatory commission for the International Sea-Bed Authority and the convening of the International Tribunal for the Law of the Sea was considered in plenary meeting at the ninth session. The President, on the basis of the deliberations of the informal plenary meeting, prepared a draft resolution to be adopted by the Conference concerning interim arrangements, which was annexed to his report (A/CONF.62/L.55).²¹ On the basis of the further consideration of the subject jointly by the plenary and the First Committee at the tenth, resumed tenth and eleventh sessions, the President and the Chairman of the First Committee presented a draft resolution (A/CONF.62/C.1/L.30, annex I).⁴⁶

40. Following consideration at the eleventh session of the question of the treatment to be accorded to preparatory investments made before the convention enters into force, provided that such investments are compatible with the convention and would not defeat its object and purpose, the President and the Chairman of the First Committee presented a draft resolution contained in annex II to their report A/CONF.62/C.1/L.30. The question of participation in the convention was considered by the plenary meetings of the Conference during the eighth to eleventh sessions, and the President presented a report on the consultations at the eleventh session in document A/CONF.62/L.86.⁴⁶

41. At the 155th plenary meeting, the eleventh session had been declared as the final decision-making session of the Conference.²³ During that session, on the basis of the deliberations of the Conference (157th to 166th plenary meetings)⁴⁶ concerning the report of the President (A/CONF.62/L.86) and the reports of the Chairmen of the Main Committees (A/CONF.62/L.87, L.91 and L.92)⁴⁶ on the negotiations conducted by them and the report of the Chairman of the Drafting Committee on its work (A/CONF.62/L.85 and L.89), the Collegium issued a memorandum (A/CONF.62/L.93)⁴⁶ containing changes to be incorporated in the draft convention on the law of the sea (A/CONF.62/L.78), and document A/CONF.62/L.94⁴⁶ setting out three draft resolutions and a draft decision of the Conference which were to be adopted at the same time as the draft convention.

The Conference determined that all efforts at reaching general agreement had been exhausted.⁴⁷ Throughout the preceding eight years of its work the Conference had taken all deci-

⁴⁰ The group of legal experts on the settlement of disputes relating to Part XI of the informal composite negotiating text was established by the Chairman of the First Committee in consultation with the President as reflected at the 114th meeting of the plenary and in A/CONF.62/L.36 and A/CONF.62/C.1/L.25; see vol. XI.

⁴¹ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XI.

⁴² The group of legal experts on final clauses was established by the President, to deal with the technical aspects of final clauses, after their preliminary consideration in informal plenary meetings; see vol. XII, 120th plenary meeting.

⁴³ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XII.

⁴⁴ *Ibid.*, vol. XIV.

⁴⁵ *Ibid.*, 141st plenary meeting; also referred to in A/CONF.62/BUR.13/Rev.1.

⁴⁶ *Ibid.*, vol. XVI.

⁴⁷ *Ibid.*, vol. XVI, 174th plenary meeting.

sions by consensus although it had exceptionally resorted to a vote only on procedural questions, on questions concerning the appointment of officials and on invitations to be extended to participants in the Conference as observers.

42. On the basis of the deliberations recorded in the records of the Conference (167th to 182nd plenary meetings),⁴⁶ the Conference drew up:

The United Nations Convention on the Law of the Sea

Resolution I on the establishment of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea;

Resolution II governing preparatory investment in pioneer activities relating to polymetallic nodules;

Resolution III relating to territories whose people have not obtained either full independence or some other self-governing status recognized by the United Nations or territories under colonial domination;

Resolution IV relating to national liberation movements.

The foregoing Convention together with resolutions I to IV, forming an integral whole, was adopted at the 182nd plenary meeting on 30 April 1982,⁴⁶ by a recorded vote taken at the request of one delegation.⁴⁶ The Convention together with resolutions I to IV was adopted subject to drafting changes thereafter approved by the Conference⁴⁹ which were incorporated in the Convention and in resolutions I to IV, which are annexed to this Final Act (annex I). The Convention is subject to ratification and is opened for signature from 10 December 1982 until 9 December 1984 at the Ministry of Foreign Affairs of Jamaica and also from 1 July 1983 until 9 December 1984 at United Nations Headquarters. The same instrument is opened for accession in accordance with its provisions.

After 9 December 1984, the closing date for signature at United Nations Headquarters, the Convention will be deposited with the Secretary-General of the United Nations.

