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INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION
(of Unesco)

REPORT ON THE PARTICIPATION BY THE IOC REPRESENTATIVE IN THE
ELEVENTH SESSION OF THE UNITED NATIONS CONFERENCE
ON THE LAW OF THE SEA
(New York, 8 March - 30 April 1982)

1. The Eleventh Session of the United Nations Conference on the Law of the Sea (UNCLOS) was held in New York from 8 March to 30 April 1982. It was attended by 157 States and representatives of UN organizations and intergovernmental and non-governmental organizations.

The Intergovernmental Oceanographic Commission was represented part-time by the Secretary.

Throughout the session the Conference adhered to a five-stage time-table approved by the Second Part of the Tenth Session (Geneva, August 1981).

The text of the Convention on the Law of the Sea was, in fact, approved on 30 April 1982. Having failed to arrive at a consensus, this was done in a vote requested by the United States which led to the adoption of the text by 130 in favour to 4 against, with 17 abstentions. Voting against were Israel, Turkey, the United States and Venezuela.

Abstaining in the vote were Belgium, Bulgaria, Byelorussia, Czechoslovakia, the German Democratic Republic, the Federal Republic of Germany, Hungary, Italy, Luxembourg, Mongolia, the Netherlands, Poland, Spain, Thailand, the Ukraine, the USSR and the United Kingdom.

2. The vote which the Conference took on the final day of its session was on a package that included not only the Convention but also four resolutions, including one submitted by Peru on behalf of the Group of 77, expressing the view that the maximum use of the new opportunities for economic and social development offered by the new Convention would be facilitated through action aimed at strengthening national capabilities in marine science, technology and ocean services, particularly in the developing countries (document A/CONF.62/L.127). It recommended assistance to the developing countries in the preparation and implementation of their marine science, technology and ocean service development programmes (see Annex I).

3. Resolution I (document A/CONF.62/L.94 modified by document A/CONF.62/L.132/Add.1) on the establishment of a Preparatory Commission defines the powers and functions of the body that is to prepare for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea, the two major organs to be established once the Convention enters into force.

The text carries over many provisions from the earlier one, according to which the Commission would prepare draft rules, regulations and procedures necessary to enable the Authority to commence its functions, as well as perform the traditional preparatory functions of drafting agendas and a budget. During the session it was given two additional functions.

The Commission would begin meeting between 60 and 90 days after 50 States signed or acceded to the Convention. It would be financed from the United Nations regular budget and serviced by the United Nations Secretariat. It would remain in existence until the end of the first session of the Assembly of the Authority.

4. A new eight-article annex to the Convention enables certain types of intergovernmental organizations to become party to the Convention.

Under the new provisions, the affected organizations are defined as "international intergovernmental organizations constituted by States to which States members of such organizations have transferred competence over matters governed by this Convention, including the competence to enter into treaties in respect of such matters". Such an organization could sign the Convention or become a party only if a majority of its members had first done so.

Where legal competence over certain matters has been transferred to such an organization, it exercises the rights and fulfils the obligations that would otherwise be required of its members, but without giving those members an additional voice in decision-making in the machinery established under the Convention. When adhering to the Convention, the organization will have to specify the areas of its competence, while its Member States will be presumed to have competence over all other matters governed by the Convention. The competent party, whether the organization or its members, is responsible for a failure to comply with obligations or any other violations of the Convention.

In addition to the new annex, several provisions in the text of the Convention have been adjusted to deal with participation by international organizations. A new article on the use of terms specifies that the Convention applies to such entities.

5. The text of the Convention and the four draft resolutions to be associated with it will not be ready in final form until the Drafting Committee completes work on them this August.

The signature is expected to take place in Caracas in early December 1982. It will become law 12 months after 60 States ratify or accede to it. Even before then, however, a Preparatory Commission is to meet within 60 to 90 days after 50 States sign the Convention.



UNITED NATIONS



THIRD CONFERENCE
ON THE LAW OF THE SEA

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DRAFT RESOLUTION ON DEVELOPMENT OF NATIONAL MARINE SCIENCE,
TECHNOLOGY AND OCEAN SERVICE INFRASTRUCTURES SUBMITTED BY
PERU ON BEHALF OF THE GROUP OF 77

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, 1/

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

1/ The term "geographically disadvantaged" is used here without prejudice to any decision of the Conference on harmonization of terms to be used in the Convention on the Law of the Sea.

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 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.