

Distribution: limited

cdl 633/3

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IOC/INF-560

Paris, 16 December 1983

English only

8550306

INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION
(of Unesco)

PREPARATORY COMMISSION FOR THE SEA-BED AUTHORITY AND TRIBUNAL
(First Session - March/April 1983 and resumed first Session
- August/September 1983 - at Kingston, Jamaica)

This Information Paper, prepared by the IOC Secretariat, summarizes the main themes of the First Session and the Resumed First Session of the Preparatory Commission, with a view to maintaining the IOC informed, in accordance with the decision of the Assembly, at its Twelfth Session (ref. para 221 of the Summary Report).

SC-83/WS/70

1. The Preparatory Commission for the International Sea-Bed Authority and the International Tribunal for the Law of the Sea (herein called the Preparatory Commission) held its first session in Kingston, Jamaica, from 15 March to 8 April 1983. The Session was attended by Delegations of 99 Member Countries and 17 Observers. The Members of the Preparatory Commission are the signatories (at that time, 125) of the Convention. Mr. Joseph Warioba (United Republic of Tanzania) was elected Chairman.

According to the consensus statement of understanding, the Preparatory Commission should consist of the Plenary, as the principal organ, and Special Commissions enjoying equal status. The Special Commissions would report to the Plenary.

The Special Commissions and the Plenary deal with: the rules, regulations and procedures on administrative, financial and budgetary matters pertaining to the various organs of the International Sea-Bed Authority; the measures necessary for the early entry into effective operation of the Enterprise, the organ of the Authority that will carry out activities in the international sea-bed area, officially known as the Area; and the problems that would be encountered by developing States now producing terrestrial minerals, likely to be most seriously affected by the production of minerals derived from the Area.

They will also consider the rules, regulations and procedure for the exploration and exploitation of the Area; the implementation of resolution II of the Final Act of the Conference, governing preparatory investment in pioneer activities relating to polymetallic nodules; and the practical arrangements for the establishment of the International Tribunal for the Law of the Sea.

According to the above-mentioned statement of understanding, the bureaus of all the organs of the Preparatory Commission should be established with due regard to the practice in the United Nations General Assembly and the Law of the Sea Conference and to the need for each regional group to be represented in all bureaus of all the organs of the Preparatory Commission by at least one member. The General Committee should consist of the Chairman of the Preparatory Commission and the other members of the Bureau of the Plenary, as well as all the Members of the Bureaus of the Special Commissions, elected on the basis of equitable geographical representation.

During the four weeks of negotiations in Kingston, at the Jamaican Government Conference Centre, the Preparatory Commission met in closed sessions in regional and other groups, except for the opening and closing meetings.

Pending adoption by the Preparatory Commission of its Rules of Procedure, no invitations were addressed to UN Organizations to be represented at this first session.

2. The resumed first session of the Preparatory Commission was held in Kingston, Jamaica, from 15 August to 9 September 1983. In a closing statement, the Chairman, Mr. Joseph Warioba, said that the Commission "had completed the substantive organizational part of its work and would now move to its substantive aspects in the same atmosphere of goodwill and co-operation which had prevailed during the Session".

During this resumed first session, the Commission decided on its structure, functions and programme of work, adopted its rules of procedure and elected the officers of its Bureau and Special Commissions:

- Commission I On problems of land-locked producers
 (Chairman, Mr. H. Djalala, Indonesia)
- Commission II On the Enterprise
 (Chairman, Mr. L. Ballah, Trinidad and Tobago)
- Commission III On the mining code
 (Chairman, Mr. H.H.M. Sondal, Netherlands)
- Commission IV On the Tribunal
 (Chairman, Mr. G. Goener, German Democratic Republic)

A credentials Committee (Chairman, Mr. K. Wolf, Austria) was also created. The Preparatory Commission will establish subsidiary bodies, and will determine their composition and competence.

The Preparatory Commission also mandated the Secretariat to: reissue documents on the Law of the Sea Conference related to the work of the Preparatory Commission before the 1984 regular session; prepare an index of the Convention Articles and annexes and documentation for the Conference; and compile background papers on relevant legal, financial, economic and technical issues.

The Preparatory Commission decided to hold, at the seat of the Authority, one regular session a year with a duration of four weeks. The second session will be held from 19 March to 13 April 1984. The place (Kingston, New York or Geneva) and dates for their meetings will be decided by the Preparatory Commission.

Rule 3 of the Rules of Procedure (Document LOS/PCN/WPIS) adopted by the Preparatory Commission reads as follows:

- (i) The following may participate in the Preparatory Commission as observers:
 - (a) States and entities referred to in Article 305 of the United Nations Convention on the Law of the Sea which have not signed the final act of the Third United Nations Conference on the Law of the Sea;
 - (b) The specialized agencies of the United Nations and the International Atomic Energy Agency;

(c) Intergovernmental organizations which participated as observers at the Third United Nations Conference on the Law of the Sea and other intergovernmental organizations as the Preparatory Commission may decide;

(d) National liberation movements which, in their respective regions, are recognized by the Organization of African Unity or by the League of Arab States and which have not signed the final act of the Third United Nations Conference on the Law of the Sea.

- (ii) Upon the invitation of the Chairman of the Preparatory Commission or of a Special Commission, as the case may be, such observers may participate on questions within the scope of their competence but shall not be entitled to participate in the taking of decisions.
- (iii) Written statements submitted by such observers within the scope of their competence and which are related to the work of the Preparatory Commission shall be distributed by the secretariat in the quantities and in the languages in which the statements are made available.
- (iv) The Preparatory Commission may invite non-governmental organizations to sit as observers in its public meetings.

In view of the Agenda and nature of discussions at the resumed first Session, Mr. H. Cholmondeley, Unesco Representative in the Caribbean, who attended as observer on behalf of Unesco, was requested to represent IOC also on this occasion.

In this connection it should be noted that, during the intersessional period, close contact was maintained between Unesco, the Secretariat of the IOC and the UN Secretariat for the Law of the Sea, with a view to ensuring that the IOC will be allowed to participate in the work of the Preparatory Commission, as was the case at UNCLOS. This question was also discussed by the First Vice-chairman, Mlle Martin-Sané, and the Special Representative of the Secretary General to the Third Conference on the Law of the Sea, Ambassador Bernardo Zuleta, during her mission to UN and the USA, in July 1983, for consultations on IOC affairs.