There are annexed to this Final Act:

The Statement of Understanding referred to in paragraph 36 above (annex II) and the following resolutions adopted by the Conference:

Resolution paying tribute to Simón Bolívar the Liberator (annex III),⁵⁰

Resolution expressing gratitude to the President, the Government and officials of Venezuela (annex IV);⁵¹

Tribute to the Amphictyonic Congress of Panama (annex V);⁵²

Resolution on Development of National Marine Science, Technology and Ocean Service Infrastructures (annex VI);⁵³

IN WITNESS WHEREOF the representatives have signed this Final Act.⁵⁴

DONE at Montego Bay this tenth day of December, one thousand nine hundred and eighty-two, in a single copy in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the United Nations Secretariat.

⁴⁶ Recorded vote taken at the request of the delegation of the United States of America, with two delegations not participating in the vote. The result was 130 in favour, 4 against, with 17 abstentions.

⁴⁹ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVI, 182nd plenary meeting; see also 184th plenary meeting in the present volume.

⁵⁰ *Ibid.*, vol. I, 43rd plenary meeting.

⁵¹ *Ibid.*, 51st plenary meeting.

⁵² *Ibid.*, vol. VI, 76th plenary meeting.

⁵³ *Ibid.*, vol. XVI, 182nd plenary meeting.

⁵⁴ Additional pages were added for the signatures.

The President of the Conference:

The Special Representative of the Secretary-General to the Conference:

The Executive Secretary of the Conference:

ANNEX I

RESOLUTION I

Establishment of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea

The Third United Nations Conference on the Law of the Sea,

Having adopted the Convention on the Law of the Sea which provides for the establishment of the International Sea-Bed Authority and the International Tribunal for the Law of the Sea,

Having decided to take all possible measures to ensure the entry into effective operation without undue delay of the Authority and the Tribunal and to make the necessary arrangements for the commencement of their functions,

Having decided that a Preparatory Commission should be established for the fulfilment of these purposes,

Decides as follows:

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 fifty States, the Secretary-General of the United Nations shall convene the Commission, and it shall meet no sooner than sixty days and no later than ninety days thereafter;

2. 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;

3. The Commission shall elect its Chairman and other officers;

4. The Rules of Procedure of the Third United Nations Conference on the Law of the Sea shall apply *mutatis mutandis* to the adoption of the rules of procedure of the Commission;

5. The Commission shall:

(a) prepare the provisional agenda for the first session of the Assembly and of the Council and, as appropriate, make recommendations relating to items thereon;

(b) prepare draft rules of procedure of the Assembly and of the Council;

(c) make recommendations concerning the budget for the first financial period of the Authority;

(d) make recommendations concerning the relationship between the Authority and the United Nations and other international organizations;

(e) make recommendations concerning the Secretariat of the Authority in accordance with the relevant provisions of the Convention;

(f) undertake studies, as necessary, concerning the establishment of the headquarters of the Authority, and make recommendations relating thereto;

(g) prepare draft rules, regulations and procedures, as necessary, to enable the Authority to commence its functions, including draft regulations concerning the financial management and the internal administration of the Authority;

(h) exercise the powers and functions assigned to it by resolution II of the Third United Nations Conference on the Law of the Sea relating to preparatory investment;

(i) undertake studies on 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 with a view to minimizing their difficulties and helping them to make the necessary economic adjustment, including studies on the establishment of a compensation fund, and submit recommendations to the Authority thereon;

6. The Commission shall have such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes as set forth in this resolution;

7. The Commission may establish such subsidiary bodies as are necessary for the exercise of its functions and shall determine their functions and rules of procedure. It may also make use, as appropriate, of outside sources of expertise in accordance with United Nations practice to facilitate the work of bodies so established;

8. The Commission shall establish a special commission for the Enterprise and entrust to it the functions referred to in paragraph 12 of resolution II of the Third United Nations Conference on the Law of the Sea relating to preparatory investment. The special commission shall take all measures necessary for the early entry into effective operation of the Enterprise;

9. The Commission shall establish a special commission on 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 and entrust to it the functions referred to in paragraph 5 (i);

10. The Commission shall prepare a report containing recommendations for submission to the meeting of the States Parties to be convened in accordance with Annex VI, article 4, of the Convention regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea;

11. The Commission shall prepare a final report on all matters within its mandate, except as provided in paragraph 10, for the presentation to the Assembly at its first session. Any action which may be taken on the basis of the report must be in conformity with the provisions of the Convention concerning the powers and functions entrusted to the respective organs of the Authority;

12. The Commission shall meet at the seat of the Authority if facilities are available; it shall meet as often as necessary for the expeditious exercise of its functions;

13. The Commission shall remain in existence until the conclusion of the first session of the Assembly, at which time its property and records shall be transferred to the Authority;

14. The expenses of the Commission shall be met from the regular budget of the United Nations, subject to the approval of the General Assembly;

15. The Secretary-General of the United Nations shall make available to the Commission such secretariat services as may be required;

16. The Secretary-General of the United Nations shall bring this resolution, in particular paragraphs 14 and 15, to the attention of the General Assembly for necessary action.

