

R E P O R T

on

Informal private consultations in New York 5 and 6 December 1978 pertaining to intersessional work of the Law of the Sea Conference, Minister Jens Evensen's "summing up" of the discussions

1. A group of representatives from 25 delegations to the Third UN Conference on the Law of the Sea met in New York for private and informal consultations on 5 and 6 December 1978 at the invitation of Minister Jens Evensen, Norway. The consultations were held at the Permanent Mission of Norway to the United Nations.

The purpose of the New York consultations was to examine the usefulness of intersessional work before the Eight Session of the Conference which opens in Geneva on Monday, 19 March 1979. The consultations were of a strictly informal character, similar to the discussions held in Paris on 2 and 3 November 1978.

A list of participants to the New York consultations is annexed to the present report.

2. It was generally agreed at the opening of the discussions in New York that issues of substance should not be discussed. Consequently, the discussions centered on:

- a) whether intersessional work should be undertaken;
- b) how such work best could be organized, including the question of whether there should be one or more meetings;
- c) how best to secure adequate geographical representation;
- d) the issues to be dealt with in such possible intersessional work; and
- e) the question of time and venue for such meetings.

Hopefully, the general trend of the views expressed during the New York talks and the conclusion which were - or may be - drawn therefrom, are reflected in the present informal note.

3. In the course of the consultations it was emphasized by most representatives that the Conference must do its utmost to complete the outstanding substantive work next year. Participants stressed the need for taking every opportunity to come to grips with the remaining hard-core issues during the forthcoming 1979 session of the Conference.

There seemed to be consensus among the participants that intersessional work could play a constructive role in assisting the Conference in its striving for a treaty on the uses of the world's oceans. Although participants recognized that there is no assurance that intersessional consultations would result in major breakthroughs, the general feeling was that intersessional work prepared and organized in a proper manner could assist the Conference in finding compromise formulas on remaining hard-core issues. It was pointed out, however, that the calendar for the first months of 1979 was very crowded. Possible intersessional consultations had to be scheduled so as to avoid collision with other meetings, especially those planned by the Organization of African Unity (26 February - 4 March), the Asian-African Legal Consultative Committee (scheduled to meet from the 19th to 26th February, 1979), and the seminar to be arranged by the Pacem in Maribus in Yaounde, United Republic of Cameroon, 18 - 22 January.

With regard to the nature and composition of the intersessional consultations, it was generally agreed that they should be informal and open-ended. Although the work should not be carried out under the auspices of the Conference, there were suggestions to the effect that the Secretariat might assist as for conference facilities.

The view was expressed by many that great care must be taken to secure adequate geographical representation during possible intersessional meetings. In this respect the added economic burdens and workload on the experts of a great number of smaller countries in the Third world were stressed.

4. As for the outstanding topics to be selected for intersessional consultations, a number of suggestions emerged during the New York consultations. It was agreed that attention would have to be concentrated on remaining hard-core issues pertaining to First Committee matters and certain pending key issues in Committee II and related questions, particularly matters falling within the competence of Negotiating Groups 6 and 7.

With reference to the outstanding issues relating to the international sea-bed area, skepticism was expressed about the possibility of reaching consensus next year, unless a more realistic and somewhat simplified approach was adopted. It was indicated that it might be worthwhile to examine the possibility of shortening and simplifying the text of the convention and annexes, leaving some of the more detail-oriented parts of the Informal Composite Negotiating Text (ICNT) to be dealt with at a later stage.

5. In the course of the discussions in New York it was the general feeling of the participants that the intersessional consultations before the Eight Session of the Conference should be limited to one meeting, preferably of two to three weeks' duration in late January/early February. During the first 8 - 10 days special emphasis should be devoted to remaining sea-bed issues. Outstanding problems relating to Committee II matters as mentioned above should be discussed during the remaining part of the meeting. Moreover, it was tentatively suggested that a smaller informal group of representatives might come together before the intersessional meeting to work out concrete proposals for a compromise on problems pertaining to the First Committee to be discussed at the intersessional consultations.

6. During the exchange of views on the question of time and venue of intersessional consultations most participants felt that the consultations should be held in New York. In this connexion it was pointed out that New York would

secure a broader and more representative attendance from smaller developing countries. Others noted various practical problems in connexion with meetings at UN Headquarters and suggested that the consultations should be held in Geneva. It was agreed, however, that the consultations should be held well in advance of the Eight Session of the Conference beginning 19 March 1979. A concrete suggestion (23 January to 10 February) received broad support.

7. Following an appeal from the participants I reverted to the question of venue with ambassador Zuleta and representatives of the Conference Secretariat. Unfortunately, the discussion showed that the practical difficulties in convening the meeting in New York were very grave indeed. We agreed to continue our efforts to secure conference facilities in New York. It was however deemed wise to secure the necessary facilities in the UN Headquarters in Geneva. In the meantime one would continue to see whether New York could be the possible venue.

The Secretariat would provide the necessary practical assistance, including interpretation in the six languages.

8. In summing up, it may be justified to draw the following conclusions from the New York meeting. Firstly, given a representative group of participants including a fair geographical representation an intersessional meeting would assist the Eight Session in tackling some of the most difficult unsettled issues facing the Conference. Secondly, one intersessional open-ended meeting should be held late January/early February next year, of two to three weeks duration. Thirdly, the intersessional work before the Eight Session should concentrate on finding agreed formulae on the three sea-bed issues and certain questions pertaining to Committee II matters as mentioned above.

In conclusion, after consultations with President H. Shirley Amerasinghe and the Special Representative of the Secretary-General of the United Nations to the Third UN Law of the Sea Conference, Ambassador Bernardo Zuleta, I recommend that the intersessional consultations be held from January 23 to February 10, 1979.

Oslo, 15. December 1978.

Jens Evensen

LIST OF PARTICIPANTS

<u>Name:</u>	<u>Country:</u>
Rogelio F. Pfirter	Argentina
Keith Brennan	Australia
Dimity Giles	Australia
Karl Wolf	Austria
Ndjemba Endezovmov	Cameroon
Paul A. Lapointe	Canada
Octavio Errazuriz	Chile
Sigisfredo Morsalve	Chile
Nabil Elaraby	Egypt
Josuane Couratier	France
Gunter Goerner	German Democratic Republic
George Papoulias	Greece
Th. Halkiopoulos	Greece
Hans G. Andersen	Iceland
G.S. Raju	India
M. Jusuf	Indonesia
L.B. Francis	Jamaica
Takekazu Kawamura	Japan

(list of participants)

<u>Name:</u>	<u>Country:</u>
Jorge Castaneda	Mexico
Andres Rozental	Mexico
H.H. Francis	New Zealand
Don Mackay	New Zealand
Jens Evensen	Norway
Arne Treholt	Norway
Sverre Bergh Johansen	Norway
Hector Cabada	Peru
Tommy Koh	Singapore
Philip Sealy	Trinidad and Tobago
O. Eralp	Turkey
Oktay Aksoy	Turkey
Oleg N. Khlestov	Union of Soviet Socialist Republics
Sergei A. Ordzhonikidze	Union of Soviet Socialist Republics
Stephen F. Howarth	United Kingdom
Elliot Richardson	United States
George H. Aldrich	United States
Alan James	United States
John Temple Swing	United States
James R. Costello	United States