

RECORD OF DECISIONS OF THE COMMITTEE OF THE WHOLE

Opening of the Session

1. The session was opened by the Secretary-General, who invited Ambassador Serge Ségura (France), Chair of the Committee of the Whole, to the Chair.

Agenda item 1: Adoption of the agenda

2. The Committee adopted the agenda, as set out in document KL 6.1 (EFS).

Agenda item 2: Election of the Vice-Chair

3. The Committee unanimously elected Mr. Mohammad Halim bin Ahmed (Malaysia) as the First Vice-Chair and Mr. Baris Kalkavan (Turkey) as the Second Vice-Chair.

Agenda item 3: Organization of work

4. The Committee agreed to the work schedules as set out in the annex to document KL 5.1, and decided that groups could be established to discuss, in English only, specific issues to facilitate the progress of the work, if necessary.

5. The Committee also agreed to use as the basis for its work the draft Convention on the International Organization for Marine Aids to Navigation of March 2019, as contained in document KL 6.1.2 (EFS).

Agenda item 4: Consideration of the draft Convention on the International Organization for Marine Aids to Navigation

As instructed by the Conference, the Committee reviewed those items in brackets in document 6.1.2 (EFS). The Committee also considered the proposed modifications in writing to the basic text submitted by Japan, Spain, Finland, Sweden, Peru, Iran, Canada, France, Tunisia, Norway, Australia, Argentina, United States of America, Egypt, the Netherlands, Columbia, Korea (the Republic of), Ireland and Singapore.

The Committee decided as follows:

Preamble

The Committee noted that, in relation to the third preamble Colombia and Turkey stated that they are not parties to the United Nations Convention on the Law of the Sea, 1982. And its

provisions do not apply to both countries. The Committee decided that this was a matter for those states to address in any future treaty action they may take.

Article 1

An amended article 1.4 was agreed, based on a proposal by Japan (6.1.2.1).

Article 2

In article 2.2 the brackets were removed to align the definition with the Vienna Convention. The United States introduced the idea of a new membership category affecting several articles and the Annex no 5. The new category of member was proposed to have full participation in the General Assembly and the Council without becoming a Member State to the Convention. Due to lack of support the proposal was withdrawn.

Article 5

In article 5.3 the second sentence was amended based on a proposal by Australia, Canada, Norway and Russia, as tasked by the Chair.

Article 5.4 was deleted based on a proposal by Japan, in conjunction with the amendment to article 1.4.

Article 7

Article 7.7 (c) was amended to include a reference to the Financial Regulations, as proposed by Norway.

In article 7.7 (m) the word “formal” was deleted, based on a proposal by France, in conjunction with new article 10.4.

Article 8

A new article 8.5 bis (to be new article 8.6) on the frequency of Council meetings was introduced.

A new function, to become article 8.7 (m) (to be new article 8.8) on approval of Staff Rules.

Article 10

A new article 10.3 bis (to be new article 10.4) was added on the powers of the Secretary General to conclude agreements with States and international organizations.

In article 10.5 (h) (to be new 10.6 (h)) the word “tasks” was replaced by the word “functions”, based on a proposal from the Netherlands.

Spain proposed to add “These Rules will have specific guidelines to ensure non-discrimination and gender, social and geographic balance.” to article 10.4 (new 10.5). It was decided to consider this proposal when developing the General Regulations.

Article 11

In article 11.5 amendments were made based on proposals from Canada and France.

The Committee noted that Argentina proposed to add a new second sentence to article 11.2 as follow: “Decisions of the General Assembly on the approval of Associate membership concerning territories or groups of territories subject to sovereignty dispute shall be made by consensus.” Argentina, Spain and Mexico were of the view that this language could avoid controversies at the time of the implementation of the convention. Several delegations supported this proposal. A number of delegations did not share this therefore, the proposal was not adopted.

Article 12

The article was amended to include the six official languages Arabic, Chinese, English, French, Russian and Spanish.

Article 15

A group was established to discuss, in English only, the different proposals for an amendment clause in article 15.5. Canada, China, Colombia, Finland, France, Ireland, Italy, Japan, the Netherlands, Norway, Russia, Singapore and the United States participated in the group. The group agreed on a compromise that had the support of most participants and brought the proposal for the Committee.

A new clause was agreed to replace the existing text of article 15.5 (to be new 15.5, 15.6 and 15.7), based on the proposal developed by the group.

The Committee noted the view of France who firmly opposed that the General Assembly shall decide on amendments by consensus. France advocates that the principle of consensus will allow a single state to block every necessary change to the Convention text, in order to guarantee the good functioning of the future organization, even when supported by a big majority of States. France made an alternative proposal whereby the decision shall be taken by a four-fifth majority. This proposal was supported by several delegations.

New article 15bis (to be new article 16)

The new article was added based on a proposal by Colombia to move the text of article 17.5 to a new separate article.

Article 16

The word “amicable” was replaced by the word “peaceful” based on a proposal by Iran.

Article 17

The wording of article 17.4 was adjusted based on a proposal by Norway.

Article 19

There was agreement on 30 instruments of ratification.

In article 19.3 the last part of the sentence was deleted based on a proposal from the Netherlands.

Article 20

In article 20.2 the word “given” was replaced by “deposited” based on a proposal by the Netherland.

In article 20.3 a clarification was agreed based on a proposal from the United States of America.

In addition, editorial changes were made to articles 2, 5, 8, 10, 14, 17 and 19 of the Convention.

Testimonium

It was agreed to remove the brackets in relation to “signatory and acceding”.

Place and date were left in brackets in accordance with common treaty practice. It will be inserted by the Depositary in time for the signature procedure.

All the six official languages Arabic, Chinese, English, French, Russian and Spanish were included in accordance with the decision taken on article 12.

Transitional Arrangements

In no 5 new text was added at the end of the last sentence to the effect that the General Assembly may extend the membership period beyond the duration period of 10 years.

It was agreed, based on a proposal by Iran, to include the word “formal” in no 5 and no 7.

In no 7 a clarification was agreed based on a proposal by France.

The United States objected to the approval of the text of the Convention.

Based on the above decisions, the Committee referred the draft Convention to the Drafting Committee for finalization, as document KL 6.1.2 (E) Rev 1 Draft Convention (after CW).

Agenda item 5: Consideration of draft resolutions

The Secretary General introduced the amended draft resolution on languages, based on the decisions taken on article 12. The resolution received the support of the Committee with some minor amendments to the effect of removing reference to the Rules of Procedures.

The Secretary General introduced the draft resolution on preparation of the Convention and Signature Ceremony.

France invited states to Paris in November 2020 for the signing of the Convention.

Based on the above decisions, the Committee referred the draft text of the two resolutions to the Drafting Committee for finalization.

Agenda item 6: Any Other Business

There was no other business

Agenda item 7: Report to the Plenary

The Committee adopted its report, as set out in document KL 8.2 (E) CW Report, for submission to the Plenary.

Following the adoption of the Committee's report for submission to the Plenary, the Chair closed the meeting, expressing his gratitude to the host country for the excellent working conditions and to the participants for their positive and constructive attitude which had enabled the Committee to prepare a clean text of the draft Convention and related resolutions.