RESOLUTION II

Governing preparatory investment in pioneer activities relating to polymetallic nodules

The Third United Nations Conference on the Law of the Sea, Having adopted the Convention on the Law of the Sea (the "Convention"),

Having established by resolution I the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea (the "Commission") and directed it to prepare draft rules, regulations and procedures, as necessary to enable the Authority to commence its functions, as well as to make recommendations for the early entry into effective operation of the Enterprise,

Desirous of making provision for investments by States and other entities made in a manner compatible with the international régime set forth in Part XI of the Convention and the Annexes relating thereto, before the entry into force of the Convention,

Recognizing the need to ensure that the Enterprise will be provided with the funds, technology and expertise necessary to enable it to keep pace with the States and other entities referred to in the preceding paragraph with respect to activities in the Area,

Decides as follows:

1. For the purposes of this resolution:

(a) "pioneer investor" refers to:

- (i) France, India, Japan and the Union of Soviet Socialist Republics, or a state enterprise of each of those States or one natural or juridical person which possesses the nationality of

or is effectively controlled by each of those States, or their nationals, provided that the State concerned signs the Convention and the State or state enterprise or natural or juridical person has expended, before 1 January 1983, an amount equivalent to at least \$US 30 million (United States dollars calculated in constant dollars relative to 1982) in pioneer activities and has expended no less than 10 per cent of that amount in the location, survey and evaluation of the area referred to in paragraph 3 (a);

- (ii) four entities, whose components being natural or juridical persons^a possess the nationality of one or more of the following States, or are effectively controlled by one or more of them or their nationals: Belgium, Canada, the Federal Republic of Germany, Italy, Japan, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, provided that the certifying State or States sign the Convention and the entity concerned has expended, before 1 January 1983, the levels of expenditure for the purpose stated in subparagraph (i);
- (iii) any developing State which signs the Convention or any state enterprise or natural or juridical person which possesses the nationality of such State or is effectively controlled by it or its nationals, or any group of the foregoing, which, before 1 January 1985, has expended the levels of expenditure for the purpose stated in subparagraph (i);

The rights of the pioneer investor may devolve upon its successor in interest.

(b) "pioneer activities" means undertakings, commitments of financial and other assets, investigations, findings, research, engineering development and other activities relevant to the identification, discovery, and systematic analysis and evaluation of polymetallic nodules and to the determination of the technical and economic feasibility of exploitation. Pioneer activities include:

- (i) any at-sea observation and evaluation activity which has as its objective the establishment and documentation of the nature, shape, concentration, location and grade of polymetallic nodules and of the environmental, technical and other appropriate factors which must be taken into account before exploitation;
- (ii) the recovery from the Area of polymetallic nodules with a view to the designing, fabricating and testing of equipment which is intended to be used in the exploitation of polymetallic nodules;
- (c) "certifying State" means a State which signs the Convention, standing in the same relation to a pioneer investor as would a sponsoring State pursuant to Annex III, article 4, of the Convention and which certifies the levels of expenditure specified in subparagraph (a);
- (d) "polymetallic nodules" means one of the resources of the Area consisting of any deposit or accretion of nodules, on or just below the surface of the deep sea-bed, which contain manganese, nickel, cobalt and copper;

(e) "pioneer area" means an area allocated by the Commission to a pioneer investor for pioneer activities pursuant to this resolution. A pioneer area shall not exceed 150,000 square kilometres. The pioneer investor shall relinquish portions of the pioneer area to revert to the Area, in accordance with the following schedule:

- (i) 20 per cent of the area allocated by the end of the third year from the date of the allocation;
- (ii) an additional 10 per cent of the area allocated by the end of the fifth year from the date of the allocation;
- (iii) an additional 20 per cent of the area allocated or such larger amount as would exceed the exploitation area decided upon by the Authority in its rules, regulations and procedures, after eight years from the date of the allocation of the area or the date of the award of a production authorization, whichever is earlier;

(f) "Area", "Authority", "activities in the Area" and "resources" have the meanings assigned to those terms in the Convention.

2. As soon as the Commission begins to function, any State which has signed the Convention may apply to the Commission on its behalf or on behalf of any state enterprise or entity or natural or juridical person specified in paragraph 1 (a) for registration as a pioneer investor.

^a For their identity and composition see *Sea-Bed Mineral Resource Development: Recent Activities of the International Consortia* (United Nations publication E.80.II.A.9) and addendum.

The Commission shall register the applicant as a pioneer investor if the application:

(a) is accompanied, in the case of a State which has signed the Convention, by a statement certifying the level of expenditure made in accordance with paragraph 1 (a), and, in all other cases, by a certificate concerning such level of expenditure issued by a certifying State or States; and

(b) is in conformity with the other provisions of this resolution, including paragraph 5.

3. (a) Every application shall cover a total area which need not be a single continuous area, sufficiently large and of sufficient estimated commercial value to allow two mining operations. The application shall indicate the co-ordinates of the area defining the total area and dividing it into two parts of equal estimated commercial value and shall contain all the data available to the applicant with respect to both parts of the area. Such data shall include, *inter alia*, information relating to mapping, testing, the density of polymetallic nodules and their metal content. In dealing with such data, the Commission and its staff shall act in accordance with the relevant provisions of the Convention and its Annexes concerning the confidentiality of data.

(b) Within forty-five days of receiving the data required by subparagraph (a), the Commission shall designate the part of the area which is to be reserved in accordance with the Convention for the conduct of activities in the Area by the Authority through the Enterprise or in association with developing States. The other part of the area shall be allocated to the pioneer investor as a pioneer area.

4. No pioneer investor may be registered in respect of more than one pioneer area. In the case of a pioneer investor which is made up of two or more components, none of such components may apply to be registered as a pioneer investor in its own right or under paragraph 1 (a) (iii).

5. (a) Any State which has signed the Convention and which is a prospective certifying State shall ensure, before making applications to the Commission under paragraph 2, that areas in respect of which applications are made do not overlap one another or areas previously allocated as pioneer areas. The States concerned shall keep the Commission currently and fully informed of any efforts to resolve conflicts with respect to overlapping claims and of the results thereof.

(b) Certifying States shall ensure, before the entry into force of the Convention, that pioneer activities are conducted in a manner compatible with it.

(c) The prospective certifying States, including all potential claimants, shall resolve their conflicts as required under subparagraph (a) by negotiations within a reasonable period. If such conflicts have not been resolved by 1 March 1983, the prospective certifying States shall arrange for the submission of all such claims to binding arbitration in accordance with the United Nations Commission on International Trade Law Arbitration Rules to commence not later than 1 May 1983 and to be completed by 1 December 1984. If one of the States concerned does not wish to participate in the arbitration, it shall arrange for a juridical person of its nationality to represent it in the arbitration. The arbitral tribunal may, for good cause, extend the deadline for the making of the award for one or more thirty-day periods.

(d) In determining the issue as to which applicant involved in a conflict shall be awarded all or part of each area in conflict, the arbitral tribunal shall find a solution which is fair and equitable, having regard, with respect to each applicant involved in the conflict, to the following factors:

- (i) the deposit of the list of relevant co-ordinates with the prospective certifying State or States not later than the date of adoption of the Final Act or 1 January 1983, whichever is earlier;
- (ii) the continuity and extent of past activities relevant to each area in conflict and to the application area of which it is a part;
- (iii) the date on which each pioneer investor concerned or predecessor in interest or component organization thereof commenced activities at sea in the application area;
- (iv) the financial cost of activities measured in constant United States dollars relevant to each area in conflict and to the application area of which it is a part; and
- (v) the time when those activities were carried out and the quality of activities.

6. A pioneer investor registered pursuant to this resolution shall, from the date of registration, have the exclusive right to carry out pioneer activities in the pioneer area allocated to it.

7. (a) Every applicant for registration as a pioneer investor shall pay to the Commission a fee of \$US 250,000. When the pioneer investor applies to the Authority for a plan of work for exploration and exploitation the fee referred to in Annex III, article 13, paragraph 2, of the Convention shall be \$US 250,000.

(b) Every registered pioneer investor shall pay an annual fixed fee of \$US 1 million commencing from the date of the allocation of the pioneer area. The payments shall be made by the pioneer investor to the Authority upon the approval of its plan of work for exploration and exploitation. The financial arrangements undertaken pursuant to such plan of work shall be adjusted to take account of the payments made pursuant to this paragraph.

(c) Every registered pioneer investor shall agree to incur periodic expenditures, with respect to the pioneer area allocated to it, until approval of its plan of work pursuant to paragraph 8, of an amount to be determined by the Commission. The amount should be reasonably related to the size of the pioneer area and the expenditures which would be expected of a *bona fide* operator who intends to bring that area into commercial production within a reasonable time.

8. (a) Within six months of the entry into force of the Convention and certification by the Commission, in accordance with paragraph 11, of compliance with this resolution, the pioneer investor so registered shall apply to the Authority for approval of a plan of work for exploration and exploitation, in accordance with the Convention. The plan of work in respect of such application shall comply with and be governed by the relevant provisions of the Convention and the rules, regulations and procedures of the Authority, including those on the operational requirements, the financial requirements and the undertakings concerning the transfer of technology. Accordingly, the Authority shall approve such application.

(b) When an application for approval of a plan of work is submitted by an entity other than a State, pursuant to subparagraph (a), the certifying State or States shall be deemed to be the sponsoring State for the purposes of Annex III, article 4, of the Convention, and shall thereupon assume such obligations.

(c) No plan of work for exploration and exploitation shall be approved unless the certifying State is a Party to the Convention. In the case of the entities referred to in paragraph 1 (a) (ii), the plan of work for exploration and exploitation shall not be approved unless all the States whose natural or juridical persons comprise those entities are Parties to the Convention. If any such State fails to ratify the Convention within six months after it has received a notification from the Authority that an application by it, or sponsored by it, is pending, its status as a pioneer investor or certifying State, as the case may be, shall terminate, unless the Council, by a majority of three fourths of its members present and voting, decides to postpone the terminal date for a period not exceeding six months.

9. (a) In the allocation of production authorizations, in accordance with article 151 and Annex III, article 7, of the Convention, the pioneer investors who have obtained approval of plans of work for exploration and exploitation shall have priority over all applicants other than the Enterprise which shall be entitled to production authorizations for two mine sites including that referred to in article 151, paragraph 5, of the Convention. After each of the pioneer investors has obtained production authorization for its first mine site, the priority for the Enterprise contained in Annex III, article 7, paragraph 6, of the Convention shall apply.

(b) Production authorizations shall be issued to each pioneer investor within thirty days of the date on which that pioneer investor notifies the Authority that it will commence commercial production within five years. If a pioneer investor is unable to begin production within the period of five years for reasons beyond its control, it shall apply to the Legal and Technical Commission for an extension of time. That Commission shall grant the extension of time, for a period not exceeding five years and not subject to further extension, if it is satisfied that the pioneer investor cannot begin on an economically viable basis at the time originally planned. Nothing in this subparagraph shall prevent the Enterprise or any other pioneer applicant, who has notified the Authority that it will commence commercial production within five years, from being given a priority over any applicant who has obtained an extension of time under this subparagraph.

(c) If the Authority, upon being given notice, pursuant to subparagraph (b), determines that the commencement of commercial

production within five years would exceed the production ceiling in article 151, paragraphs 2 to 7, of the Convention, the applicant shall hold a priority over any other applicant for the award of the next production authorization allowed by the production ceiling.

(d) If two or more pioneer investors apply for production authorizations to begin commercial production at the same time and article 151, paragraphs 2 to 7, of the Convention would not permit all such production to commence simultaneously, the Authority shall notify the pioneer investors concerned. Within three months of such notification, they shall decide whether and, if so, to what extent they wish to apportion the allowable tonnage among themselves.

(e) If, pursuant to subparagraph (d), the pioneer investors concerned decide not to apportion the available production among themselves, they shall agree on an order of priority for production authorizations and all subsequent applications for production authorizations will be granted after those referred to in this subparagraph have been approved.

(f) If, pursuant to subparagraph (d), the pioneer investors concerned decide to apportion the available production among themselves, the Authority shall award each of them a production authorization for such lesser quantity as they have agreed. In each case the stated production requirements of the applicant will be approved and their full production will be allowed as soon as the production ceiling admits of additional capacity sufficient for the applicants involved in the competition. All subsequent applications for production authorizations will only be granted after the requirements of this subparagraph have been met and the applicant is no longer subject to the reduction of production provided for in this subparagraph.

(g) If the parties fail to reach agreement within the stated time period, the matter shall be decided immediately by the means provided for in paragraph 5 (c) in accordance with the criteria set forth in Annex III, article 7, paragraphs 3 and 5, of the Convention.

10. (a) Any rights acquired by entities or natural or juridical persons which possess the nationality of or are effectively controlled by a State or States whose status as certifying State has been terminated, shall lapse unless the pioneer investor changes its nationality and sponsorship within six months of the date of such termination, as provided for in subparagraph (c).

(b) A pioneer investor may change its nationality and sponsorship from that existing at the time of its registration as a pioneer investor to that of any State Party to the Convention which has effective control over the pioneer investor in terms of paragraph 1 (a).

(c) Changes of nationality and sponsorship pursuant to this paragraph shall not affect any right or priority conferred on a pioneer investor pursuant to paragraphs 6 and 8.

11. The Commission shall:

(a) provide each pioneer investor with the certificate of compliance with the provisions of this resolution referred to in paragraph 8; and

(b) include in its final report required by paragraph 11 of resolution I of the Conference details of all registrations of pioneer investors and allocations of pioneer areas pursuant to this resolution.

12. In order to ensure that the Enterprise is able to carry out activities in the Area in such a manner as to keep pace with States and other entities:

(a) every registered pioneer investor shall:

(i) carry out exploration, at the request of the Commission, in the area reserved, pursuant to paragraph 3 in connection with its application, for activities in the Area by the Authority through the Enterprise or in association with developing States, on the basis that the costs so incurred plus interest thereon at the rate of 10 per cent per annum shall be reimbursed;

(ii) provide training at all levels for personnel designated by the Commission;

(iii) undertake, before the entry into force of the Convention, to perform the obligations prescribed in the Convention relating to transfer of technology;

(b) every certifying State shall:

(i) ensure that the necessary funds are made available to the Enterprise in a timely manner in accordance with the Convention, upon its entry into force; and

(ii) report periodically to the Commission on the activities carried out by it, by its entities or natural or juridical persons.

13. The Authority and its organs shall recognize and honour the rights and obligations arising from this resolution and the decisions of the Commission taken pursuant to it.

14. Without prejudice to paragraph 13, this resolution shall have effect until the entry into force of the Convention.

15. Nothing in this resolution shall derogate from Annex III, article 6, paragraph 3 (c), of the Convention.

RESOLUTION III

The Third United Nations Conference on the Law of the Sea, Having regard to the Convention on the Law of the Sea, Bearing in mind the Charter of the United Nations, in particular Article 73,

1. Declares that:

(a) In the case of a territory whose people have not attained full independence or other self-governing status recognized by the United Nations, or a territory under colonial domination, provisions concerning rights and interests under the Convention shall be implemented for the benefit of the people of the territory with a view to promoting their well-being and development.

(b) Where a dispute exists between States over the sovereignty of a territory to which this resolution applies, in respect of which the United Nations has recommended specific means of settlement, there shall be consultations between the parties to that dispute regarding the exercise of the rights referred to in subparagraph (a). In such consultations the interests of the people of the territory concerned shall be a fundamental consideration. Any exercise of those rights shall take into account the relevant resolutions of the United Nations and shall be without prejudice to the position of any party to the dispute. The States concerned shall make every effort to enter into provisional arrangements of a practical nature and shall not jeopardize or hamper the reaching of a final settlement of the dispute.

2. Requests the Secretary-General of the United Nations to bring this resolution to the attention of all Members of the United Nations and the other participants in the Conference, as well as the principal organs of the United Nations, and to request their compliance with it.

RESOLUTION IV

The Third United Nations Conference on the Law of the Sea, Bearing in mind that national liberation movements have been invited to participate in the Conference as observers in accordance with rule 62 of its rules of procedure,

Decides that the national liberation movements, which have been participating in the Third United Nations Conference on the Law of the Sea, shall be entitled to sign the Final Act of the Conference, in their capacity as observers.

ANNEX II

Statement of understanding concerning a specific method to be used in establishing the outer edge of the continental margin

The Third United Nations Conference on the Law of the Sea,

Considering the special characteristics of a State's continental margin where: (1) the average distance at which the 200 metre isobath occurs is not more than 20 nautical miles; (2) the greater proportion of the sedimentary rock of the continental margin lies beneath the rise, and

Taking into account the inequity that would result to that State from the application to its continental margin of article 76 of the Convention, in that the mathematical average of the thickness of sedimentary rock along a line established at the maximum distance permissible in accordance with the provisions of paragraph 4 (a) (i) and (ii) of that article as representing the entire outer edge of the continental margin would not be less than 3.5 kilometres, and that more than half of the margin would be excluded thereby,

Recognizes that such State may, notwithstanding the provisions of article 76, establish the outer edge of its continental margin by straight lines not exceeding 60 nautical miles in length connecting fixed points, defined by latitude and longitude, at each of which the thickness of sedimentary rock is not less than 1 kilometre;

Where a State establishes the outer edge of its continental margin by applying the method set forth in the preceding paragraph of this

statement, this method may also be utilized by a neighbouring State for delineating the outer edge of its continental margin on a common geological feature, where its outer edge would lie on such feature on a line established at the maximum distance permissible in accordance with article 76, paragraph 4 (a) (i) and (ii), along which the mathematical average of the thickness of sedimentary rock is not less than 3.5 kilometres;

Requests the Commission on the Limits of the Continental Shelf, set up pursuant to Annex II of the Convention, to be governed by the terms of this Statement when making its recommendations on matters related to the establishment of the outer edge of the continental margins of these States in the southern part of the Bay of Bengal.

ANNEX III

Tribute to Simón Bolívar the Liberator

The Third United Nations Conference on the Law of the Sea,

Considering that 24 July 1974 marks a further anniversary of the birth of Simón Bolívar the Liberator, a man of vision and early champion of international organization, and a historic figure of universal dimensions,

Considering further that the work of Simón Bolívar the Liberator, based on the concepts of liberty and justice as foundations for the peace and progress of peoples, has left an indelible mark on history and constitutes a source of constant inspiration,

Decides to pay a public tribute of admiration and respect to Simón Bolívar the Liberator, in the plenary meeting of the Third United Nations Conference on the Law of the Sea.

ANNEX IV

Resolution Expressing Gratitude to the President, the Government and Officials of Venezuela

The Third United Nations Conference on the Law of the Sea,

Bearing in mind that its second session was held in the city of Caracas, cradle of Simón Bolívar, Liberator of five nations, who devoted his life to fighting for the self-determination of peoples, equality among States and justice as the expression of their common destiny,

Acknowledging with keen appreciation the extraordinary effort made by the Government and the people of Venezuela, which enabled the Conference to meet in the most favourable spirit of brotherhood and in unparalleled material conditions,

Decides:

1. To express to His Excellency the President of the Republic of Venezuela, the President and members of the Organizing Committee of the Conference and the Government and people of Venezuela its deepest gratitude for the unforgettable hospitality which they have offered it;

2. To give voice to its hope that the ideals of social justice, equality among nations and solidarity among peoples advocated by the Liberator Simón Bolívar will serve to guide the future work of the Conference.

ANNEX V

Tribute to the Amphictyonic Congress of Panama

The Third United Nations Conference on the Law of the Sea, at its fifth session,

Considering that the current year 1976 marks the one hundred and fiftieth anniversary of the Amphictyonic Congress of Panama, convoked by the Liberator Simón Bolívar for the laudable and visionary purpose of uniting the Latin American peoples,

Considering likewise that a spirit of universality prevailed at the Congress of Panama, which was ahead of its time and which foresaw that only on the basis of union and reciprocal co-operation is it possible to guarantee peace and promote the development of nations,

Considering further that the Congress of Panama evoked the prestigious and constructive Greek Amphictyony and anticipated the ecumenical and creative image of the United Nations,

Decides to render to the Amphictyonic Congress of Panama, in a plenary meeting of the Third United Nations Conference on the Law of the Sea, at its fifth session, a public tribute acknowledging its expressive historic significance.

ANNEX VI

Resolution on Development of National Marine Science, Technology and Ocean Service Infrastructures

The Third United Nations Conference on the Law of the Sea,

Recognizing that the Convention on the Law of the Sea is intended to establish a new régime for the seas and oceans which will contribute to the realization of a just and equitable international economic order through making provision for the peaceful use of ocean space, the equitable and efficient management and utilization of its resources, and the study, protection and preservation of the marine environment,

Bearing in mind that the new régime must take into account, in particular, the special needs and interests of the developing countries, whether coastal, land-locked or geographically disadvantaged,

Aware of the rapid advances being made in the field of marine science and technology, and the need for the developing countries, whether coastal, land-locked or geographically disadvantaged, to share in these achievements if the aforementioned goals are to be met,

Convinced that, unless urgent measures are taken, the marine scientific and technological gap between the developed and the developing countries will widen further and thus endanger the very foundations of the new régime,

Believing that optimum utilization of the new opportunities for social and economic development offered by the new régime will be facilitated through action at the national and international level aimed at strengthening national capabilities in marine science, technology and ocean services, particularly in the developing countries, with a view to ensuring the rapid absorption and efficient application of technology and scientific knowledge available to them,

Considering that national and regional marine scientific and technological centres would be the principal institutions through which States, and, in particular, the developing countries, foster and conduct marine scientific research, and receive and disseminate marine technology,

Recognizing the special role of the competent international organizations envisaged by the Convention on the Law of the Sea, especially in relation to the establishment and development of national and regional marine scientific and technological centres,

Noting that present efforts undertaken within the United Nations system in training, education and assistance in the field of marine science and technology and ocean services are far below current requirements and would be particularly inadequate to meet the demands generated through operation of the Convention on the Law of the Sea,

Welcoming recent initiatives within international organizations to promote and co-ordinate their major international assistance programmes aimed at strengthening marine science infrastructures in developing countries,

1. *Calls upon* all Member States to determine appropriate priorities in their development plans for the strengthening of their marine science, technology and ocean services;

2. *Calls upon* the developing countries to establish programmes for the promotion of technical co-operation among themselves in the field of marine science, technology and ocean service development;

3. *Urges* the industrialized countries to assist the developing countries in the preparation and implementation of their marine science, technology and ocean service development programmes;

4. *Recommends* that the World Bank, the regional banks, the United Nations Development Programme, the United Nations Financing System for Science and Technology for Development and other multilateral funding agencies augment and co-ordinate their operations for the provision of funds to developing countries for the preparation and implementation of major programmes of assistance in strengthening their marine science, technology and ocean services;

5. *Recommends* that all competent international organizations within the United Nations system expand programmes within their respective fields of competence for assistance to developing countries in the field of marine science technology and ocean services and co-ordinate their efforts on a system-wide basis in the implementation of

such programmes, paying particular attention to the special needs of the developing countries, whether coastal, land-locked or geographically disadvantaged;

6. *Requests* the Secretary-General of the United Nations to transmit this resolution to the General Assembly at its thirty-seventh session.

APPENDIX

Observers that participated at sessions of the Conference

States and territories

Cook Islands (third and tenth sessions)
Netherlands Antilles (third to resumed seventh sessions, resumed eighth session, ninth and eleventh sessions)
Papua New Guinea (third session)
Seychelles (fifth session)
Suriname (third session)
Trust Territory of the Pacific Islands (third to eleventh sessions)

Liberation movements

African National Congress (South Africa)
African National Council (Zimbabwe)
African Party for the Independence of Guinea and Cape Verde Islands (PAIGC)
Palestine Liberation Organization
Pan Africanist Congress of Azania (South Africa)
Patriotic Front (Zimbabwe)
Seychelles People's United Party (SPUP)
South West Africa People's Organization (SWAPO)

Specialized agencies and other organizations

International Labour Organisation (ILO)
Food and Agriculture Organization of the United Nations (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
Intergovernmental Oceanographic Commission (IOC)
International Civil Aviation Organization (ICAO)
World Health Organization (WHO)
World Bank
International Telecommunication Union (ITU)
World Meteorological Organization (WMO)
International Maritime Organization (IMO)
World Intellectual Property Organization (WIPO)

International Atomic Energy Agency (IAEA)

Intergovernmental organizations

Andean Development Corporation
Asian-African Legal Consultative Committee
Commonwealth Secretariat
Council of Arab Economic Unity
Council of Europe
European Communities
Inter-American Development Bank
International Hydrographic Bureau
International Oil Pollution Compensation Fund
League of Arab States
Organization of African Unity
Organization of American States
Organization of Arab Petroleum Exporting Countries
Organization of the Islamic Conference
Organization for Economic Co-operation and Development
Organization of Petroleum Exporting Countries
Permanent Commission for the South Pacific
Saudi-Sudanese Red Sea Joint Commission
West African Economic Community

Non-governmental organizations

Category I

International Chamber of Commerce
International Confederation of Free Trade Unions
International Co-operative Alliance
International Council of Voluntary Agencies
International Council of Women
International Youth and Student Movement for the United Nations
United Towns Organization
World Confederation of Labour
World Federation of United Nations Associations
World Muslim Congress

Category II

Arab Lawyers Union
Bahá'í International Community
Baptist World Alliance
Carnegie Endowment for International Peace
Commission of the Churches on International Affairs
Foundation for the Peoples of the South Pacific, Inc., The
Friends World Committee for Consultation
Inter-American Council of Commerce and Production
International Air Transport Association
International Association for Religious Freedom
International Bar Association
International Chamber of Shipping
International Commission of Jurists
International Co-operation for Socio-Economic Development
International Council of Environmental Law
International Council of Scientific Unions
International Federation for Human Rights
International Hotel Association
International Law Association
International Movement for Fraternal Union among Races and Peoples (UFER)
International Organization of Consumers' Unions
International Union for Conservation of Nature and Natural Resources
Latin American Association of Finance Development Institutions (ALIDE)
Mutual Assistance of the Latin American Government Oil Companies (ARPEL)
Pan American Federation of Engineering Societies (UPADI)
Pax Christi, International Catholic Peace Movement
Society for International Development (SID)
Women's International League for Peace and Freedom
World Alliance of Young Men's Christian Associations
World Association of World Federalists
World Conference on Religion and Peace
World Peace Through Law Centre
World Young Women's Christian Association

Roster

Asian Environmental Society
Center for Inter-American Relations
Commission to Study the Organization of Peace
Foresta Institute for Ocean and Mountain Studies
Friends of the Earth (F.O.E.)
International Institute for Environment and Development
International Ocean Institute
International Studies Association
National Audubon Society
Population Institute
Sierra Club
United Seamen's Service
World Federation of Scientific Workers
World Society of Ekistics